

MEETING MINUTES BOARD OF SUPERVISORS, COUNTY OF MONO STATE OF CALIFORNIA

Regular Meetings: The First, Second, and Third Tuesday of each month. Location of meeting is specified just below.

MEETING LOCATION Board Chambers, 2nd Fl., County Courthouse, 278 Main St., Bridgeport, CA 93517

Regular Meeting January 12, 2016

9:00 AM Meeting Called to Order by Chairman Stump.

Supervisors Present: Alpers, Corless, Fesko, Johnston, and Stump. Supervisors Absent: None.

Break: 9:34 a.m. Reconvene: 9:46 a.m. Closed Session: 12:03 p.m. Adjourn: 12:08 p.m.

The Mono County Board of Supervisors stream all of their meetings live on the internet and archives them afterward. To listen to any meetings from June 2, 2015 forward, please go to the following link: http://www.monocounty.ca.gov/meetings

Pledge of Allegiance led by Stacey Simon.

1. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Liz Grans:

• Passed out calendars just released, also a 2016 visitor's guide. Alicia Vennos and Jeff Simpson spent lots of blood, sweat, and tears getting these produced.

2. APPROVAL OF MINUTES

A. Board Minutes

Departments: Clerk of the Board

Action: Approve minutes of the Regular Meeting held on January 5, 2016, as corrected.

Fesko moved; Corless seconded

Vote: 5 yes; 0 no

<u>M16-20</u>

Supervisor Fesko:

• On page 13 under his comment, correct the line to read "He supports this; it's been only six months of meetings."

Supervisor Corless:

• On page 5 in her Board report, remove last bullet point thanking Lynda twice.

3. RECOGNITIONS - NONE

4. BOARD MEMBER REPORTS

Supervisor Alpers:

- Due to the storm, last week's CAC meeting was cancelled. Thank you to the Road crews in Lee Vining and June Lake for keeping our roads clear.
- Acknowledged Bob Gardner, who will be running for the District 3 Supervisor seat.
- Former Supervisor and Former Sheriff Dan Paranick's mother, Roberta Kathryn Paranick, has passed away. She was part of the Conway Ranch family and a local pioneer.

Supervisor Corless:

- Good meeting last Wednesday to talk about updates to Legislative Platform.
- Attended town council meeting on 1/6 to listen to council's discussion around a draft flow
 agreement. Many thanks to Tony Dublino for speaking to council and working with town staff on
 the agreement. That draft version contained some specifics that Tony hadn't reviewed, so
 council directed staff to meet with Tony and county counsel. CAO Leslie Chapman attended
 and was introduced to Council by Town Manager Dan Holler. Excellent presentation on a multiunit housing smoking ban also by Nancy Mahannah; Lynda Salcido and Greg Newbry also
 attended so great county representation.
- Continued to work on broadband consortium issue through ESCOG for next week's meeting.
- Spent some timing working on strategic plan next steps with Leslie Chapman and Megan Mahaffey, Leslie's mapped out a clear process that I look forward to participating in. Megan, along with Nate Greenberg has done some incredible work creating a plan "dashboard" with department projects aligned to plan priorities.
- Behavorial Health Advisory Board meeting 1/11: our first meeting after appointments made last week, reviewed board roles and responsibilities, and learned more about the CA Mental Health Services Act plan requirements and process, as Mono County BH is in the process of updating their plan. Robin Roberts reported to the adv. Board on currently funded activities, and ideas for the new plan. We also talked about a workplan for the advisory board, which will include an annual report to the BOS at the end of this calendar year. Many thanks to Leslie C. for attending the meeting, and to Robin, Salvador Montanez and the staff of the Behavioral Health Department for the incredible work they do.
- Youth Sports Funding to Mammoth follow-up, has that been made? Stuart Brown, TOML, is ready to help.

Supervisor Fesko:

- January 5th CSA #5. Items discussed –
- Memorial Hall Update
- Bridgeport Library request for funding
- > 2015 Project list Review
- Courthouse Fence
- Courthouse Flowers
- Sweetwater/Hunewill projects

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- Attended Antelope Valley RPAC meeting.
- Passed out copies of an email received from Paul A. Smith, RCRC:

AB 21 Medical Marijuana.

- AB21 was amended on Monday January 4th to remove a provision in AB243 commonly known as "C 4" which suggest a March 1, 2016 deadline for localities to have cultivation ordinances in place, otherwise the state would become the sole licensing authority for medical marijuana cultivation. C4 is a provision that should not have been included in AB 243 (one of three bills comprising a medical marijuana regulatory framework enacted last Fall). Repealing C 4 will eliminate confusion about timelines associated with the medical marijuana regulatory framework.
- AB 21 is expected to be heard in several legislative committees in the coming days/weeks, and all indications are the Legislature will pass and the Governor will sign this bill before the March 1 date specified in the current C 4. RCRC is strongly supporting this bill, and will work to ensure its passage in the next few weeks.

Governor's 2016-2017 Proposed Budget.

- Key Issues/Changes for RCRC Member Counties -
- Provides \$644,000 for the State's Payment in Lieu of Taxes (PILT) Program for 2016-17;
- Provides \$250 million for local jail construction projects for counties that have not been awarded monies under recent jail funding programs;
- Allocates \$3.1 billion in Cap-and-Trade auction proceeds for greenhouse gas reduction programs including transportation, forest health, and waste diversion;
- Provides an ongoing \$2.6 million for the support of local fairs as well as another \$4 million for critical infrastructure needs to complement the \$7 million provided
- last year; and,
- Provides monies to commence regulatory activities associated with medical marijuana including funding for environmental clean-up activities associated with
- cultivation.
- Plus other information in the RCRC Analysis that the Clerk has received and will forward to the Board.

I also request that this analysis be made a part of today's Board packet and provided to the public on the Boards website.

- Like to adjourn meeting in memory of Richard "Dick" Petterson and David E "Whitey" Huggans **Supervisor Johnston:**
 - CSAC reports relatively good news on the Governor's budget proposal although there are still economic uncertainties such as an overdue downturn in the economy: The \$170 billion has an \$8 billion increase in General Fund spending, \$45 billion in special funds and \$3 billion in Bond expenditures. It includes addressing the Managed Care Organization (MCO) Tax potential shortfall and \$644 thousand in PILT for 2016-17. There also will be \$250 million for jail construction, \$2.6 million for local fairs, and \$4 million for critical infrastructure. There are also funds for marijuana environmental cleanup. \$3.1 billion in Cap-in-Trade funds for greenhouse gas reduction projects primarily for disadvantaged communities but there is \$150 million for forest health. On the transportation side, he proposes \$3.6 billion per year for 10 years, although the legislature may consider as much as \$8 billion... CSAC is supporting about \$6 billion and is working with various groups to achieve adequate funding.
 - Asked about status of the allocation for local arts/cultural programs?
 - Both the IRWMP funding issue and the Emergency Generator issue will likely be coming before the Board in February.
 - Good meeting last week regarding video conference during the storm.
 - Thanks to IT for assistance with some email issues I had last week.

Supervisor Stump:

- 1-6 : First ARC meeting
- 1-7 : Participated in a phone conference with CHP Lt. Holt about safety issues created by the Gran Fondo. The main issue is on Hwy 120 East and the proposal is to close 120 East for four hours the day of the event. The problem is that the shoulders are to narrow and the motorized traffic has to use the same lane. CHP has video of several close calls from last year's event.

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- 1-11 : Attended the ESAAA (Eastern Sierra Area Agency on Aging) meeting in Bishop. Highlights were:
- It is time to start writing a new four year plan for the Region (Inyo/Mono Counties). Staff hopes to have a draft by the April meeting.
- Assumption is that the level of State Funding will remain the same.
- Southern Inyo Skilled Nursing Facility Patients (17) have all been moved, most to Bishop Care Center, due to ongoing financial problems in the Southern Inyo Hospital District.
- Data from ESAAA needs survey was distributed. Mono County responses were much higher than last time.
- Thank you to Walker resident Cheryl Isbell who is a new Advisory Board Member and drove to Bishop for the meeting.
- He would like to adjourn the meeting in memory of Roberta Kathryn Paranick.

5. COUNTY ADMINISTRATIVE OFFICE

CAO Report regarding Board Assignments

Leslie Chapman:

- 1/6/16 Department Head Meeting It was snowing and there was still great attendance.
- Preliminary meeting to develop the Legislative Platform for 2016
- 1/7/16 Attended the Antelope Valley RPAC meeting
- 1/11/16 Attended the Behavioral Health Advisory Committee meeting
- Gran Fondo has asked the Road Dept to look into the road closure.

6. DEPARTMENT/COMMISSION REPORTS

Liz Grans, Economic Development:

- She presented some material earlier as public comment. All pictures have credit under them, the cover is Bob Wick, and Ralph Lockhart's son donated some of his work to the project as well.
- She will be attending the first of 7 trade shows this weekend.
- Community event marketing fund applications are due on January 19th.

Alicia Vennos, Economic Development:

• Jeff Sullivan from Topaz also contributed his work to the calendar and guide. Google the Toyota Rav4 ad, filmed at Sunny Slopes. Another segment of that commercial comes out on Monday, and was filmed at Mammoth.

Supervisor Fesko:

• Great work, and thank you for your hard work.

Sheriff Braun:

• Reported that yesterday she and the MLPD Chief attended the World Police Fire winter games training day at Mammoth. The games are to be held end of Feb for skiers and snowboarders. Signups from far away. Will be quite the event, Feb 21st through the 25th.

Supervisor Corless:

• She has volunteered, and there are other volunteer opportunities off the snow.

7. CONSENT AGENDA

(All matters on the consent agenda are to be approved on one motion unless a board member requests separate action on a specific item.)

A. Reclassification of Daniel Lengeman from DDA II to DDA III

Departments: District Attorney

Agreement and First Amendment to Agreement re Employment of Daniel Lengeman, Deputy District Attorney II, effectuating reclassification of Mr. Lengeman to Deputy District Attorney III.

Action: Approve and authorize the Board Chair to execute said Agreement and First Amendment on behalf of the County.

Fesko moved; Alpers seconded. Vote: 5 yes; 0 no <u>M16-21</u>

B. Hiring Freeze Variance - Health Program Manager

Departments: Public Health

There exists a vacancy in Public Health for a Health Program Manager. This position oversees the provision of services in the CCS (California Children's Services) and CHDP (California Health and Disability Prevention) programs. This position is essential to fill as it is mandated by the California Department of Public Health.

Action: Approve a hiring freeze variance to fill the existing vacancy in Public Health for a Health Program Manager.

Fesko moved; Alpers seconded. Vote: 5 yes; 0 no <u>M16-22</u>

C. Hiring Freeze Variance - Assistant Assessor

Departments: Assessor

Effective July 25, 2014, the Assistant Assessor resigned to accept a position in another county. The Assessor agreed to leave this position vacant for up to one year due to serious budget constraints within the county. Since that time the Assessor's Office has had one other staff member leave to accept employment in another County office. This position is an essential function of the daily operations of the Assessor's Office, and we do not have any other administrative personnel who can assume the responsibilities of this position. In addition, with the staff member loss mentioned above, our staffing levels may be too low for the timely completion of the assessment roll, which is critical to Mono County operations.

Action: Approve a variance of the hiring freeze to allow the Mono County Assessor, with the assistance of the new Mono County Human Resource Director, to recruit and hire an Assistant Assessor.

Fesko moved; Alpers seconded. Vote: 5 yes; 0 no <u>M16-23</u>

D. Hiring Freeze Variance - FTS II-IV - Accountant I/II, Auditor-Controller Departments: Finance

(Stephanie Butters) - Hiring Freeze Variance and approval to hire an FTS II/III/IV-Accountant I/II in the Auditor-Controller division of the Finance Department. Action: Approve hiring freeze variance and authorize the Finance Director to fill a FTS II/III/IV-Accountant II/II position in the Auditor-Controller's office. Fesko moved; Alpers seconded.

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Vote: 5 yes; 0 no
<u>M16-24</u>
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E. Hiring Freeze Variance - FTS II-IV, Treasurer-Tax Collector

Departments: Finance

(Gerald Frank) - Hiring Freeze Variance - Fiscal and Technical Specialist II-IV

Action: Approve a hiring freeze variance and authorize the Finance Director to fill a FTS II-IV position in the Treasurer/Tax Collector's office.

Fesko moved; Alpers seconded. Vote: 5 yes; 0 no <u>M16-25</u>

F. Hiring Freeze Variance - Risk Manager

Departments: CAO

Approve hiring freeze variance - Risk Manager

Action: Approve a hiring freeze variance and authorize the CAO to fill the Risk Manager position in the County Administrator's office.

Fesko moved; Alpers seconded. Vote: 5 yes; 0 no M16-26

G. Hiring Freeze Variance - Admin Services Specialist

Departments: CAO

Hiring freeze variance to hire an Administrative Services Specialist in the CAO's office.

Action: Approve hiring freeze variance and authorize the CAO to fill the Administrative Services Specialist position in the County Administrator's office. Fesko moved; Alpers seconded. Vote: 5 yes; 0 no M16-27

8. CORRESPONDENCE RECEIVED (INFORMATIONAL) - NONE

All items listed are located in the Office of the Clerk of the Board, and are available for review.

- 9. REGULAR AGENDA MORNING
- A. RPAC Workshop

Departments: Community Development

(Scott Burns) - Workshop on Regional Planning Advisory Committees (RPACs).

Action: Conduct workshop, and provide any desired direction to staff Supervisor Stump:

- Several issues identified in the packet, would like to take each item separately.
- RPACs were established by the Board, appointments are by the Board, staff should not be hindered.

Scott Burns:

• Follow up from Nov meeting with AV RPAC. Since AV, BOS adopted the general plan. This is why RPACs were established in the first place. Has County Planning director's conference next month, going to go brag. RPACs work issues through at a community level, speaks the success of the RPACs. Follow up on issues spoken to in Walker. RPAC purpose and procedures says each RPAC can establish its own membership requirements, and doesn't mention terms.

Jerry LeFrancois:

- Last Thursday, AV RPAC looked at bylaws and discussed. Passed out copy of email from Claudia Bonnet. Staff made recommended changes based on the November 5th meeting. Staff threw out idea of a specified term; the language was not approved. Substantive change to verbiage: Member is a recommendation to BOS by the majority of those present. Is BOS looking to make terms the same for everyone?
- Does not want to speak for Claudia, please read. For the future, should have discussion on decorum, being respectful, etc.

Issue #1: Terms

Supervisor Johnston:

- These were just notes he forwarded to Scott Burns. Thinks there should be terms for every board and commission. No other place anyone is appointed for life except in AV. Changing this would give an indication of how long someone is expected to serve, gives time to reflect on who could be appointed next, terms should be the norm.
- Mono Basin has 2 year terms, staggered every year. Perhaps that's too often. This may be the only one on 2 year terms.

Supervisor Alpers:

• Agrees we should have terms. Someone who wants to serve could keep reapplying and be reappointed, but he wants to see applications, have background information, speak to applicants. Sees issues as getting people to serve. Just wants to stay in close touch with RPACs.

Supervisor Corless:

• Also supports terms for RPACs. Feels all Board appointed advisory committees should have terms. Seems a reasonable way to manage bodies.

Supervisor Fesko:

- In general, sees no problems with terms. He wants to see applications for RPACs; everything should be the same throughout, including terms. Believes in the process and in what RPACs do. Each should be able to create its own dynamics, but standards should be the same county-wide.
- He doesn't see the difference between a formal and informal RPAC, sees them as the same. They serve the same purpose.
- We need to be aware of staff time, and it's easy to overlook someone who needs to be reappointed. Add language to extend term if overlooked? A 2 year term is too much pressure on staff.

Supervisor Stump:

• Swall Meadows has a Design Review Committee and a Fire Safe Council that fill the RPAC needs. There is no County staff support provided. Benton and Chalfant like to be called RPACs but without formal appointments. Paradise prefers Community meetings.

Board consensus:

• For 4 year, staggered terms.

Issue #2: Definition of an RPAC

Supervisor Johnston:

- When something goes out to an RPAC, we want to make sure it's representative of the community. If someone is appointed to committee, commission, RPAC, CSA, etc, the tendency is to show up because you're appointed. If not appointed, may lead to no repercussions for not showing up. It steps up the level of commitment of members; less responsibility for those not officially appointed.
- The reason we do RPACs, is we want their bona fide feedback on issues. Town halls don't necessarily give the same feedback.
- Time commitment for our staff to go to RPACs is huge. An RPAC with 3 people there is not a good use of staff time. Swall Meadows did not have the authority to dissolve their RPAC.

Supervisor Alpers:

He was on the Board during avalanche in JL in 1994. Raised alarm in community, and they
needed lots of town halls to get feedback. As the issue moved along, several groups brought
info back to Board and staff. An RPAC needs a motivated person to serve, and the ability to
fill all the seats with people who have valuable expertise to the community. But, the tool of
town hall meeting to zero in on issues, foundation is having the group in place to get
information to immediately. Board members should do the appointing.

Supervisor Corless:

• She supports making appointments to RPACs. Would like to explore town hall idea further, perhaps adding a function to include Mammoth Lakes.

Supervisor Fesko:

- He agrees with Johnston, we need consistency. People have made the commitment to be there, people are invested in it. If you solicit information from a community, you need consistency. Soliciting ideas for a general plan IS an RPAC and should be called and treated as such. "If it quacks like a duck..."
- Communities should have latitude on how they receive input. Each community should be able to work in the best way for itself.

Supervisor Stump:

- He is not as hung up on term "RPAC", sounds like consensus is that in something that is called an RPAC, members should be appointed, confirming that an RPAC is an official entity from the Board.
- Swall Meadows does not have an official RPAC because the community itself does not see the need. Benton/Hammil Valley does not because of the difficulty in finding people to serve. They feel that on items that fire them up, then people will show up. When the general plan changes proposed in those areas are big enough, like when Musil spoke about proposed polling place in Chalfant, then people are interested. Otherwise, not.
- General discussion about making sure each community still has a voice, regardless of whether they have a formal board or not.

Board consensus:

 change definition of RPAC. If an RPAC is called, it will consist of a formally appointed board, appointed by Board of Supervisors. If not, it may not be called RPAC, but may be referred to as a town hall or community meeting. Do not call it an RPAC if not formally appointed members.

Issue 3; Size of Boards

Supervisor Johnston:

• There is the factor of unwieldiness of being too large, or too small. Less than 5 is too small. 5-15 is fine, prefer 11 as upper limit.

Supervisor Fesko:

- Less than 7 is too small. Prefers committee size of 5-15.
- AV RPAC has lots of interest; board is at 12 currently, with one new and possibly another appointment coming to BOS soon. That RPAC will be at 14 with one open. 15 works for AV.

Supervisor Stump:

• Only one RPAC has more than 11; feels 5-15 is appropriate.

Board consensus:

• 5-15 members.

Issue 4: County Employees on Boards?

Supervisor Johnston:

• Feels when a county employee is on an RPAC, they are put in a position of serving two or three masters. One is the master who appoints you (Supervisors), another is the CAO who may have different perspective of their actions, and the third is their supervisor on the job who may see it differently. Employee on RPAC tends to have a higher expectation of what they can do for other members. He feels there is a built in conflict, and it also gives appearance of stacking the deck because boards sometimes involve designating county funds.

Supervisor Fesko:

• He knows of several county employees on several boards. Even if CAO came to a meeting, those employees aren't worried about saying the wrong thing. Feels this is moot point.

Supervisor Alpers:

• The county employee on an RPAC may bring some expertise. Feels the employee might sense a conflict on an issue and be able to offer insight. Feels higher management might not want to participate on RPAC anyway, but lower levels would. The employee should use their judgment, but should have the right to serve. Small pool of those willing to serve as it is.

Stacey Simon:

- It is not a conflict of interest under the Political Reform Act, but possibly under Doctrine of Incompatible Offices. She will look into this further. Department head position makes them a public official, and that may make it different.
- It could be evaluated on a case by case basis; that's how the Doctrine works.

Supervisor Corless:

• She sees no issue with employees serving on RPACs, but would if the employee was a supervisor. Wants to see what County Counsel says about conflicts. Could add verbiage around how appointments are made.

Supervisor Stump:

• He doesn't feel it's an issue for a lower level county employee. People wear many hats. 10-20% of the community does all the work, they volunteer. County employees are not necessarily public officials. Needs to have that question answered, where is the line that employees can/cannot participate?

Board Consensus:

• Come back to this later after County Counsel has looked into it further.

Issue: Spouses on RPACs?

Supervisor Johnston:

- He feels spouses on the same RPAC leads to more than one vote for a family. Feels it's just wrong, and takes a vote away from another family in community.
- At the meeting in Walker, he heard huge rumblings that this wasn't right. The view of the public was of stacking the deck. If an RPAC has couples on it, it's against them or in favor of something. Not good public policy to allow this. Speaks against transparency.

Supervisor Fesko:

- Would have to apply to all: married couple, domestic partner, significant other, etc. When this came up in AV, this was discussed. There are 15 members. Regarding having both Curtis, the board did not feel it was a conflict. New application coming to the board, Dan Anthony's wife Diane recently applied. When does this become a real issue for a voting block? Again, board did not see Diane as a problem.
- Feels it is ultimately up to the Supervisor to make decision whether to appoint a person to board. Only one time has he seen the Board say no to someone.
- What about family members? Father/daughter? Sisters? Immediate family/extended family? Where do we draw the line? It should be up to the supervisor.

Supervisor Alpers:

• Attendance is historically low, doesn't think we should go there.

Supervisor Corless:

• She doesn't see a need for this rule. We keep talking like this is a legislative body. This is an

advisory body only. Maybe add language on how Supervisors make recommendations by considering these factors.

• She has suggested a reasonable way to approach this issue. Feels it's appropriate for the Supervisor to consider these issues individually.

Supervisor Stump:

- Since there's only one case, if Board takes action that both cannot serve, would this be retroactive? The Curti's appointments were made in good faith, and were recommended by a Supervisor.
- There is no

Board consensus:

2 are in favor of no spouses, 3 are against changing RPAC document.

Issue #5: Should RPACs bylaws include requirements for (such as attendance), or take a vote on, whether a prospective new RPAC member should be appointed?

Supervisor Johnston:

- Doesn't think it's appropriate for an RPAC to nominate its next board member. RPAC should not be able to pick its own members.
- Problem is perception of good old boys club. Public perception is that it's hard to join the club unless you get votes from current club.

Supervisor Fesko:

• AV has a three meeting requirement before one can apply to be member, to show commitment. Person needs to understand what they should expect by attending meetings. Attendance requirement makes sense.

Gerry LeFrancois:

• RPACs changed language so that a Supervisor recommendation is just a recommendation. **Supervisor Fesko:**

- Do we want / need to micromanage these committees?
- There is not this perception in the community as a whole. Feels using the term 'club' is derogatory to those on committees. These people take their responsibilities very seriously.

Supervisor Stump:

• Last item talked about responsibility being on the Supervisor; this is exactly that. Does not think there should be an attendance requirement, if a board wishes to make a recommendation, does not want to take away that right, but should not be in bylaws.

Board consensus:

• There be no recommendation vote from the RPAC or requirement for attendance prior to appointment.

Issue #6: Board to Ratify ByLaws?

Supervisor Johnston:

• We have not ratified these in the past, but perhaps should to check fairness, functionality. **Supervisor Alpers:**

• The Board makes the appointments, and the Board should ratify the bylaws.

Supervisor Corless:

• Would like to see consistency among bylaws and similar.

Supervisor Fesko:

 RPAC bylaws do not need to be similar. For example, AV wants times of meetings listed in bylaws, so would that require others to list as well? Doesn't see a major problem, as long as each RPAC is not forced to be similar to another.

Board Consensus:

• Ratify the Bylaws.

10. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one spoke.

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11. CLOSED SESSION

A. Closed Session--Human Resources

CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Stacey Simon and Leslie Chapman. Employee Organization(s): Mono County Sheriff's Officers Association (aka Deputy Sheriff's Association), Local 39--majority representative of Mono County Public Employees (MCPE) and Deputy Probation Officers Unit (DPOU), Mono County Paramedic Rescue Association (PARA), Mono County Public Safety Officers Association (PSO), and Mono County Sheriff Department's Management Association (SO Mgmt). Unrepresented employees: All.

Nothing to discuss in Closed Session ADJOURN IN MEMORY OF:

Richard "Dick" Petterson David E "Whitey" Huggans Roberta Kathryn Paranick

ATTEST

FRED STUMP CHAIRMAN

HELEN NUNN SR. DEPUTY CLERK OF THE BOARD