

ENVIRONMENT CANTERBURY

MINUTES OF THE 284TH MEETING OF ENVIRONMENT CANTERBURY HELD IN THE PUKAKI ROOM, 75 CHURCH STREET, TIMARU ON WEDNESDAY, 30 AUGUST 2006 AT 9.00 A.M.

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18. NEXT MEETING – 28 SEPTEMBER 2006
19. CLOSURE

PRESENT

Councillors T K Burke (Chairman), R A Budd (until 3.10 p.m.), A S Carroll, E H Cunningham, R H M Johnston, R M Kirk (until 3.10 p.m.), R I R Little, A R McKay, A G Neill, M E Oldfield, J F Slee, J M Waters and W E Woods.

MANAGEMENT AND OFFICERS PRESENT

B R Jenkins (Chief Executive) and J C Pani (Manager Secretariat).

J D Talbot (Director Policy and Planning) was in attendance for part of the meeting and some report authors were in attendance to present their reports.

1. APOLOGIES

Cr Wagner.

2. MINUTES OF MEETINGS – 27 JULY AND 15 AUGUST 2006

That the Council minutes of 27 July and 15 August 2006, as circulated, be confirmed as true and correct records, and be adopted.

Cr Waters/Cr Johnston

3. MATTERS ARISING

Item 7 – 27 July Minutes. Cr Johnston advised that when recommending the representation arrangements he had intended that the Christchurch urban constituency boundaries shift clockwise be part of the recommendation.

Item 2.1 – 15 August Minutes. Cr Oldfield requested that the record indicate that he had asked about the process in the event of a tie for the Chair of Finance and Audit Committee role prior to voting.

Item 5 was taken at this time.

5. HEARING COMMITTEE REPORT ON DRAFT CANTERBURY REGIONAL PASSENGER TRANSPORT PLAN 2006 SUBMISSIONS AND RECOMMENDATIONS

Nick Bryan (Transport Policy Analyst) presented the report from the Hearing Committee considering submissions to the Draft Canterbury Regional Transport Plan 2006 including an overview of recommendations for changes to the Draft Plan.

There was discussion on the Hearing Committee's recommendations and in particular issues relating to reduced fares for those with an intellectual or congenital disability attending an Environment Canterbury approved workshop or work scheme.

Resolved

- (a) That the Council receives the report "Hearing Committee Report on Draft Canterbury Regional Passenger Transport Plan 2006 submissions and recommendations".**
- (b) That Council accepts the changes recommended by the Hearing Committee and adopts the Canterbury Regional Passenger Transport Plan 2006 as amended.**
- (c) That Council receives the report of the Hearing Committee on "Further issues and potential actions arising from submissions and hearings on the Draft Canterbury Regional Passenger Transport Plan 2006" and be referred to staff for consideration and reporting back to the Council.**

Cr Budd/Cr Waters

Cr Slee requested that her vote against this motion be recorded.

4. DEPUTATIONS AND PETITIONS

Noeline Sintes, representing whitebaiters at Waikuku Beach, made a deputation relating to motorised vehicle access to the Estuary of the Ashley River/Rakahuri-Saltwater Creek Estuary. She advised that the community she represented were consulted on limited beach access and a smaller Coastal Marine Area (CMA) in 1997 when the access key system came into force. In November 2005, they were advised that all vehicle access was to be stopped as the CMA area had been extended. She said they were not consulted on the extension. Ms Sintes advised that she had not observed any enforcement of this exclusion until August 2006 which directly impact on the whitebaiters. She commented that the community acknowledged that some action was required regarding irresponsible vehicle users and she suggested the employment of a ranger.

The Chairman thanked Ms Sintes and the community representatives in attendance for travelling to Timaru to make the deputation and invited them to join the Councillors for morning tea and stay for the discussion on item 6.

Morning tea was taken from 10.25 until 10.49 a.m.

6. MOTORISED VEHICLE ACCESS TO THE ESTUARY OF THE ASHLEY RIVER/RAKAHURI- SALTWATER CREEK

John Talbot (Director Policy and Planning) presented this item providing information on motorised vehicle access to the estuary of the Ashley River/Rakahuri-Saltwater Creek Estuary. He advised that Council staff had been working with the Waimakariri District Council and local communities to identify access opportunities that do not go through the CMA area. In response to discussion and questions relating to enforcement, Mr Talbot advised that stern enforcement action would only be taken if offenders did not respond to earlier warnings.

He also advised that staff were looking at access in the whole of Pegasus Bay and investigating a non-statutory plan for vehicle access and that Council would be kept informed.

Resolved

That the report on motorised vehicle access at the Ashley River Mouth and Estuary be received.

Cr Waters/Cr Little

7. MEMBERSHIP OF REGIONAL LAND TRANSPORT COMMITTEE (RLTC)

John Talbot (Director Policy and Planning) presented this item requesting approval for changes in membership of the RLTC.

Resolved

(a) *That the Council approves the appointment of Mr Paul McNoe to represent passenger transport providers on the Regional Land Transport Committee, with Mr Glenn Ritchie as the alternate member.*

(b) *That the Council approves the appointment of Evon Currie as the alternate member representing the District Health Board for public health interests on the Regional Land Transport Committee.*

Cr Waters/Cr Oldfield

Later in the meeting Cr Waters sought leave of the meeting to return to discussion on this topic.

(c) *That the Council appoints Cr Slee as an Environment Canterbury alternate member of the Regional Land Transport Committee.*

Cr Waters/Cr Little

8. WASTE MINIMISATION (SOLIDS) BILL

Lisa O'Donnell (Senior Resource Management Planner) and Darren Patterson (Hazardous Substance and Waste Management Officer) presented a draft Council submission on the Waste Minimisation (Solids) Bill for Council approval. The draft was approaching the Bill on the basis that a considerable re-write was necessary, but that many of the principles and actions within it were supported.

There was discussion on the need to clarify that a collector and transporter for the purposes of this Bill excluded domestic users and therefore a domestic user did not require licensing. There was also a request for clarification on public events and the need to separate those as part of a resource consent application. Submission points relating to licensing and public events to be included in the Council submission.

Resolved

That the Council approves the submission on the Waste Minimisation (Solids) Bill as set out in Appendix A attached to the agenda and as amended.

Cr Waters/Cr Budd

9. REPORT OF THE FINANCE AND AUDIT COMMITTEE

The Report of the Finance and Audit Committee meeting held on 8 August 2006 was presented.

Resolved

- (a) *That the report "Tri-annual Report of Progress on Internal and External Project Outputs for 1 July 2005 to 30 June 2006" be received.*
- (b) *That the Council approves the recommendations in the Tri-annual Report.*

Cr Neill/Cr Budd

10. REPORT OF THE PORTFOLIO COMMITTEES

The Report of the Portfolio Committees meetings held in August 2006 was presented. Cr McKay requested that the words "by the rating district" be inserted at the end of point 2. Hazards.

Resolved

That the report of the Portfolio Committees held in August 2006 be received and the matters for Council decision be approved.

2005/06 ANNUAL REPORT: PORTFOLIOS NON-FINANCIAL PERFORMANCE

That the report "Portfolios Actual vs Intended Performance for the 2005/06 Annual Report" as amended be adopted as the basis for preparing the 2005/06 Annual Report.

2007/08 ANNUAL PLAN

- (a) *That the Council adopts the process for the 2007/08 Annual Plan as set out in the attachments 1 to 3, which describe the key steps in the process where Councillors have input, budget principles and a Gantt chart.*
- (b) *That the Council approves the following matters for further consideration and consultation with key stakeholders:*

LAND AND BIODIVERSITY

- 1. *That the following opportunity for cost efficiencies as identified by the Finance and Audit Committee Review:
"Explore alternative methods for monitoring compliance to reduce Environment Canterbury input, i.e self monitoring with selected monitoring"
be discussed at the Combined Portfolios Committee and then at the Council meeting as this is a serious and important item and should be put forward as a separate issue.*

2. *That the Portfolio Committee supports the use of existing information as the first step in developing proposed measures and targets for levels of service.*
3. *The possible increases to fund the implementation of the Urban Development Strategy*
4. *That the Portfolio Committee note the increase between 2006/07 and 2007/08 and have some concern with components of that increase in the Land Portfolio budget.*

WASTE, HAZARDOUS SUBSTANCES AND CONTAMINATED SITES

The change to the wording of the measure and target for Levels of Service 3.

HAZARDS

1. *That there are no significant changes proposed for the 2007/08 Annual Plan at this stage.*
2. *That the capital funding for the Waimakariri secondary stopbank may need to be reviewed by the rating district.*

EMERGENCY MANAGEMENT

That there are no significant changes proposed for the 2007/08 Annual Plan.

REGIONAL LAND TRANSPORT

That there are no significant changes proposed for the 2007/08 Annual Plan.

PUBLIC PASSENGER TRANSPORT

That there may be significant changes required to the 2007/08 Annual Plan, but that no further stakeholder consultation is required at this stage.

WATER QUALITY, QUANTITY AND ECOSYSTEMS

1. *That any changes to the planned 2007/08 outputs be signalled as soon as possible to a special meeting of the Portfolio Committee, to enable it to recommend matters that should be canvassed with key stakeholders; and*
2. *That detail about the A-list work priorities is discussed with the Council in an October 2006 workshop item.*
3. *That the Portfolio Committee workshop funding policies on water matters.*

PESTS AND BIOSECURITY

That there are no shifts in direction planned in the portfolio.

AIR QUALITY

- 1. Discuss air quality initiatives for Timaru, Kaiapoi, Rangiora and other towns in terms of education and marketing for 2007/08.***
- 2. Discuss a programme of offsets in relation to resource consent for discharge to air.***

ENERGY

- 1. Giving effect to development of Communities for Climate Protection (or similar initiative).***
- 2. Giving effect to the Regional Energy Strategy, complete the community consultation process.***
- 3. Developing a 'strategic context for action' to connect key activity areas in projects to deliver on community expectations (from seminars).***

COASTAL ENVIRONMENT

That there are no significant changes proposed for the 2007/08 Annual Plan.

NAVIGATION SAFETY

That there may be significant changes required to the 2007/08 Annual Plan, but that no specific stakeholder consultation is required at this stage.

DEMOCRATIC PROCESSES

That there are no significant changes proposed for the 2007/08 Annual Plan requiring consultation with key stakeholders.

MEETING DATES

- (a) *That in order to accommodate a review by the Finance and Audit Committee of the LTCCP process the scheduled November Portfolio meetings be amended as follows:***

Tuesday 14 November 2006

am Water Quality Quantity and Ecosystems

pm Hazards and Emergency Management

Pests and Biosecurity

Wednesday 15 November 2006

am Air Quality and Energy

pm Regional Land Transport and Public Passenger Transport

Tuesday 21 November 2006

am Land and Biodiversity, Waste, Hazardous Substances and Contaminated Sites

**pm Coastal Environment and Navigation Safety
Democratic Process**

Wednesday 22 November 2006

Finance and Audit Committee meeting with Portfolio Chairs

Thursday 23 November 2006

Combined Portfolios' Committee

- (b) ***That, due to Councillors' commitments to the NRRP hearings, Council considers appointing an additional member to the Hazards and Emergency Management Portfolio Committee.***

Cr Burke/Cr Cunningham

Lunch was taken from 12.35 to 1.18 p.m.

11. PROCEDURAL ISSUES

Jude Pani (Manager Secretariat) presented this item reporting back to Council on a series of procedural issues that were discussed at the 15 August 2006 Council meeting.

11.1 CHAIRPERSON, FINANCE AND AUDIT COMMITTEE

Clarification was sought on the status of the 15 August meeting split voting for this position and whether Council now needed to resume that process as part of this meeting's discussion. Mrs Pani confirmed that in the event of a split vote, Standing Orders stated that the question is defeated and the status quo is preserved. She advised therefore that the status quo was a vacancy for Chairperson of Finance and Audit Committee in light of the recent resignation of Cr Wagner.

The Chairman called for nominations for the position of Chairperson of Finance and Audit Committee. The following nominations were received:

Councillor	Nominated/seconded
Cr Neill	Cr Woods/Cr Little
Cr Kirk	Cr Budd/Cr Cunningham

Crs Budd and Cunningham spoke in support of Cr Kirk's appointment and Crs Woods and Little spoke in support of Cr Neill's appointment.

Cr Kirk and then Cr Neill gave a presentation to Council on what they would bring to the role.

Resolved

- (a) ***That Council adopts the voting system as set out in Standing Orders 2.6.1 (4) Voting System B for determining the Chairperson of Finance and Audit Committee.***

Cr McKay/Cr Budd

(b) That Cr Kirk be appointed Chairperson of the Finance and Audit Committee.

Cr Budd/Cr Cunningham

A division was called for prior to the Chairman declaring the Chairperson Finance and Audit Committee appointment (refer to recommendation (b) above) the voting being as follows:

Cr Neill (6 votes)	Cr Kirk (7 votes)	Absent
Cr Little	Cr Johnston	Cr Wagner
Cr Woods	Cr Budd	
Cr Slee	Cr Carroll	
Cr Oldfield	Cr Cunningham	
Cr Neill	Cr Waters	
Cr McKay	Cr Burke	
	Cr Kirk	

The Chairman declared Cr Kirk appointed as Chairman of Finance and Audit Committee.

11.2 2007 MEETING SCHEDULE

In presenting this item, Mrs Pani advised that she had given due consideration to Council's priority of delivering 152 NRRP Hearing days in 2007. To facilitate this commitment some changes to the way Council operates for 2007 had been recommended to assist with efficiency and effectiveness.

There was discussion on Council effectiveness and what meetings might be included in the draft 2007 meeting schedule.

Moved Cr McKay, Seconded Cr Budd

That the following points be noted for incorporation into the draft schedule to be presented back to a future meeting:

- One workshop a month day prior to Council meeting;
- Council to commence at 8.30 a.m. and conclude at 1.00 p.m.;
- Council afternoon to be a workshop afternoon commencing at 1.30 p.m.;
- Quarterly the Council afternoon workshop to be a Regulation Overview Committee workshop;
- One meeting each month of Finance and Audit Committee;
- One meeting each month of Regional Planning Committee;
- Three meetings of the Regional Land Transport Committee;
- Scheduled weekly meetings of the Regulation Hearing Committees;
- Portfolio Committees to retain their separate identities and meet over a three-day period.
- One meeting for each of the four Area Committees.

An amendment was moved by Cr Johnston, Seconded Cr Waters, that the start time of the monthly Council meeting be 9.00 a.m. This amendment was put and LOST.

The original motion was then put by the Chairman.

Resolved

That the Manager Secretariat reports to a future Council meeting with a Draft 2007 Meeting Schedule, including the points noted below:

- ***One workshop a month day prior to Council meeting;***
- ***Council to commence at 8.30 a.m. and conclude at 1.00 p.m.;***
- ***Council afternoon to be a workshop afternoon commencing at 1.30 p.m.;***
- ***Quarterly the Council afternoon workshop to be a Regulation Overview Committee workshop;***
- ***One meeting each month of Finance and Audit Committee;***
- ***One meeting each month of Regional Planning Committee;***
- ***Three meetings of the Regional Land Transport Committee;***
- ***Scheduled weekly meetings of the Regulation Hearing Committees;***
- ***Portfolio Committees to retain their separate identities and meet over a three-day period.***
- ***One meeting for each of the four Area Committees.***

Cr McKay/Cr Budd

11.3 CONFLICTS OF INTEREST

Resolved

That the Council receives the information on non-pecuniary conflicts of interest.

Cr Budd/Cr Neill

12. CHIEF EXECUTIVE'S ITEMS

Bryan Jenkins (Chief Executive) presented the Chief Executive items. Dr Jenkins advised that the straight-line path exceedences for the Ashburton air shed were eight and not six as indicated in the agenda paper.

Resolved

- (a) That the Chief Executive's items be received.***
- (b) That the Council approves a Council meeting on 5 October for Representation Review deliberations.***

Cr Burke/Cr Johnston

Afternoon tea was taken from 3.10 p.m. to 3.30 p.m. Crs Budd and Kirk left at this time.

The meeting moved into public excluded meeting from 3.30 to 4.15 p.m.

17. PUBLIC EXCLUDED

That the public be excluded from the following part of the proceedings of this meeting, namely:

- 17.1 *Minutes of 27 July Meeting and Matters Arising*
- 17.2 *Christchurch City Council Decision on Variation 93 Clearwater/Isaac Conservation Park*
- 17.3 *Verbal report of the Chief Executive Performance Review Committee*
- 17.4 *Report of the Finance and Audit Committee*

The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

<i>General subject of each matter to be considered</i>	<i>Reason for passing this resolution in relation to each matter</i>	<i>Ground(s) under section 48(1) for the passing of this resolution</i>
17.1 <i>Minutes of 27 July Meeting and Matters Arising</i>	<i>That good reason exists for not discussing the matter with the public present and is not outweighed by the public interest.</i>	Section 48(1)(a)
17.2 <i>Christchurch City Council Decision on Variation 93 Clearwater/Isaac Conservation Park</i>		
17.3 <i>Verbal report of the Chief Executive Performance Review Committee</i>		
17.4 <i>Report of the Finance and Audit Committee</i>		

This resolution is made in reliance on Section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interests protected by Section 7 of that Act which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public are as follows:

- 17.1 *Maintain legal professional privilege – Section 7(2)(g). Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) Section 7(2)(i).*
- 17.2 *Maintain legal professional privilege – Section 7(2)(g). Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). Section 7(2)(i).*
- 17.3 *Maintain the effective conduct of public affairs through the protection of such members, officers, employees and persons from improper pressure or harassment – Section (7)(2)(f)(ii).*
- 17.4 *Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) Section 7(2)(i).*

Cr Burke/Cr Johnston

The meeting resumed in open meeting at 4.15 p.m.

13. COUNCILLOR REPORTS EXTERNAL APPOINTMENTS/CONFERENCES/ SEMINARS

Cr Waters – Local Government New Zealand Conference (report tabled).
Department of Conservation Awards.
Sustainable Business Network Luncheon.

Cr Slee – Local Government New Zealand Conference (Conference paper tabled).
Pre LGNZ conference tour of the Wairarapa with the Regional Affairs Committee.

Cr Burke – Local Government New Zealand Conference and the outcomes of the Water Forum and engagement of Regional Councils with Central Government.

Cr McKay advised that Lake Pukaki levels were very low with snow melt expected to improve the situation by Christmas.

Cr Neill briefed the meeting on his recent attendance at the UDS Forum. He reminded Councillors of the Inquiry by Design Workshop.

Resolved

That the reports be received and leave of absence be granted to Cr Burke from 14 – 25 September 2006.

Cr Johnston/Cr Woods

14. NOTICES OF MOTION

There were no notices of motion.

15. QUESTIONS

Cr Little – “On what authority did the CEO write a letter expressing his views supporting Forest and Bird, supporting the ending of the Tenure Review process following the freeholding of Richmond Station adjacent to Lake Tekapo? And what were the circumstances of this letter’s views being released for printing in the media?”

Response – The Council is asked by LINZ for input to the tenure review process during the development of preliminary proposals. LINZ then discusses the preliminary proposal with the lessee. When agreement is reached, the proposal is publicly notified for public submissions. The Council has another opportunity for input at this stage. LINZ analyses the submissions, makes amendments, and puts a substantive proposal back to the lessee. The Council is then asked for its consent should we have a legal interest in the land through a land improvement agreement. At this stage, the Council has no further opportunity for input to the process.

The Council, through staff, lodged a submission on the Richmond Station preliminary proposal at the public submission stage. The submission was based on whether the proposal met the objectives of the Crown Pastoral Land Act for ecologically sustainable management and protection of significant inherent values. Because these objectives are consistent with the Council’s responsibilities under the RMA, as set out in the RPS, NRRP and other plans, and the Pest Strategy, the submission provided information and assessments on the natural resources to assist with the decisions. In the Richmond Station case, the submission provided strong grounds to modify the proposal. A copy of our submission is attached.

The decision of LINZ was not to significantly modify the preliminary proposal, i.e. in our view, the decision did not reflect the requirements of the Act or Environment Canterbury policy. At this stage the only opportunity to raise our concerns was to write directly to LINZ. A copy of our letter is attached.

Subsequent to this, we received Official Information Requests from Forest and Bird and from Di Lucas, for a copy of our letter. The letter was supplied. Note that the letter nor any media statement was released to the media by the council. The CEO was then contacted by the media to confirm the information supplied to them by other parties was correct and answer queries. This, and other parties' comments, appear to have formed the basis of media coverage.

In answer to the points in Cr Little's question:

- The letter to LINZ followed our original submission raising the same concerns, and was not in response to any other parties' requests for support.
- The letter does not support the ending of the tenure review process, rather it asked for this particular tenure review proposal to be withdrawn because of our concerns, and to review the process for the Richmond Station lease in terms of the Crown Pastoral Land Act.
- The letter was provided under an official information request, and appears to have been used by other parties in their media releases.
- In addition, there have been statements made by others which suggest Environment Canterbury is proposing a moratorium – this is not the case.

Cr Slee – What are the addresses of all the properties in the Waitaki Constituency that were cited in the rates tracking exercise during the LTCCP process as illustrations of what rates rises mean in dollar terms.

Response:

Waitaki (Rural), Area 557.1600. Basalt Hill Road
Waitaki (Rural) Area 7,289,600. Quailburn Road
Kurow (Urban) CV 90,000.00. Ribbonwood
Dunroon (Urban) CV 55,000.00. Campbell Street.
Twizel (Urban) CV 110,000.00. Godley Street
Waimate (Rural) Area 274.8340. Tawai-Ikawai Road
Waimate (Urban) CV 119,000.00. Rhodes Street
Mackenzie (Rural) Area 1,484.9700. Mt Nissing Road
Mackenzie (Rural) Area 441.4109. Albert Road
Fairlie (Urban) CV 70,000.00. Gray Street

16. EXTRAORDINARY AND URGENT BUSINESS

The meeting agreed to receive this item as Extraordinary and Urgent Business as the hearing of the submissions were being held before the next Council meeting and the information came to hand after the agenda was prepared.

Resolved

That Cr Neill be appointed the alternate for the Dangerous Dams Hearing Committee.

Cr McKay/Cr Slee

18. NEXT MEETING – 28 SEPTEMBER 2006

19. CLOSURE

The meeting closed at 4.55 p.m.

CONFIRMED

DATE _____ CHAIRPERSON _____