strata of block dealt with active.

For the retired files, we noted three out of six contained errors, or a 50 percent error rate. On the terminated folks or files, we looked at 25, and we noted 21 out of 25 files contained errors. For active employees, we looked at a total of 125, noted that three were not located at all, and so when you look at that error rate, 122 over 125, it creates a 98 percent error rate. Therefore, we recommend that all employee files are reviewed and noted for corrective action during the next fiscal year.

Management's response. HR partially concurs with this finding. Per the auditor's communication regarding the files, they recognized that not all employees may have FRS and health care documents, however, for purposes of their checklist, they counted these as errors.

Furthermore, the external auditors recognized that some I-9 and W-4 forms are maintained separately, which was also counted as an error. However, they communicated that they fully expect to see those areas change in the future.

I wanted to note on this particular area that the Council should be aware that the employee files, to a degree, are decentralized, and so when you look at a

file, all of those documents are not in there. It is neither right and it is neither wrong. It makes it more difficult to look at a file and determine if all of the things that should be in there, i.e., health care forms, i.e., W-4s, i.e., W-9s, which would make it harder then to assess what should happen with said file, whatever is happening with that employee.

COUNCILPERSON McCOY: Madam Chair.

CHAIR BOTEL: Mr. McCoy, you're recognized.

COUNCILPERSON McCOY: Thank you.

I want to ask a question of the auditor, Mr. Harvey.

MR. HARVEY: Yes, sir.

COUNCILPERSON McCOY: So when you present your findings to the department head, which in this case would be Human Resources, and they give you what the department believes is a logical explanation, are you going to then amend if there is some palatable explanation as to why their, what you believe was a deficiency or an omission or an error, that you amend your finding?

MR. HARVEY: Very rarely. When we audit, at the time that we audit, what we see is what we see. We do not go back. What I will do, if the finding is in contradiction to what the response -- is in

contradiction to our finding, I will present the department head usually some additional information. But at the day and time of our audit, what we see is what we see, and based on that time is how we note it.

I will tell you in this instance we had ten core things that we reviewed each file for, and if any one of those ten things were not there, we noted it as an error. And these are basic things, i.e., I-9s, 4s, application, signed description, code of ethics, just some basic information that should be in every file, whether this was a private or a public organization.

COUNCILPERSON McCOY: Madam Chair, follow-up. CHAIR BOTEL: Go ahead.

ahead of you, and I'm only asking that question because -- well, not just only asking that question, but one of the reasons I'm asking that question is for the next finding that comes up. You know, we employ the top law firm in the state of Florida in our Legal Department. And the particular finding that you noted in that finding when I reviewed it was substantiated in the Code of Ordinances as to why Legal does what they do. And that was a perfect example.

And I'm curious to find out how do you address that, and if you do address it, it wasn't done

in number seven, nor do I see it done in number eight, because clearly, there are special provisions in each situation.

MR. HARVEY: Yes, I have some commentary on the next finding, eight. If you want to go to that now, we can; if you want to stay on item seven, we can. But I do have some commentary on item number eight.

COUNCILPERSON McCOY: Thank you.

MR. HARVEY: Are we ready for item eight?

Okay, item number eight, significant

deficiency. The Legal Department selects various law

firms to represent the City without a formal committee

vetting process. The Legal Department selects law

firms without going through normal and approved

procurement processes of obtaining competitive bids,

quotes, RFPs, RLI. We recommend that the legal vendors

be required to follow the normal and routine vetting

and procurement processes for goods and services hired

by the City.

The response from management: The City

office -- the Attorney's Office does not concur with

the finding pursuant to Chapter 16.5 of the City of

Riviera Beach Procurement Code. The City Attorney's

Office has the authority to negotiate with and hire

attorneys necessary to defend the City subject to terms

and conditions. Therefore, there is no requirement for the City Attorney's Office to procure legal services through the competitive process.

My point with this, and we've made this at other cities, is if I looked at an org chart, I believe that there's only one department that can spend over 25 or 50,000. I don't think the Manager can. I don't think any one of you can individually. It has to be as a collective body. And so this is an area that expenses happen once approved by the budget. And so we would ask that the elected body look at amending the purchasing code to shore up this area.

One of the things I will highlight is as the auditors, our goal is to inspect and report. As you already know, the policymakers, yourselves make the policies, and the appointed officials implement. And so we think that this is an area where expenses happen. It should be more oversight, and we are bringing this to your attention as a possible change. It is up to the elected body to decide if it's not worthy or if it is.

COUNCILPERSON McCOY: Madam Chair.

CHAIR BOTEL: You're recognized.

COUNCILPERSON McCOY: Thank you, Madam Chair,

 25 for the opportunity.

Mr. Harvey.

MR. HARVEY: Yes, sir.

COUNCILPERSON McCOY: So your definition of expend, does that consider, I guess, does that consider the very instances of litigation where the City doesn't actually expend and these are driven by the insurance carrier and who has the specific subject matter expertise in those situations -- which I will probably venture, Ms. Wynn, I will probably venture to say at least 90 percent of legal services are dealing with litigation and insurance related claims. Are you suggesting that those also go out to a competitive procurement, even though we're not the ones that's actually expending it?

MR. HARVEY: Yes, if it's from the insurance provider, in that case, from my understanding, and I'm going to give you our procedure, but from an insurance company, if you have a carrier that's hiring or procuring or paying for the legal services, that does not come out of the budget of the City, in my understanding.

What we are saying and what we did is look at a list of law firms, we looked at expenditures to said law firms, which is how we confirm with them that they did cases, and if those law firms were paid by the

City, we then would look, which we also have a finding later on, is how was that vendor procured. Every other service is procured through RFP, RLI, quote or some case.

And I will venture to say Procurement has done a good job of making sure that the department heads know the trigger points, because I talked to every one of the department heads. So the training has happened. So why is the Office of the Attorney able to expend without hitting any of those other trigger points? That is our point.

COUNCILPERSON McCOY: Follow-up, Madam Chair.

CHAIR BOTEL: Go ahead.

COUNCILPERSON McCOY: And I welcome the City Attorney if she can offer a response.

But I specifically looked up this in light of that, and I think defensibly, the code -- and I want to know a question from you is in your examination of these transactions, do you refer to the code that give not the office, but the City Attorney that specific authority, based on experience and skills, to select an attorney's office? Is that a part of your scope, because --

MR. HARVEY: We looked clearly, and maybe to a fault, said firm was hired, said firm performed work,

said firm was paid. Also as a part of that, how was said firm procured, contract or (audio disruption) or a fee? If that does not exist, how is it done? It's done because the office of the attorney has the authority, under the officers, to just directly hire.

And we believe that that is a control issue that should be brought forward, that that is one area of expenses that directly happens from a department head right to a vendor. Every other department head, if it's over an amount, from my understanding, besides the Manager -- I'm sure he has a certain level of authority -- has to go through that process, a process, a procurement process.

COUNCILPERSON McCOY: Madam Chair.

CHAIR BOTEL: Go ahead.

COUNCILPERSON McCOY: Just for a brief indulgence, and I want to respond, and in defense of our Legal Department, but I literally looked this up.

And I was concerned. But I think it's very plainly -- and I'm saying this respectfully, Mr. Auditor -- Section 16.5-63, Contracting for Designated

Professional Services, the first subsection (a) requires or describes professional services. I don't know why we would hire a dentist, but it describes accountants, dentists, physicians and so on and so

forth.

Section (b) says: Notwithstanding the foregoing, the City Council may authorize the procurement of legal services by negotiating with a lawyer or lawyers selected or recommended by the City Attorney on the basis of experience and skill.

Further, as it relates to litigation matters, the City Attorney has the authority to negotiate and hire attorneys necessary to defend the City subject to the terms and conditions as may be outlined in the contracts with the insurance carriers.

So I guess in the very situation here, our City Attorney has that authority because it's not -- she's not hiring for a dentist, I should say. That's funny that we would have that in our code. I don't know why we would have that.

But, you know, in defense of our Legal

Department, I mean this almost seems like a circular argument, that I want the City Attorney's Office to be able to do that. And in many cases you don't have the ability to seek procurement. So I kind of, in a respectful way, take exception to that. And, you know, I don't want to own that one.

And that's why I asked and prefaced my question, Mr. Evans, as are we accepting these, or is

our vote in some way acknowledging this as being factual, because that's one that I can't agree with.

So Madam Chair, I yield back. And I just wanted to make sure that I brought that to the members' attention. And I think in just the way our code is written in that specific section, that that wouldn't be fair to the Office of the City Attorney. So that's my concern, Madam Chair.

CHAIR BOTEL: Thank you.

COUNCILPERSON McCOY: Thank you.

MR. HARVEY: No problem.

Moving on to -- wait a minute. Did I do nine? I did not do nine.

The Procurement Department should include notices of awards and notice to proceed with every selected vendor. We recommend the City implement a notice of award and notice to proceed for all procurements prospectively.

The management response: The Procurement

Department posts notices of intent to award on its

website. Once the City Council approves an agreement,

the final award information is posted on the website as

well. User departments are responsible for issuing the

notices to proceed, since they manage permits, service

location, mobilization and delivery schedules. Thank

you.

The Police Department should not receive cash directly from rental facility clients before, during or after any event. The Police Department -- we recommend the Police -- the Finance Department implement, through the elected body, a cash handling procedure similar to Parks and Rec that does not allow for cash to be taken.

Management's response: The Police Department concurs with this finding. Police, in accordance with Finance, is working to modify the process so that any extra off-duty detail payments are made directly to Finance. Police will assure that the policy reflects these changes prior to 2022.

Finding 11, Utility District time tracking.

This item deals with standby employees and being able to track their time as relates to them going to a call and coming back. We recommend that USD, the Utility Department, implement, through the elected body and appointed officials, a time tracking mechanism for all standby employees.

Management's response: The Utility Special
District concurs with this finding. The agreement
between the City and the Florida Public Service Union
Service Employees and a national union is expiring
March 31st, 2021. As part of the renewal, the Utility

is seeking to strengthen the language about standby time. Furthermore, Utility, in coordination with IT, is exploring options for time tracking.

Moving on to item 12 if there's no other issues. This finding -- I can shorten -- deals with an OIG report that was given that deals with purchase cards, payments. It also dealt with travel and also tuition reimbursements. We recommend that the City implement an accurate way to track those purchases.

Management's response: Through Finance they concur with this finding. Since the Office of the Inspector General report was issued, all P-card transactions receive a secondary review and approval. Furthermore, Finance and the Procurement Department are working together to improve the oversight process of elected officials' expense, travel expenses.

Reporting to the Commission, we know that management did not provide a timely report to the City Commission. We recommend that they receive one.

The Finance Department does not concur with this finding. The Council has been provided realtime access to all financial information in Tyler.

Furthermore, Finance, in coordination with the Manager's Office, is implementing an online open government portal which will allow any interested party

realtime access to the City's financial information.

Finally, please note that Finance does submit a quarterly treasurer's report and an annual debt service report to the City Manager's Office.

And I will add an (inaudible) update. The essence or the spirit of this comment is for the elected body to receive a report. I understand that you may have access. I did not test if you all know your access, use your access, how you do it. But we think, and we made this comment before at other cities, is that the elected body on some basis should get a financial report. And if you ask me for one, I would say at least a budget to actual, or some of that form on some basis.

COUNCILPERSON McCoy: Madam Chair.

MR. HARVEY: I know this has already been hashed.

COUNCILPERSON McCOY: Madam Chair.

CHAIR BOTEL: You're recognized.

COUNCILPERSON McCOY: Actually, it hasn't, because that's what I was going -- that's where my first question started from.

And Mr. Evans, please, and I want to make sure that we take note of this: Having access is not the same as being reported. And I don't know that any

member, Mayor included, has access to the financials.

every three weeks almost it seems like to me.

I mean it's hard enough to -- you know, I literally dealt with this today, but it's hard enough to manage what seemed like a password between all of the different applications we have. One expires or resets

But certainly we don't have access and regular routine access to Tyler information of reporting. If so, it is very arduous. Much less do we have access to some regular or routine reports.

And one of the things that I wanted to bring up to members' attention is that when we leverage debt by issuing bonds, we need to make sure that the City is making good on those projects, because what essentially is happening is we're borrowing money on the backs of the taxpayers. And for whatever reason, staffing shortages or what have you, we need to make sure that we're doing our job and making sure that that money gets to those projects, and are getting out on the streets, and the work is being done other than us just borrowing money. And because we have staffing shortages for whatever reason, the projects aren't getting done, because I'm hearing more of that.

And certainly if -- I know it would be difficult, right, but even if we had the ability to go

through Tyler and be able to narrow down to the specific transactions, I think it would probably be, you know, hard for us to even decipher whether or not what's being done or if the money is being spent.

But certainly, Mr. Manager, I want to encourage you to make sure that we have some mechanism to be able to, you know, to nail down on exactly what's happening financially with the money that we're leveraging, taxing our property owners here in the City.

Thank you, Madam Chair.

CITY MANAGER JONATHAN EVANS: Madam Chair, with respect to the comments by Councilman McCoy, the system, the open government portal is very intuitive, very simplistic. You can drill down into the departments, down to personnel costs, down to capital projects. And so we're looking to go live, and we'll give a demonstration to the Board as to how to go into the system. But it's very intuitive, and it's going to be accessible to the public as well. So we're putting that portal online, and you'll be able to track realtime information as it relates to City expenditures and revenues.

MR. HARVEY: Our final management letter comment relates to contracts. The City's Procurement

Department should ensure that all active vendors have a current signed agreement or contract on file. We recommend the City implement a mechanism to ensure that all agreements or contracts from all procurements going forward, are maintained, kept, have it and maintained

in accordance with Florida Statutes.

Management's response: Contract awards are managed in accordance to the Procurement Code 16.5.

Not all procured vendors' transactions result in a contract. Purchases are made through P-cards, purchase orders and contracts. Small, informal purchases under 25,000, sole sources, and single procurements are primarily engaged via purchase order.

There are instances where material purchases are made over 25,000 does not result in a contract, but a purchase order as well. When required, contracts, after formal award, are executed and are on file with the City Clerk's Office.

Using departments -- the using, who's using it -- department manages the contract with the vendor and ensures a copy is provided with their notice to proceed. Procurement digitally maintains all the contract documents. Contract records are maintained and follow the Florida statute for retention.

This concludes our -- no, it doesn't, I'm

sorry. Next slide. Got happy there for a second.

Management responsibility. I'm going to run through this. So management has the responsibility to fairly present the financial statements in accordance with GAAP. They also have the responsibility to design, implement and maintain internal control environment. They also have the responsibility, as relates to the auditors, to provide us all information, access to management, access to persons and any other law -- to make sure that the laws and rules of the City, the State are being followed.

The Commission responsibilities: Oversight of the financial reporting and internal controls environment and oversight and the establishment of programs and controls to detect, deter and detect fraud.

Again, HCT, as your auditors, we form expression of an opinion, we issue that opinion based on GAS. We also perform our procedures throughout and issue our final report.

This last page gives another bunch of responsibilities we have, one of which that I note is that we have the responsibility to report to the elected body -- next slide, please -- the elected body if there are any issues that arise.

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Now, at this time we have concluded our presentation. We thank you for allowing HCT to serve the City of Riviera Beach for this year, September 30, 2019. CHAIR BOTEL: Thank you. Do we have any other questions? COUNCILPERSON LANIER: Madam Chair. CHAIR BOTEL: You're recognized, Commissioner Lanier. COUNCILPERSON LANIER: I just wanted to thank Mr. Harvey for the detailed report that was given to Most of the issues that were listed -- well, us. actually, all the issues, given the timeframe of the audit -- and that timeframe was what, Mr. Harvey? MR. HARVEY: Yes, so the audit period is -the audit period is October 1, 2018 through September 30, 2019. That's the audit period. performed the audit most recently over the last 90 But that's the audit period we're issuing, October 1, 2018 through September 30, 2019. COUNCILPERSON LANIER: Okay, thank you so I really would like to thank you for that detail in the management letter. I think I've never seen that from the City of Riviera Beach in terms of that level of detail for -- and I know you were the auditor

1 before, but the level of detail this time certainly is 2 what we were looking for to make sure that we have our 3 ducks in a row and make sure that we comply with what 4 we need to so that the moneys that the taxpayers 5 provide to us is spent correctly. So thank you again 6 for that. 7 Thank you. MR. HARVEY: 8 Anyone else? CHAIR BOTEL: 9 So Mr. Evans, we're not going to vote to 10 accept this, we're just going to note that we have seen 11 it? 12 CITY MANAGER JONATHAN EVANS: Yes. 13 CHAIR BOTEL: Okay. 14 CITY MANAGER JONATHAN EVANS: That it was 15 presented. 16 CHAIR BOTEL: In that case, thank you very 17 Appreciate that. much. 18 MR. HARVEY: Thank you. 19 CHAIR BOTEL: And we will have the discussion 20 by City Manager. 21 COUNCILPERSON McCOY: Just before you -- can 22 I -- I mean not a question of the audit, but I just 23 want to also put this on the Manager's agenda. The last item, you know, and I don't know if 24

this is just a logistics thing, but the last item spoke

of Procurement being the, I guess the custodian of the contracts. And that doesn't -- you know, it gave an 83 percent of the contracts were not held in Procurement, Mr. Evans. Whether in Procurement or in Finance -- I'm sorry -- Procurement, Finance or in the Clerk's Office, is there a shared drive among the departments that this can be readily accessible? Is Procurement, because of the very nature, the custodian of these specific contracts?

CITY MANAGER JONATHAN EVANS: I believe, just because of the pure nature that there's a good or service being received, that it resides with Procurement. But there's no reason why a shared drive or some other mechanism that can be digitally found on the server where all that can be stored can't be created if it's not already in existence.

COUNCILPERSON McCOY: Well, Madam Chair, I just want to say this. I'm going to take another exception to this one, because from the very internal controls that were being defined tonight as not in place, this is an internal control that works, that one person, the department, I should say Ms. Pemsel's Procurement Department isn't also the person that issues the Procurement solicitation and also keeps it, that there is some level of segregation of duties. And

if it's maintained after execution in the Clerk's

Office, that's perfectly fine. That shows me that the

system does work and that one person doesn't watch, you

know -- I guess in theory one person watching the

henhouse.

So, you know, I appreciate some of the things that were brought to the attention, but I know we got the best law firm in the state and certainly the best Procurement Department. So everything that was noted doesn't necessarily mean or represent in some respect that there is a -- I'm sorry, I'm trying to look at the Chairperson -- that there's a deficiency in our departments.

So I appreciate it that they point it out, because that's almost similar to the same thing that I do when I'm here and I see things that are, I guess, not abnormal, but some things that just don't exactly fit. But I appreciate that, but it doesn't necessarily mean that something's wrong. So I want to make sure that I point out because it wasn't held in Procurement, they aren't the custodian of those records in general terms for the organization.

So thank you, Madam Chair.

CHAIR BOTEL: Thank you. And I'm sure

Ms. Pemsel appreciates the fact that you just referred

1 to her as a fox. 2 COUNCILPERSON McCOY: Oh, gosh, I'm sorry. 3 CHAIR BOTEL: Well, it's a henhouse thing, 4 you know. 5 COUNCILPERSON McCOY: Please forgive me. 6 It's all right. CHAIR BOTEL: 7 CITY MANAGER JONATHAN EVANS: Well, Madam 8 Chair, if we go off of the principal officers in this 9 audit, it would be Ricky Little, so --10 COUNCILPERSON McCoy: Oh, not so fast. 11 COUNCILPERSON LANIER: Madam Chair, let me 12 ask a question right quick. I know that when we were 13 talking about the audit, that it was supposed to be or 14 it's supposed to be a part of the CRA as well. How 15 does that work? 16 CHAIR BOTEL: That's our next meeting. Am I 17 right? 18 CITY MANAGER JONATHAN EVANS: Yes, Madam 19 Chair. After we conclude this meeting, then we're 20 going to convene as the --21 COUNCILPERSON LANIER: Oh, I see. 22 CITY MANAGER JONATHAN EVANS: -- USD Board. 23 You don't have to hear the presentation again. And 24 then we would recess and then convene as the CRA. 25 COUNCILPERSON LANIER: Okay.

1 CHAIR BOTEL: So do we have a discussion by 2 City Attorney? 3 No, thank you, ma'am. MS. WYNN: 4 CHAIR BOTEL: Thank you. 5 City Council committee reports? I'm not 6 going to give any. Anybody else? 7 Comments, statements by Mayor and City 8 Council, starting with the Mayor. MAYOR FELDER: No comments. 10 CHAIR BOTEL: Mr. Lawson. 11 Thank you, Madam Chair. VICE CHAIR LAWSON: 12 Today the City held an amazing job fair with 13 over 200, close to 250 residents, 27 employers. 14 just want to commend our CRA staff, which I'm going to 15 do as well at our next meeting, but they did a 16 phenomenal job in organizing, putting together this job 17 fair today. It put a great light on the city, and it 18 also was able to bridge that gap between our employers 19 and the residents of the community that are looking for 20 the jobs. 21 So thank you to staff that put this together. 22 Thank you, Mr. Evans, for the work that you did with 23 getting this done. And it was an amazing job for the 24 City of Riviera Beach. 25 Thank you, Madam Chair.

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              CHAIR BOTEL: Ms. Miller-Anderson.
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              COUNCILPERSON MILLER-ANDERSON: I just wanted
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    to -- I didn't say it earlier. I just wanted to thank
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    Mr. Harvey and his team for completing the audit.
5
    know we were a little bit behind, but I appreciate you
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    getting it done for us.
                             Thank you.
7
              CHAIR BOTEL: Thank you.
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              Mr. McCoy.
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              COUNCILPERSON McCOY: Nothing, Madam Chair.
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              CHAIR BOTEL: Thank you.
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              Ms. Lanier.
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              COUNCILPERSON LANIER:
                                     Nothing.
13
                            Thank you. And I have nothing.
              CHAIR BOTEL:
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              So we will call this meeting as adjourned,
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    and we will reconvene in, what, three minutes for
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    the -- oh, let's see, do we -- oh, wait, wait, wait.
17
    No, we had no public comments, so we're okay. We don't
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    have to worry about that. So this meeting is
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    adjourned.
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               (Whereupon, at 7:21 p.m., the proceedings
21
    were concluded.)
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1	CERTIFICATE
2	
3	
4	THE STATE OF FLORIDA)
5	COUNTY OF PALM BEACH)
6	
7	
8	I, Susan S. Kruger, do hereby certify that
9	I was authorized to and did transcribe the foregoing
10	proceedings from an electronic recording, and that the
11	foregoing pages comprise a true and correct
12	transcription of said recording to the best of my
13	ability.
14	IN WITNESS WHEREOF, I have hereunto set my
15	hand this 10th day of April, 2021.
16	
17	
18	
19	
20	August A Rayses
21	Susan S. Kruger
22	busair b. Rruger
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24	
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ADJOURNMENT

	2	The	Citv	Council	Special	Board	Meeting	wa
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3 adjourned at 7:21 p.m.

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