Blue Ribbon Committee for the Rehabilitation of Clear Lake (Committee)

Meeting #4
1:30 pm-5:00 pm
March 13, 2019

Meeting Summary

Attendees:
See Appendix A

Action Items:
1. Sacramento State’s Consensus and Collaboration Program (CSUS) develop Bagley-Keene training
2. CSUS/Resources meet with representatives from Middletown Rancheria to address Middletown membership and update her on the BRC structure and process
3. CSUS update Charter based on 3/13 discussion; California Natural Resources Agency (Resources) to follow up with Assemblymember Cecilia Aguiar Curry to finalize “alternates” section.
4. CSUS meet with subcommittee leadership to convene the subcommittees
   a. Reach out to the first round of potential Technical Subcommittee members to confirm participation
   b. Technical Subcommittee Committee Volunteers include Jim Steele, Karola Kennedy, and Sarah Ryan
   c. Socioeconomic Subcommittee structure and membership continues to be developed.
5. All Committee members: Within 2 weeks send CSUS any additional comments on the socioeconomic subcommittee, including additional prospective members and categories
6. CSUS follow up with Linda Rosas to refine the idea of a Cultural & Natural Resources Subcommittee
7. CSUS follow up with Angela DePalma, Lake County Water Resources Department, and Harry Lyons regarding an Outreach Special Project

Welcome and Introductions

Sam Magill (Facilitator) from CSUS opened the meeting by introducing himself and describing his role as Facilitator. He then asked for a round of introductions from the Committee members and then from members of the public in attendance. With twelve out of fourteen committee members present, there was a quorum of the Committee in attendance. A full list of participants is provided at the end of this report.

Except as specifically noted, all comments reflected in the summary were derived from Committee member statements. Where applicable, specific responses are provided to individual comments/questions.
Caroline Godkin, Deputy Secretary of Legislation for the Natural Resources Agency (Resources), and Resources Secretary Wade Crowfoot’s designee to chair the Committee, thanked Sarah Ryan for hosting a tour of the Konocti Vista Marina earlier in the day. The tour showcased water quality and environmental improvements in the marina constructed and maintained by the Big Valley Rancheria.

Ms. Godkin noted Wade Crowfoot was appointed as the new Secretary for Resources by Governor Gavin Newsom. Due to Senate confirmation hearings this week, Secretary Crowfoot was unable to attend the Committee meeting, but hopes to attend soon. She explained one of Secretary Crowfoot’s priorities is building connections between people and natural resources. Finally, she told the committee that the timeline to produce a report for the legislature is short: initial recommendations are due to the Legislature and Governor’s office by January 1, 2020. These are not expected to be final recommendations as the Committee is a multi-year process; instead they can identify gaps and barriers to change, as well as initial recommendations to address these issues.

Local Committee Member Updates

Drivers of Cyanobacteria Study

Jennifer LaBay, Central Valley Regional Water Quality Control Board (CVRWQCB) announced CVRWQCB is funding a study on environmental drivers of cyanobacteria in Clear Lake. Southern California Coastal Water Research Project (SCCWRP) won the contract with assistance from the University of Southern California (USC). The objectives of the project are to conduct a field survey to address physical and chemical drivers of cyanotoxins and therefore determine methods to mitigate cyanoblooms.

Contracting has been delayed, and while CVRWQCB hopes to award the contract in full by the end of 2019, further delays in contracting may impact the efficacy of the project. Ms. LaBay expressed an intention and desire to coordinate this study with the work of UC Davis, local tribes, the County of Lake, and other local agencies researching the lake. CVRWQCB thinks that this study will complement the UC Davis Tahoe Environmental Research Center’s (TERC) monitoring plan well.

Sarah Ryan, Big Valley Rancheria, said that she is familiar with the SCCWRP program and complimented their previous work on the lake. Big Valley’s Environmental Protection Department looks forward to working with them.

Lake County Economic Development Council (EDC)

Wilda Shock, Lake County EDC, shared the three short-term priority tasks from the Path to Prosperity Economic Strategy for 2019-2020, developed by Robert Eyler. These included:

- Define and market twenty-five countywide commercial sites with complete information on each site. Post these sites on the Site Selector tab of the Lake EDC website.
- Expand broadband services to commercial and residential users not adequately served now.
- Fund infrastructure improvements such as public bathrooms and wastewater treatment at Lampson Airfield.
Lake County EDC has presented proposals to the County of Lake and the Cities of Lakeport and Clearlake. All three bodies adopted the proposal. Lake County committed to discuss funding for the projects in its FY 19/20 budget; the two cities are considering available funding. Ms. Shock said that the EDC was modest with their requests for funding in hopes of finding support. The following questions and comments were made:

- Have the 25 countywide commercial sites been chosen? What are the criteria?
  - They have not been selected and commercial zoning will be the primary criterion. These can be sites for new or existing development.

- Why is the wastewater treatment plan at Lampson Airfield a priority?
  - The airfield currently only has portable restrooms. Development of the airfield has been on the wish list for a long time; it may attract businesses. On February 26th, the County Board of Supervisors reactivated the airport advisory committee. Lake County Chamber of Commerce also endorsed the airfield project and will be active advocates.

- Sally Peterson, Chair of the Middletown Area Town Hall (MATH) and Vice Chair of Middletown Rancheria asked what the connection is between the Committee’s mandate to improve the lake and the economic development update that Ms. Shock provided. She also asked about any connection with the newly formed Tourism Improvement District (TID), which is looking for funding as well.
  - The Facilitator explained the dual mandate laid out in AB 707 for rehabilitation of the lake and economic development of the region. Ms. Shock replied that she foresees significant collaboration with the Committee from the formal TID and also noted the existence of an ad hoc group led by Michelle Scully of the County Administrative Office which supports destination marketing activities.

**UC Davis Center for Regional Change (CRC)**

Keith Taylor, UC Davis CRC, delivered a presentation on potential outreach to Clear Lake communities on a range of economic development issues. Based on the Eyler report, UC Davis anticipates broadband as a priority issue. He acknowledged other socioeconomic drivers that need to be developed, such as tourism and agri-foods, and a need to develop real careers and not just jobs. Using a technique titled "Strategic Doing," Mr. Taylor will convene study groups on different socioeconomic topics, in which 30-90 day projects build on each other. He will speak further with Wilda Shock about timelines and coordination with other socioeconomic efforts, but at this time hopes to have the first study group facilitations in May.

Ms. Godkin explained that Assemblymember Cecilia Aguiar-Curry successfully brought a host of resources to Lake County in addition to the Committee. She noted the work of the two UC Davis research teams, CRC and the Tahoe Environmental Research Center (TERC) will run parallel to the work of the Committee. The following questions and comments were made:

- The infrastructure needed to support housing is really lacking, such as roads, schools, businesses. Does it make sense to address infrastructure first? How will that play out in conversations about housing?
Mr. Taylor responded that to get world class, permanently affordable housing in Lake County, you have to start with the basics. First you identify where you want to go, and then you determine what you need to get there. By doing the facilitation process, people can see the process laid bare. We have to do XYZ to get to the main goal here. Hopefully that will make it so the next housing process will be a little easier and a little quicker.

**Items for Committee Approval**

The Facilitator asked for approval or edits to the Summaries from the December 20th quarterly meeting and the February 12th interim meeting. The Committee approved the Summaries with no comments beyond minor typographical errors. The Facilitator reviewed the latest edits to the Committee Charter and asked for any final comments before approval.

**Charter Introduction**

Harry Lyons, Lake County Resource Conservation District, said that some of his constituencies felt that the language in the second paragraph of the charter paints a dire picture of the lake that does not acknowledge the temporal or seasonal nature of problems with the lake. The section reads:

> Clear Lake suffers from numerous environmental hazards negatively impacting the health of the Lake and its contributions to the local economy. High levels of pollutants make fish from the lake unsafe for vulnerable populations to eat, and harmful algal blooms cause bad odors and toxic conditions that deter recreation and may cause health hazards

Dr. Lyons suggested replacing the second paragraph with data-based language that describes the impairment, perhaps from the Total Maximum Daily Load (TMDL) 303 (d), instead of generalities. The Facilitator explained that the Charter language was taken directly from AB 707. Sarah Ryan, later in the conversation, indicated that 303 (d) and 405 (b) are only based on information from the California Environmental Data Exchange Network, and do not take into account data from the Department of Water Resources (DWR) or the research of the local tribes.

Linda Rosas-Bill of Habematoles Pomo of Upper Lake, Sarah Ryan of Big Valley Rancheria, Karola Kennedy of Koi Nation, and Alix Tyler of Elem Indian Colony all spoke in favor of maintaining the language currently in the charter. They said that data shows that cyanobacteria is in the lake year-round, there is not a clear understanding of the health impacts from cyanobacteria, and minimization of the dangers of the cyanotoxins and the poor health of the lake has historically been a problem. Sarah Ryan also said that tribal use of the lake, and use by sensitive populations, is different from use by the general public and they are therefore more affected by contamination year round.

Jim Steele, Robinson Rancheria, recommended that the technical subcommittee should delve deeper into the data surrounding this disagreement about the magnitude and seasonality of the cyanotoxins and the condition of the lake. The Facilitator posed that language about the quality of the lake could be
taken out of the charter so that it only describes the specific charge for the Committee from AB 707. This item was tabled for further review by the Committee.

Membership
The following edits were suggested:
- For “Membership,” and other fluid sections of the charter, include language that the section may be updated as necessary
- In Section 4.1 “Membership,” mirror the language in the legislation, to be more generic and require fewer edits as membership changes

Alternates
Terre Logsdon, Scotts Valley Band of Pomo Indians, asked why the section in the Charter on alternates specifies that alternates will not have specific decision making authority on behalf of their organizations. She felt that representative organizations should be tasked with approving items, regardless of whether the primary or alternate designee is present to voice that approval. She posed that if a decision is made in the absence of a Committee member that the member disagrees with, perhaps the decision could be revisited when they returned. Mr. Steele suggested that perhaps the language “alternate” does not need to be used, since every Committee member represents an organization and a constituency.

Ms. Godkin responded the point merits further consideration, since other committee members have expressed the same opinion. She would not want to have the perspective of any Committee member or constituency excluded but clarified it is important to have consistency in the Committee for the purpose of shared information and understanding, as well as the relationship-building that leads to a consensus process. Jennifer LaBay suggested that the question be taken back to Assembly Member Aguiar-Curry’s office to ask if allowing alternates to vote would undermine any intention of AB 707.

The Facilitator will revise the Charter and bring it back to the Committee for approval at the next meeting. Koi Nation will be added as members of the Blue Ribbon Committee, as will Middletown Rancheria. The Facilitation team will brief the Middletown Rancheria representative on the structures, processes, and progress of the committee (see Action Items 2 and 3).

Decision-making Protocol and Committee Information Needs

The Facilitator updated the group on a series of phone calls with the Committee members since the previous meeting designed to solicit their needs moving into the action-oriented, recommendation development phase of the committee. Call outcomes included:

- General agreement on using Subcommittees to establish informational baselines and develop menus of recommendations for consideration by Committee
- All information discussed by Subcommittees will be available as references in report to full Committee
- Recommendations should be in alignment with locally adopted strategies, plans, and data wherever possible.
The following questions and comments were made:

- “Recommendations should take into account locally adopted strategies, plans, and data wherever possible” is more accurate than saying “should be in alignment,” because the Committee’s findings may lead to suggested changes to current locally adopted strategies and plans.
- The subcommittee should not provide a filtered opinion; we want to hear from everyone why they see things the way that they see them. We will look to those committees to provide perspectives.
- A notetaker and recordings will be necessary for the subcommittee meetings. Support from the Sac State Facilitation team can be available.
- All of the groups doing research on Clear Lake do not need to have membership on the subcommittee, but rather, can present to the subcommittee or the greater Committee, as needed.
- There are, and have been, many groups doing different projects and research on and around the lake. There is a need for the Committee and subcommittee/s to be inclusive and communicative to avoid reinventing the wheel.
- The Technical Subcommittee should begin with discussion about what is known about the lake and also identifying the gaps in knowledge. The Clear Lake Advisory Committee can be considered a precursor to this group and has good background information. This process must be transparent, thorough, and honest.
- Times and dates of the subcommittee meetings will be publicly posted on the Resources website at http://resources.ca.gov/clear-lake/. There is a link on that page to sign up for a mailing list. Committee members and other interested parties are encouraged to send e-mail reminders to their constituencies about Committee and subcommittee meetings.

Subcommittee Formation

Technical Subcommittee

The Facilitator introduced the topic of Subcommittees. These groups are not intended to be decision-making bodies, but rather act as venues for technical experts to review data and develop menus of recommendations for Committee consideration. Membership will be flexible upon invitation and approval by the Blue Ribbon Committee, and all meetings will be open to the public.

The Technical Subcommittee will look at ecological and environmental issues with the lake. The first meeting will establish an informational baseline and identify gaps in information. Outcomes of each meeting will be documented into a report, including specific recommendations, for Committee consideration and (where possible) approval. Proposed Technical Subcommittee membership has been discussed in detail and is recorded in the December and February Meeting Summaries. After this meeting, the facilitation team will reach out to the proposed Committee members. The following questions and comments were made:
• The socioeconomic subcommittee proposal indicated different areas of expertise needed. Should this Committee be divided up the same way? You can dive deeper with different people of the same technical expertise.
  o Response: Since the Subcommittee members have already been suggested, we can look at what areas of expertise they cover and identify if we have gaps and where we have beneficial or redundant overlap.
  o Membership will be more flexible than the Blue Ribbon Committee. When some individuals should be part of some conversations and not others, that can be accommodated for.
  o Groupings by representation of federal, state, and academia should be considered, as well.
  o There is concern the group could be too large and unwieldy
• Having technical experts is necessary, but it also might be helpful someone on there from the general public who may think outside the technical box and see something that the rest don’t.
  o This may be accounted for since the meetings will be open to the public.
• Whether there would be a call-in option or not merits more discussion, but likely yes.
• The subcommittee proposal from December 20th provides more background on the role of subcommittees.
• The Subcommittees are not subject to Bagley-Keene but will be publicly noticed in accordance with all open meeting rules.
• With fifteen members now on the Blue Ribbon Committee, up to seven members may sit on a subcommittee. More than seven members will result in a quorum of the full Committee and could violate Bagley-Keene.

The Facilitator asked if any Committee members would like to take the lead on beginning to develop meeting agendas and convening this group, instead of having co-chairs for the subcommittees. Ms. Ryan, Mr. Steele, and Ms. Kennedy volunteered (see Action Item #4c). Ms. Ryan suggested that the first step be to put together a framework document of existing knowledge and data gaps, and then to bring that to the group of knowledgeable experts on the Subcommittee. Previous efforts have drafted such a document before that could provide a head start, including the Clear Lake Advisory Committee and the Clear Lake TMDL. Mr. Steele referenced a document he had developed outlining local data gaps, that could be utilized. Both members referenced the effectiveness of the grading ordinance as a data gap; this could be an example of one specific starting point.

**Socioeconomic Subcommittee**

Following the February 12, 2019 Committee meeting, Ms. Logsdon and Ms. Shock developed a proposal for a socioeconomic subcommittee with initial membership made up of interested Blue Ribbon Committee members and individual experts representing five themes: recreation, job creation, health, education, and a regional group.

They identified a local expert in each of those fields, who could then convene smaller, more focused groups with more experts in the specific theme. They also provided a preliminary list of proposed individuals to invite to be part of the subcommittee themes; this initial list can be expanded by the
Committee as needed. The individual themes will meet as-needed, they may use town hall-style meetings to gather input from the public to inform the subcommittee themes, and that information would be brought back to the larger subcommittee, which could filter relevant information to the Blue Ribbon Committee. This work could be coordinated with Mr. Taylor’s general outreach work.

Committee members noted the list provided of potential socioeconomic subcommittee participants was not exhaustive. Ms. Logsdon explained that the legislation only mentions economic development and has no reference to education, population, or other social concerns. However, there has been stated and implied desire to develop a socioeconomic subcommittee. In order to make a socioeconomic subcommittee work, it must be inclusive to represent all impacted interests. Ms. Logsdon cautioned the Committee from trying to form too large of a group, as it may become unwieldy.

The following questions and comments were made:

- Casinos would be represented under the “regional” or “health” categories.
- Adventist Health and the Sierra Club are active in the community and could be included in the subcommittee theme groups.
- Be careful about the intersection with the environmental impacts. You can increase economics in lake county and create more problems. You have to be careful about the watershed basin.
- Make sure the “socio” side is represented on the subcommittee; the voices that are not usually heard must be heard. There is not much representation by the minority communities in the current proposal, and there is a lot of ag listed under the “regional” theme.
- This subcommittee should represent every walk of life in Lake County.
  - The outreach survey Angela DePalma Dow will propose next may address this
- The impending dramatic increase in percentage of seniors in the population should be addressed.
- Infrastructure should be a theme.
  - Which theme addresses Broadband?
  - Some of the work on the shoreline decreased access to the lake; reduced access has a negative impact on the economy.
  - Is there capacity for Infrastructure to be a subcommittee of its own?
- The work of the CRC will touch on all of these factors. The CRC team has several different staff members working on a variety of social and economic issues.
- Jonathan London is able to represent UC Davis on the subcommittee, and other UC Davis staff may be part of the subcommittee theme groups.
- Cannabis growers are missing from the list, as they don’t fit under “traditional” agriculture.
- A member of the public commented the Committee specifically has to keep in mind the main goal is to make the lake better. When you spur economic development, you need natural resources, infrastructure, human capital, regulation or deregulation. Those are the big categories with the common denominator of infrastructure. That should be a separate committee, and so should natural resources. These categories are good, but the point is to spur economic development while the main purpose is the lake.
- A general concern was expressed about the growing number of subcommittees and the capacity of the Blue Ribbon Committee to support them.
Ms. Godkin assured the group that they do not have to identify all recommendations to the legislature by January 1, 2020. This is a multi-year process.

The facilitator requested additions to the Socioeconomic Subcommittee proposal and membership no later than March 27th (see Action Item #5). Wilda Shock volunteered to take the lead on convening this group once formal approval is given by the Committee.

Cultural and Natural Resources Subcommittee

Linda Rosas-Bill suggested a Cultural and Natural Resources subcommittee. She said that for the tribes, those two things are inseparable, and to protect them is to protect tribal culture. Ms. Ryan stated that tribal needs and natural resource protection must be embedded in all decisions of the Committee, and that natural resources is what this whole committee is about. Ms. Rosas-Bill agreed, and also stated that the technical subcommittee is likely not considering cultural resources, and those connections need to be made. There must be consistent communication between all of the subcommittees. The facilitator reminded Committee members the Committee itself is intended to be the nexus for communication between the subgroups.

The Facilitator agreed that cultural and natural resources protection needs to be incorporated into everything done through the Committee. CSUS will follow up with Ms. Rosas-Bill about the details of a potential Cultural and Natural Resources Subcommittee (see Action Item #6).

Outreach Survey Special Project

Angela DePalma-Dow, Lake County Water Resources Department (WRD), presented a proposal developed in partnership with Dr. Lyons for Committee outreach to the general public. WRD oversees implementing water quality laws and best management practices (BMPs) to improve conditions in Clear Lake based on available research. She noted WRD also receives public opinion about the implemented practices in Lake County, but there has been no formal survey of public perceptions regarding the health of Clear Lake. Identifying public understanding and opinions would inform the work of the Committee.

Ms. DePalma-Dow proposed a survey to assess public perceptions and attitudes about water quality. This will provide baseline knowledge of the community affected by the recommendations and actions of this Committee. It will also help to make the findings of the UC Davis team and the technical subcommittee understandable to the general public. Ms. DePalma-Dow will be doing similar work for WRD, but involving the Committee presents an opportunity to reap broader benefits. It will also help the County and the Committee to better align their efforts.

Strong precedent and resources exist to develop a survey of this kind: the US Environmental Protection Agency (EPA) has a publicly available toolbox for this exact purpose. Gathering public opinion on management options and the status of the lake can provide important baseline information that could be periodically updated as implementation of recommendations occurs. Ms. DePalma-Dow stated the survey could begin in July or August when cyanobacteria conditions on the lake are at the forefront of community members minds. The following questions and comments were made:
Why do we need a socioeconomic subcommittee instead of an economic subcommittee when a venue like this in townhall form could do the same? The bottom line is to find ways to protect the lake from all sectors in Lake County. If we are going to get input from everyone like this, do we need a socioeconomic subcommittee?

- Answering a few questions is not enough to really provide feedback on how people are being impacted and what the solutions are. A socioeconomic subcommittee will reflect there are whole ways of life being impaired, not just businesses being shut down.
- The survey does not work for a lot of the population, it’s not in a format that’s accessible. To do a really great survey is very expensive and labor intensive. What is the information we are looking for and the best way to get it?
- The socioeconomic subgroup would work with providers, businesses, and key players, whereas the “Special Project” will survey the general public at large. We need both.

- The project should bring the raw data of this survey to the Committee.
- It is important to understand what business owners think.
- It would be valuable to have the survey specific to each socioeconomic topic area.
- Surveys have very low return rates. Good return rates depend on the quality of the questions. Residents do not like to respond to questions from the government.
  - If the Committee supports the survey, it would be administered by members directly and not have the negative connotation of being distributed by the County of Lake, which could increase response rates.

2019 Committee Schedule

The Facilitator shared the 2019 Committee Schedule for the rest of the calendar year:

- March 13: Confirm the decision making process/information needs for recommendations
- June 5: Develop initial recommendation package
- September 26: Formulate draft recommendations
- December 11: Finalize/approve recommendations for 2019 legislative report

The legislation states:

The first annual report submitted pursuant to subdivision (a) shall identify barriers to improved water quality in Clear Lake, the contributing factors causing the poor water quality, and the threats to wildlife. The report shall include recommendations on solutions to these issues, estimates of cost, and a plan for involving the local, state, and federal governments in funding for and implementation of lake restoration activities.

The Facilitator explained that this schedule is developed with the expectation that there will be multiple opportunities for check in with the full Committee between the required quarterly meeting dates. Interim meetings such as the February 12th meeting are permissible as long as they are publicly noticed in accordance with Bagley-Keene.
The bulk of the analysis of existing data and gaps will happen in the Subcommittees with report back to full Committee for consideration. The January 1, 2020 report is not expected to be the final set of work products from the Committee; this is an ongoing process. The recommendations submitted to the legislature may reflect a need for more time for data gathering or research.

Public Comment & Adjournment

The Facilitator opened the floor for Public Comment.

- Sally Peterson: After listening to all the discussion from the BRC and discussion about subcommittees, I see that there is going to be an economic development aspect to this. There are five components needed to spur economic development:
  - Natural resources: Sarah and Linda are on same page as I am, there may be a technical aspect, but we’re saying the same thing.
  - Technology: There is a need for technology like Broadband, and that will spur growth.
  - Infrastructure: Ours is dated and improvements can address a lot. Many problems with the lake are related to infrastructure. There is an opportunity for a subcommittee on infrastructure and technology.
  - Regulation/deregulation: After all of this information is gathered you create regulations to put needed changes into action.
  - If you focus on those five parts and drill that down and then get focus, as you can see, the timeline is really tight. The sooner you can focus and drill down, the better. Thank you for your patience.
- Caroline Ruttan: I would like to request one of the four, soon-to-be-five, directors of the nonprofit Clear Lake Environmental Research Group be on the technical subcommittee. I’m offering to be that person, but it doesn’t have to be me.
- Angela DePalma-Dow: Responses to data requests to WRD are slow. If you are requesting data from WRD, please be patient, be clear about what you want, and you may need to provide support. It is not resistance or rejection from WRD, it is hard for us to get to that data, and there are data gaps. We are looking for ways to fund data management, but that takes time and money. We are aware of that deficiency and are working on it. Please be patient or come over and help.
- Rick Orwig: I’m a resident and I come from the private sector. I appreciate what you are doing, it takes a lot of work. I see this as 100% a technical scientific issue. The technical subcommittee first needs to decide what metrics need to be measured. Who cares if it is really bad or not so bad, we want to know if next year or in 10 years, is it better? That leads into outreach ideas. There might be economic factors directly related to the lake, but to me it’s really a matter of the technical subcommittee taking a scientific approach. What if Clear Lake was really known as the number one lake in the world?
- Brad Chatten: The federal government is the major polluter of our lake and they are not in the room. All the USFS property and recreational Off-Highway Vehicle (OHV) areas contribute. Hundreds of motorcycles and OHVs tear up the hillsides and cause massive amounts of mud to flow down Scotts Creek. Also, a geothermal plant contributes drainage by osmosis, by steam, by
ground leakage, by pressure from the wells and streams. Those creeks flow into the lake. You need to invite these people, do it in writing and get their reply. You need buy in from the top to get support and funding to make change.

Ms. Godkin thanked everyone for attending and for putting huge amounts of energy and work into the Committee. She then adjourned the meeting.

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