Agenda Item #: 37-1

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

X] Consent Ordinance	
BRIEF	
adopt: Resolution and the FY 2024/202	n of the Board of County 5 budget for the Air Pollution
he annual budget s Program is solely budget for the Air .69% increase from costs and salary i	nent with the Department of for the expenditure of fees supported by motor vehicle Pollution Control Program m the current year budget. ncrease to the government a surplus in the Air Pollution
¢) motor vehicle lid d in counties with a Program, then it that these funds be a agreement with the act on behalf of F art such a program and was amended 6). Florida Statutes	d Section 320.03(6), Florida cense registration fee for the approved air pollution control is returned to a trust fund be used only for air pollution the DOHPBC authorizing the Palm Beach County, and to The Resolution, No. R-84- I on September 15, 2020 via
FY 2025	nunueu on page 3)
MD	7/19/224 Date
	BRIEF adopt: Resolution gethe FY 2024/202 21, 1984, Agreement annual budget is Program is solely budget for the Air 169% increase from costs and salary increase and a sure revenues and a sure revenues and a program, then it that these funds the agreement with the act on behalf of First such a program and was amended by, Florida Statutes trol activities. (Co

II. FISCAL IMPACT ANALYSIS

Α.	Five Year Summary	of Fiscal	Impact:				
Capit Oper Oper Exter Progr	al Years tal Expenditures ating Costs ating Revenues rnal Revenues ram Income (County)	2025	2026	2027	2028	2029	
	nd Match (County)						
	th Department (see be	∍low) *					
IVE I	FISCAL IMPACT						
	DDITIONAL FTE SITIONS (Cumulative)0	Management data				
ls Ite	m Included in Propos	ed Budge	et? Ye:	s X No			
Does	this item include the	use of F	ederal Funds	s? Yes	No X		
Budg	et Account No.: F	und	Dept	_ Unit (Object		
В.	Recommended Sou	rces of F	unds/Summ	ary of Fiscal	Impact:		
I CUISI	e is no direct fiscal imp ration fees is account a separate item.	pact associ ed for in	ciated with thi the Health D	is item. The re epartment bu	evenue and e idget which is	xpenditure budg s submitted for	et of the approval
C.	Departmental Fiscal	Review:					
	III. REVIEW COMME	<u>NTS</u>					
A.	OFMB Fiscal and/or	Contract	Dev. and C	ontrol Comm	ents:		
(Luc Marte OFMB	. 7/03/ DA 7/0:	2624 3	Contract D	W. M. Cont	M/27/2	4/14
В.	Legal Sufficiency			THE HOPE			
	Assistant Con	hd 1-2 Inty Attor	9-24 mey				
C.	Other Department R	eview:					
	Department D	irector					

THIS SUMMARY IS NOT TO BE USED AS A BASIS

Background And Justification (Continued):

Background And Justification: Section 320.03(6), Florida Statutes, was further amended to provide that an approved local air pollution control program is eligible to receive an additional twenty-five cents (25ϕ) from the fee for a total of seventy-five cents (75ϕ) , provided the local air pollution control trust fund has an unencumbered balance not exceeding 50% of the previous year's revenue allocation. It is estimated that the unencumbered balance at the end of the current fiscal year will be less than 50% of the annual revenue thus making the County eligible to receiving funding at the 75 ϕ level. It is also estimated that annual tag fee revenues collected during FFY 2024/2025 will provide sufficient funds for this budget.

Attachment 1

BUDGET SUPPORT INFORMATION - FISCAL YEAR 2024-2025

<u>FUND</u> AIR POLLUTION CONTROL TRUST FUND	FL	<u>DI</u> ORIDA DEPARTMENT	<u>DIVISION</u> ENVIRONMENTAL PUBLIC HEALTH	
POSITION NO.	SALARIES	RATE	ACCOUNT TITLE	BUDGET REQUEST
00429	\$48,703.18	0.30	Engineering Specialist III	\$14,611
27861	\$49,001.24	0.25	Environmental Specialist III	\$12,250
28835	\$112,695.06	0.35	Environmental Administrator	\$39,443
29023	\$98,938.71	0.40	Environmental Administrator	\$39,575
29024	\$38,423.94	0.50	Staff Assistant	\$19,212
30896	\$54,842.35	0.20	Accountant III	\$10,968
31287	\$46,667.90	0.25	Environmental Specialist III	\$11,667
45575	\$70,393.37	0.15	Environmental Manager	\$10,559
45576	\$64,176.40	0.40	Environmental Manager	\$25,671
45810	\$49,189.71	0.10	Biological Specialist III	\$4,919
49846	\$51,969.80	0.20	Engineering Specialist III	\$10,394
49849	\$51,531.93	0.50	Health Ed Pgm Consultant	\$25,766
58573	\$59,890,26	0.40	Engineering Specialist Supervisor III	\$23,956
64961	\$46,847.49	0.40	Environmental Specialist III	\$18,739
65377	\$48,703.18	0.55	Engineering Specialist III	\$26,787
68935	\$55,281.15	0.10	Environmental Specialist III	\$5,528
69370	\$55,457.36	0.50	Environmental Consultant	\$27,729
84874	\$54,048.74	0.30	Environmental Specialist III	\$16,215
82738	\$62,967.00	0.20	Biological Specialist IV	\$12,593
950102	\$40,000.00	0.50	OPS Engineering Technician II	\$20,000
950415	\$49,275.20	1.00	OPS Government Operations Consultant III	\$49,275
950580	\$40,000.00	0.50	OPS Environmental Specialist III	\$20,000
		SUB-TOTAL		\$ 445,857

Attachment 1

BUDGET SUPPORT INFORMATION - FISCAL YEAR 2024-2025

<u>FUND</u> AIR POLLUTION CONTROL TRUST FUND		<u>I</u> FLORIDA DEPARTMEN	<u>DIVISION</u> ENVIRONMENTAL PUBLIC HEALTH	
POSITION NO.	FRINGE	RATE	ACCOUNT TITLE	BUDGET REQUEST
00429	\$29,825.00	0.30	Engineering Specialist III	\$8,948
27861	\$19,672.00	0.25	Environmental Specialist III	\$4,918
28835	\$45,774.00	0.35	Environmental Administrator	\$16,021
29023	\$42,829.00	0.40	Environmental Administrator	\$17,132
29024	\$19,737.00	0.50	Staff Assistant	\$9,869
30896	\$11,060.00	0.20	Accountant III	\$2,212
31287	\$19,103.00	0.25	Environmental Specialist III	\$4,776
45575	\$41,490.00	0.15	Environmental Manager	\$6,224
45576	\$35,390.00	0.40	Environmental Manager	\$14,156
45810	\$20,058.00	0.10	Biological Specialist III	\$2,006
49846	\$19,871.00	0.20	Engineering Specialist III	\$3,974
49849	\$21,013.00	0.50	Health Ed Pgm Consultant	\$10,507
58573	\$34,473.00	0.40	Engineering Specialist Supervisor III	\$13,789
64961	\$19,103.00	0.40	Environmental Specialist III	\$7,641
65377	\$9,969.00	0.55	Engineering Specialist III	\$5,483
68935	\$21,013.00	0.10	Environmental Specialist III	\$2,101
69370	\$31,703.00	0.50	Environmental Consultant	\$15,852
84874	\$31,402.00	0.30	Environmental Specialist III	\$9,421
82738	\$33,257.00	0.20	Biological Specialist IV	\$6,651
950102	\$580.00	0.50	OPS Engineering Technician II	\$290
950415	\$667.00	1.00	OPS Government Operations Consultant III	\$667
950580	\$580.00	0.50	OPS Environmental Specialist III	\$290
		SUB-TOTAL	SUB-TOTAL Note: FRINGE BASED ON ACTUAL AMOUNTS	\$162,928

Attachment 1

BUDGET SUPPORT INFORMATION - FISCAL YEAR 2024-2025

<u>FUND</u> AIR POLLUTION CONTROL TRUST FUND	<u>DEPARTMENT</u> FLORIDA DEPARTMENT OF HEALTH PALM BEACH COUNTY	<u>DIVISION</u> ENVIRONMENTAL PUBLIC HEALTH
ACCOUNT TITLE	EXPLANATION	BUDGET REQUEST
Travel & Training	Travel costs to attend meetings, conferences, and training courses. Employee development (Registration Fees).	\$3,000
Communications	Telephone, cellular phones, & pagers.	\$10,000
Utilities & Building Maintenance	Electric, water and waste disposal costs and building maintenance & security.	\$15,000
Postage & Printing	Mailing of correspondence, shipping & freight. Reports, brochures, visual aids, video & photography, and copying.	\$1,000
Office Supplies, Equip. Maintenance & Repair	Costs related to office supplies, subscriptions, equipment maintenance, and service contracts for air monitoring trailers.	\$17,000
Motor Pool	Costs related to repairs, maintenance of vehicles.	\$15,000
Capital (OCO)	updates for existing Data Loggers	\$7,000
Legal Services	Support from Health Department attorney's office for permitting challenges and enforcement actions.	\$10,000
105 Match	Matching money required to receive Federal air program funding for FFY 2024-25 from the U.S. Environmental Protection Agency.	\$185,000
EHE Adm Support	Direct administrative support services for purchasing, records retention, data management and personnel actions.	\$45,000
	BUDGET TOTAL	\$316,000

Comparison of Tag Fee Budgets FFY 2024 to FFY 2025

Attachment 3

				REVENUE		
MONTH	2019-2020	2020-2021	202	1-2022	FY 2022-23	FY 2023-24
Oct	\$79,988.25	\$79,290.00	\$	51,992.00	\$ 52,699.00	\$ 48,118.50
Nov	\$81,885.75	\$72,585.00	\$	51,553.50	\$ 49,463.00	\$ 52,065.00
Dec	\$77,070.00	\$86,801.25	\$	61,603.00	\$ 52,158.00	\$ 126,737.25
Jan	\$111,513.75	\$96,759.00	\$	50,960.50	\$ 66,093.50	\$ 91,802.25
Feb	\$71,505.75	\$78,144.75	\$	54,810.50	\$ 47,614.50	\$ 68,933.25
March	\$61,566.75	\$90,569.25	\$	56,991.00	\$ 60,212.50	\$ 75,084.75
April	\$54,929.25	\$83,701.50	\$	45,170.00	\$ 47,524.00	\$ 71,368.50
May	\$70,034.25	\$90,349.50	\$	61,369.50	\$ 62,140.00	\$91,502.25
June	\$79,938.75	\$18,525.64	\$	40,196.00	\$ 54,537.50	\$60,672.00
July	\$277,052.25	\$316,110.00	\$	206,293.50	\$ 195,087.50	\$296,581.13
Aug	\$72,649.50	\$79,836.00	\$	54,990.50	\$ 50,379.50	\$76,242.75
Sep	\$76,696.50	\$78,418.50	\$	46,829.50	\$ 49,179.50	\$77,557.50
TOTAL	\$ 1,114,830.75	\$ 1,171,090.39	\$	782,759.50	\$ 787,088.50	\$ 1,136,665.13

During FY 2019-20 and 2020-21, we collected the revenue at 75 cents per dollar.

During FY 2021-22, we collected the revenue at 50 cents per dollar.

During FY 2022-23, we collected the revenue at 50 cents per dollar.

During FY 2023-24, we collected the revenue at 75 cents per dollar.

*These amounts are estimated based on average of 2019-20 and 20-21 data

FY 2023-24 Unencumbered Balance: (10/01/2023)	\$ 377,251.54	
Add: FFY 2023-24 Revenue	\$ 1,136,665.13	
TOTAL Estimated FY 2023-24 Unencumbered Balance (09/30/24)	\$ 1,513,916.67	
Budget for FY 2023-24	\$ 1,033,307.00	
interest Earned	\$ 15,000.00	
Estimated Balance on 9/30/2024	\$ 495,609.67	
Add: FFY 2024-25 revenue (Estimated)	\$ 1,000,000.00	@ 75 cents
TOTAL Est. BALANCE by 9/30/25	\$ 1,495,609.67	•
Requested budget for FFY 2023-24	\$ 1,102,464.00	•
Balance 09/30/2025	\$ 393,145.67	•

There is adequate monies in the TAG fund to approve this budget request.

Comparison of Tag	Fee	Budgets FFY	20	24 to FFY 202	25
		FFY/23-24		FFY/24-25	% Difference
Salary	\$	400,407	\$	445,857	11.35%
Fringe	\$	156,070	\$	162,928	4.39%
Travel & Training	\$	6,000	\$	3,000	-50.00%
Communications [Others]	\$	10,000	\$	10,000	0.00%
Utilities & Bidg Main [Others]	\$	15,000	\$	15,000	0.00%
Postage & Printing	\$	1,000	\$	1,000	0.00%
Office Supplies, Equip. Maint & Repair	\$	17,000	\$	17,000	0.00%
Motor Pool [Others]	\$	15,000	\$	15,000	0.00%
Capital (OCO)	\$	7,000	\$	7,000	0.00%
Legal Services	\$	10,000	\$	10,000	0.00%
105 Match	\$	185,000	\$	185,000	0.00%
EHE Adm Support	\$	45,000	\$	45,000	0.00%
Indirect Costs	\$	165,830	\$	185,679	11.97%
Indirect Costs Factors		29.8%	Ī	30.5%	
	\$	1,033,307	\$	1,102,464	6.69%

ATTACHMENT 3 RESOLUTION NO. R-84-1196

RESOLUTION OF THE BOARD OF COUNTY COMMIS-BIONERS OF PALM BEACH COUNTY, FLORIDA AP-PROVING THE AGREEMENT BETWEEN PALM BEACH COUNTY AND THE PALM BEACH COUNTY HEALTH DEPARTMENT AND AUTHORIZING THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS TO ES-TABLISH THE AIR POLLUTION CONTROL TRUST FUND PURSUANT TO FLORIDA STATUTE 320.03(6)

WHEREAS, Palm Beach County recognizes the need for the control of air pollution; and

WHEREAS, Palm Beach County currently has in effect an Environmental Control Ordianance, Ordinance No. 78-5, as amended, which provides for the adoption by reference of all State Air Pollution rules; and

WHEREAS, the Air Pollution Control Program in the Health Department is an approved and certified program in accordance with S.403.182, Florida Statutes; and

WHEREAS, Florida Statute 320.03(6) authorizes the establishment of a local Air Pollution Control Trust Pund with the monies deposited in said fund to be used only for Air Pollution Control programs relating to the control of emissions from mobile source: and toxic and odor emissions, air quality monitoring, and facilitinspections pursuant to Florida Statute 320.03(6) or the Palm Beach County Environmental Control Ordinance.

WHEREAS, it is necessary for the parties to enter into a contractual agreement to delineate their responsibilities and obligations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COM-MISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

The above statements are hereby affirmed and the Palm Beach County Health Department Air Pollution Control Program is authorized to act as the local Air Pollution Control Program on behalf of Palm Beach County, and the Clerk of the Board of County Commissioners is authorized to accept and transfer funds from the Department of Environmental Regulation Air Pollution Control Trust Fund to a County Air Pollution Control Trust Fund for the support of such a program in accordance with Florida Statute 320.03(6).

Be it further resolved that the agreement between Palm Beach County and the Palm Beach County Health Department, a cop of which is attached hereto and made a part hereof, is approved and the Chairman and Clerk of the Board of County Commissioners are hereby authorized to execute said contract on behalf of Pal Beach County.

The foregoing Resolution was offered by Commissioner

Wilken who moved its adoption. The motion was seconded by Commissioner Koehler and being puto a vote, the vote was as follows:

KER SPILLIAS AYO
DOROTHY WILKEN AYO
PEGGY B. EVATT AYO
DENNIS P. KOEHLER AYO
BILL BAILEY AYO

The Chairman thereupon declared the Resolution duly passed and adopted this 21st day of August 1984.

PALM BEACH COURTY, FLORIDA, BY IT BOARD OF COURTY COMMISSIONERS

JOHN B. DUNKLE, ČLERK

By: Debuty Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

County Attorney

AN AGREMENT BETWEEN PALM BEACH COUNTY AND THE PALM BEACH COUNTY HEALTH DEPARTMENT FOR THE CONTROL OF AIR POLLUTION

THIS AGREEMENT, made and entered into at West Palm Beach, Florida, on this <u>21st</u> day of <u>August</u> 1984, by and betwee PALM BEACH COUNTY, a political subdivision of the State of Flor: hereinafter referred to as "County", and the PALM BEACH COUNTY HEALTH DEPARTMENT, a Health Unit of the State Department of Health and Rehabilitative Services, hereinafter referred to as "Health Department".

WHEREAS, the County desires to establish an Air Pollution Control Program; and

WHEREAS, the Health Department Air Pollution Control Progri is an approved program in accordance with 8.403.182, Florida Statutes; and

WHEREAS, Florida Statute 320.03(6) authorizes the establishment of a local Air Pollution Control Trust Fund with the monies deposited in said fund to be used only for Air Pollution Control programs, relating to the control of emissions from mobile source and toxic and odor emissions, air quality monitoring, and facil inspections pursuant to Florida Statute 320.03(6) or the Palm Beach County Environmental Control.

NOW THEREFORE, in consideration of the premises and the mutual premises and undertakings contained herein, and for other good and valuable consideration, the parties hereby agree as follows:

- 1. The County will adopt the existing Health Department Air Pollution Control Program as the approved local Air Polluti-Control Program specified in Florida Statute 320.03(6)
- 2. The Health Department will administer said local program in accordance with the mandates set forth in Florida Statu 320.03(6); Florida Statute 403; and the Palm Beach County Envir mental Control Ordinance.
- 3. The County shall establish a local Air Pollution Contr Trust Fund in accordance with Florida Statute 320.03(6).
- 4. The County shall disburse monies from said Trust Fund to the Health Department, and the Health Department will utiliz and account for said funds, in accordance with the provisions o

Florida Statute 320.03(6), Florida Administrative Code Chapter 17-2.820, and generally accepted accounting procedures and principles Exhibit 1 is attached hereto as a summary example of the accounting procedure to be utilized.

- 5. The Realth Department will submit semi-annual written reports to the County setting forth the goals, objectives and accomplishments of the Local Air Pollution Control Program.
- 6. The Health Department shall submit a proposed budget to the County on an annual basis, the first of which is attached hereto as Exhibt 2 and made a part hereof.
- 7. This agreement shall become effective on the date last signed by the parties below.
- 8. This agreement may be terminated by either party upon 3D days written notice given by either party to the other prior to the proposed date of termination.
- 9. Realth Department shall indemnify and hold harmless County from liability of any kind, including cost expenses for or on account of any suits, actual or threatened, or damages arising out of acts of its employees or program participants during the period of this agreement.

IN: WITNESS WHEREOF, the parties have caused this two page agreement to be executed by their officials thereunto duly authorized.

PALM BEACH COUNTY HEALTH DEPARTMENT

BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA

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JOHN B. DUNKLE, CLERK

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APPROVED AS TO FORM AND LEGAL SUPPLICIENCY

COURSE ATTORNEY

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R2020 1385

FIRST AMENDMENT TO AN AGREEMENT BETWEEN PALM BEACH COUNTY AND THE DEPARTMENT OF HEALTH PALM BEACH COUNTY FOR THE CONTROL OF AIR POLLUTION

SEP 1 5 2020

THIS FIRST AMENDMENT is made as of the ______day of _____2020, by and between Palm Beach County, a Political Subdivision of the State of Florida, by and through its Board of Commissioners, hereinafter referred to as the COUNTY, and the State of Florida Department of Health, Palm Beach County, hereinafter referred to a DOH, collectively referred to as the Parties.

WITNESSETH:

WHEREAS, on August 21, 1984, the Parties entered into An Agreement for the Control of Air Pollution wherein the COUNTY and DOH agreed that DOH would administer the COUNTY's local Air Pollution Control Program specified in Section 320.03(6), Florida Statutes; and

WHEREAS, the Parties desire to amend the agreement to conform the language of the indemnification provision in that agreement to current language.

NOW THEREFORE, the parties mutually agree that the Contract is amended as follows:

- 1. The foregoing recitals are true and correct and incorporated herein by reference.
- 2. PARAGRAPH 9 is hereby replaced in its entirety with the following:
 - 9. Each party shall be liable for its own actions and negligence and, to the extent permitted by law, COUNTY shall indemnify, defend and hold harmless DOH against any actions, claims or damages arising out of COUNTY'S negligence in connection with this Agreement, and DOH shall indemnify, defend and hold harmless COUNTY against any actions, claims, or damages arising out of DOH'S negligence in connection with this Agreement. The foregoing indemnification shall not constitute a waiver of sovereign immunity beyond the limits set forth in Florida Statutes, Section 768.28, nor shall the same be construed to constitute agreement by either party to indemnify the other party for such other party's negligent, willful or intentional acts or omissions.

REMAINDER OF PAGE LEFT BLANK INTENTIONALLY

IN WITNESS WHEREOF, the Board of County Commissioners of Palm Beach County, Florida has made and executed this First Amendment on behalf of the COUNTY, and the State of Florida Department of Health, Palm Beach County have hereunto set their hand the day and year above written.

ATTEST:

Sharon R. Bock Clerk and Comptroller R2020 1385 SEP 1 5 2020

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

Dave Kerner, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

Ru Sunfatthired Assistant County Attorney

APPROVED AS TO TERMS AND CONDITIONS

Nancy Bolton, Assistant County Administrator

STATE OF FLORIDA DEPARTMENT OF HEALTH, PALM BEACH COUNTY

DR. ALINA ALONSO, DIRECTOR

RESO	LUTION	NO.	

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ADOPTING THE FY 2024/25 BUDGET FOR THE AIR POLLUTION CONTROL PROGRAM.

WHEREAS, on August 21, 1984, the Board of County Commissioners entered into an agreement with the Department of Health Palm Beach County to continue an Air Pollution Control Program and establish an Air Pollution Control Trust Fund pursuant to Sections 403.182 and 320.03(6), Florida Statutes; and

WHEREAS, the Agreement requires the Health Department to submit a budget to the County on an annual basis; and

WHEREAS, the projected budget for the expenditure of monies deposited into the Air Pollution Control Trust Fund for FY 2024/2025 is as follows:

	Program Component	An	nual Cost
1	Salary	\$	445,857
2	Fringe 37.7%	\$	162,928
3	Travel & Training	\$	3,000
4	Communications [Others]	\$	10,000
5	Utilities & Bldg Main [Others]	\$	15,000
6	Postage & Printing	\$	1,000
7	Office Supplies, Equip. Maint. & Repair	\$	17,000
8	Motor Pool [Others]	\$	15,000
9	Capital (OCO)	\$	7,000
10	Legal Services	\$	10,000
11	105 Match	\$	185,000
12	EHE Adm Support	\$	45,000
13	Indirect Costs (30.5%)	\$	185,679
	TOTAL		\$1,102,464

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that the projected budget of the Air Pollution Control Program as set forth herein is hereby adopted, subject to final adoption of the Palm Beach County FY 2024/2025 Budget.

The foregoing resolution was of	ffered by Commissioner	_, who
moved its adoption. The motion was s	seconded by Commissioner	
and upon being put to a vote, the vote	was as follows:	
Commissioner Maria Sachs, Mayo	or	
Commissioner Maria G. Marino, Vi		
	ice wayor	
Commissioner Michael A. Barnett		
Commissioner Sara Baxter		
Commissioner Mack Bernard		
Commissioner Gregg K. Weiss		
Commissioner Marci Woodward		
The Mayor thereupon declared t	the Resolution duly passed and adopted th	e
day of, 2024.		
APPROVED AS TO FORM & LEGAL SUFFICIENCY	PALM BEACH COUNTY, FLORII BY ITS BOARD OF COUNTY COMMISSIONERS)A
	Joseph Abruzzo, Clerk & Comptro	ller
10 4 / 1		
BY: Allere Calvand	_ BY: Deputy Clerk	
Jounty Attorney	pehaty oleik	