

Wade Troxell, Mayor
Kristin Stephens, District 4, Mayor Pro Tem
Susan Gutowsky, District 1
Julie Pignataro, District 2
Ken Summers, District 3
Ross Cunniff, District 5
Emily Gorgol, District 6

City Council Chambers
City Hall West
300 LaPorte Avenue
Fort Collins, Colorado

Cablecast on FCTV Channel 14
and Channel 881 on the Comcast cable system

Carrie Daggett
City Attorney

Darin Atteberry
City Manager

Delynn Coldiron
City Clerk

Regular Meeting November 4, 2020 (Amended 11/4/20)

PUBLIC PARTICIPATION OPTIONS

There will be four options for people who would like to participate in the meeting:

- Live via the Zoom online meeting,
- Live via the telephone,
- Live in Council Chambers,
- By submitting emails to Council at CityLeaders@fcgov.com.

All options will be available for those wishing to provide general public comment, as well as public comment during individual discussion items.

PUBLIC PARTICIPATION (ONLINE VIA ZOOM):

Individuals who wish to address Council via remote public participation can do so through Zoom at <https://zoom.us/j/98241416497>. (The link and instructions are also posted at www.fcgov.com/councilcomments.) Individuals participating in the Zoom session should watch the meeting through that site, and not via FCTV, due to the streaming delay and possible audio interference.

The Zoom meeting will be available beginning at 5:15 p.m. on the day of the meeting. Participants wanting to ensure their equipment setup is working should join prior to 6:00 p.m. For public comments, the Mayor will ask participants to click the "Raise Hand" button to indicate you would like to speak at that time. Staff will moderate the Zoom session to ensure all participants have an opportunity to address Council.

In order to participate, you must:

- Have an internet-enabled smartphone, laptop or computer. Using earphones with a microphone will greatly improve your audio experience.
- Join the Zoom meeting using the link on the front page of the agenda or on the City's home webpage at www.fcgov.com.
- If you use the City's home page, simply click on the "Participate remotely in Council Meeting" link shown near the top of the page.

PUBLIC PARTICIPATION (VIA PHONE)

- Dial the public participation phone number, **1-346-248-7799**, and then enter the Meeting ID **982 4141 6497** followed by the pound sign (#).
- The meeting will be available beginning at 5:15 p.m. Please call in to the meeting prior to 6:00 p.m., if possible. For public comments, the Mayor will ask participants to indicate if you would like to speak at that time – **phone participants will need to press *9 to do this**. Staff will be moderating the Zoom session to ensure all participants have an opportunity to address Council.

When participating online or by phone, DO NOT Watch/stream FCTV at the same time due to streaming delay and possible audio interference.

PUBLIC PARTICIPATION (IN PERSON)

To participate in person, individuals should come to City Hall and be prepared to follow strict social distancing, sanitizer and facial covering guidelines.

- A limited number of individuals will be allowed in Council Chambers. Therefore, staging for individuals who wish to speak will occur in the City Hall lobby and outside (weather permitting).
- Individuals will be required to wear masks while inside City Hall and any other City buildings being utilized.
- Individuals who wish to speak will line up at one of the two podiums available in Council Chambers, maintaining physical distancing by standing on the lines marked on the floor. Facial coverings need to stay in place while speaking.
- Once a speaker has provided comments, he or she will be asked to leave Council Chambers to make room for the next speaker.

PUBLIC PARTICIPATION (VIA EMAIL)

Individuals not comfortable or able to access the Zoom platform or participate by phone are encouraged to participate by emailing general public comments to CityLeaders@fcgov.com. If you have specific comments on any of the discussion items scheduled, please make that clear in the subject line of the email and send prior to the meeting Tuesday evening.

WATCH THE MEETING

Anyone can view the Council meeting live on Channels 14 and 881 or online at www.fcgov.com/fctv. **Note: Only individuals who wish to address Council should use the Zoom link or call in by phone. Anyone who wants to watch the meeting, but not address Council, should view the FCTV livestream.**

Documents to Share: *If residents wish to speak to a document or presentation, the City Clerk needs to be emailed those materials by 4 p.m. the day of the meeting.*

*Persons wishing to display presentation materials using the City's display equipment under the Citizen Participation portion of a meeting or during discussion of any Council item must provide any such materials to the City Clerk in a form or format readily usable on the City's display technology **no later than two (2) hours prior to the beginning of the meeting** at which the materials are to be presented.*

NOTE: *All presentation materials for appeals, addition of permitted use applications or protests related to election matters must be provided to the City Clerk no later than **noon** on the day of the meeting at which the item will be considered. See [Council Rules of Conduct in Meetings](#) for details.*

Upon request, the City of Fort Collins will provide language access services for individuals who have limited English proficiency, or auxiliary aids and services for individuals with disabilities, to access City services, programs and activities. Contact 221-6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide 48 hours advance notice when possible.

A solicitud, la Ciudad de Fort Collins proporcionará servicios de acceso a idiomas para personas que no dominan el idioma inglés, o ayudas y servicios auxiliares para personas con discapacidad, para que puedan acceder a los servicios, programas y actividades de la Ciudad. Para asistencia, llame al 221-6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione 48 horas de aviso previo cuando sea posible.

Proclamations and Presentations 5:30 p.m.

- A. Proclamation Declaring November as Transgender Acceptance Month.
- B. Proclamation Declaring November 7-8, 2020 as Bison Days.
- C. Proclamation Declaring November 4, 2020 as Downtown Holiday Lights On Day.

Regular Meeting 6:00 p.m.

- **PLEDGE OF ALLEGIANCE**
- **CALL MEETING TO ORDER**
- **ROLL CALL**
- **AGENDA REVIEW: CITY MANAGER**
 - City Manager Review of Agenda.
 - Consent Calendar Review

This Review provides an opportunity for Council and citizens to pull items from the Consent Calendar. Anyone may request an item on this calendar be “pulled” off the Consent Calendar and considered separately.

- Council-pulled Consent Calendar items will be considered before Discussion Items.
- Citizen-pulled Consent Calendar items will be considered after Discussion Items.

- **PUBLIC COMMENT**

Individuals may comment regarding items scheduled on the Consent Calendar and items not specifically scheduled on the agenda. Comments regarding land use projects for which a development application has been filed should be submitted in the development review process** and not to the Council.

- Those who wish to speak are asked to sign in at the table in the lobby (for recordkeeping purposes).
- All speakers will be asked by the presiding officer to identify themselves by raising their hand, and then will be asked to move to one of the two lines of speakers (or to a seat nearby, for those who are not able to stand while waiting).
- The presiding officer will determine and announce the length of time allowed for each speaker.
- Each speaker will be asked to state his or her name and general address for the record, and to keep comments brief. Any written comments or materials intended for the Council should be provided to the City Clerk.
- A timer will beep once and the timer light will turn yellow to indicate that 30 seconds of speaking time remain, and will beep again and turn red when a speaker’s time to speak has ended.

[**For questions about the development review process or the status of any particular development, citizens should consult the Development Review Center page on the City’s website at fcgov.com/developmentreview, or contact the Development Review Center at 221-6750.]

- **PUBLIC COMMENT FOLLOW-UP**

Consent Calendar

The Consent Calendar is intended to allow the City Council to spend its time and energy on the important items on a lengthy agenda. Staff recommends approval of the Consent Calendar. Anyone may request an item on this calendar to be "pulled" off the Consent Calendar and considered separately. Agenda items pulled from the Consent Calendar will be considered separately under Pulled Consent Items. Items remaining on the Consent Calendar will be approved by City Council with one vote. The Consent Calendar consists of:

- Ordinances on First Reading that are routine;
- Ordinances on Second Reading that are routine;
- Those of no perceived controversy;
- Routine administrative actions.

If the presiding officer determines that the number of items pulled from the Consent Calendar by citizens is substantial and may impair the Council's ability to complete the planned agenda, the presiding officer may declare that the following process will be used to simplify consideration of the Citizen-Pulled Consent Items:

- (1) All citizen-pulled items (to be listed by number) will be considered as a group under the heading "Consideration of Citizen-Pulled Consent Items."
- (2) At that time, each citizen wishing to speak will be given a single chance to speak about any and all of the items that have been moved to that part of the agenda.
- (3) After the citizen comments, any Councilmember may specify items from the list of Citizen-Pulled Consent Items for Council to discuss and vote on individually. Excluding those specified items, Council will then adopt all "Citizen-Pulled Consent Items" as a block, by a single motion, second and vote.
- (4) Any Citizen-Pulled Consent Items that a Councilmember has asked to be considered individually will then be considered using the regular process for considering discussion items.

1. Consideration and Approval of the Minutes of the September 15, 2020 Regular Council Meeting.

The purpose of this item is for consideration and approval of the minutes of the September 15, 2020 Regular Council Meeting.

2. Second Reading of Ordinance No. 125, 2020, Extending Short-Term Appointments to City Boards and Commissions to December 31, 2021.

This Ordinance, unanimously adopted on First Reading on October 20, 2020, allows Council to extend the one-year interim appointments to advisory boards and commissions that were adopted under Ordinance No. 153, 2019 and are currently set to expire on December 31, 2020. Due to COVID-19, the Reimagine Boards and Commissions public engagement efforts and Council Work Session were delayed resulting in a later implementation timeline, including potential changes to term lengths. This Ordinance would extend these short-term appointments for one additional year with an expiration date of December 31, 2021. This will reduce the number of appointments that need to be filled this year and will allow staff additional time to create a thorough implementation strategy for potential changes due to the Reimagine Boards and Commissions Priority 2021.

3. First Reading of Ordinance No. 127, 2020, Adopting the 2021 Budget and Appropriating the Fort Collins Share of the 2021 Fiscal Year Operating and Capital Improvements Funds for the Northern Colorado Regional Airport.

The purpose of this item is to adopt the 2021 budget for the Northern Colorado Regional Airport and appropriate Fort Collins' share of the 2021 fiscal year operating and capital funds for the Airport. Under the Amended and Restated Intergovernmental Agreement for the Joint Operation of the Airport between Fort Collins and Loveland (the "IGA"), the Airport is operated as a joint venture with each City owning 50% of the assets and revenues and responsible for 50% of the operating and capital costs. The proposed budget does not include financial contributions from the City's General Fund as it has in previous years because anticipated Airport revenues will provide sufficient revenues for operations,

primarily as a result of the Northern Colorado Law Enforcement Training Center Lease payments by both Cities. Because each City has an ownership interest in 50% of the Airport revenues, each City must appropriate its 50% share of the annual operating and capital budget for the Airport under the IGA.

4. First Reading of Ordinance No. 128, 2020, Being the Annual Appropriation Ordinance for the Fort Collins Downtown Development Authority relating to the Annual Appropriations for the Fiscal Year 2021 and Fixing Mill Levy for the Downtown Development Authority for Fiscal Year 2021.

The purpose of this item is to set the Downtown Development Authority ("DDA") Budget. The following amounts will be appropriated:

DDA Public/Private Investments & Programs	\$8,067,545
DDA Operations & Maintenance	\$1,385,349
Revolving Line of Credit Draws	\$7,000,000
DDA Debt Service Fund	\$7,431,611

The DDA anticipates receiving in 2021 tax increment revenues of approximately \$6,630,081 and approximately \$788,897 in revenues from its five-mill property tax for the DDA's operational and maintenance expenditures. The Ordinance also sets the 2021 Mill Levy for the Fort Collins DDA at five (5) mills, unchanged since tax year 2002. The approved Budget becomes the Downtown Development Authority's financial plan for 2021.

5. Items Relating to the 2020 Fee Updates.

- A. First Reading of Ordinance No. 129, 2020, Amending Chapter 7.5 of the Code of the City of Fort Collins to Revise the Capital Expansion Fees and the Transportation Expansion Fee.
- B. First Reading of Ordinance No. 130, 2020, Amending Chapter 26 of the Code of the City of Fort Collins Regarding Calculation and Collection of Development Fees Imposed for the Construction of New or Modified Electric Service Connections.
- C. First Reading of Ordinance No. 131, 2020, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Sewer Plant Investment Fees.
- D. First Reading of Ordinance No. 132, 2020, Amending Chapter 26 of the Code of the City of Fort Collins to Revise the Stormwater Plant Investment Fees.
- E. First Reading of Ordinance No. 133, 2020, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Water Plant Investment Fees.
- F. First Reading of Ordinance No. 134, 2020, Amending Chapter 26 of the Code of the City of Fort Collins to Revise the Water Supply Requirements Fee.

The purpose of this item is to review inflation updates effective January 1, 2021, associated with Electric Capacity fees, Water Supply Requirement fees, Water, Sewer and Stormwater Plant Investment fees, Capital Expansion fees and Transportation Capital Expansion fees. Inflation updates are 2.7% for Capital Expansion fees, 0.6% for Transportation Capital Expansion fees, and 3% for Utility fees.

Coordination of Council-approved fees began in 2016 to provide a more holistic view of the total cost impact. Previously, fee updates were presented to Council on an individual basis. After the 2020 fee update, fee phasing will be complete with regular two and four-year cadence updates beginning in 2021.

6. First Reading of Ordinance No. 135, 2020, Making a Supplemental Appropriation for the CanDo Community Telework Program and Authorizing the City Manager to Execute the Grant Agreement on Behalf of the City.

The purpose of this item is to consider an appropriation of \$4,999 in unanticipated revenue received through a grant for the Colorado Department of Transportation (CDOT) CanDo Community Telework Grant program to be managed by the FC Moves Department. The Ordinance also authorizes the City Manager, in consultation with the City Attorney, to execute the Grant agreement/acceptance on behalf of the City.

7. First Reading of Ordinance No. 136, 2020, Appropriating Unanticipated Philanthropic Revenue Received by City Give from WaterPik, Inc., for Transfer to Social Sustainability in the General Fund for the Equity Indicators Project.

The purpose of this item is to appropriate \$10,000 in philanthropic revenue in the General Fund for transfer to Social Sustainability for the support of the Equity Indicators Project as designated by the donor, WaterPik, Inc. In a commitment to advance equitable outcomes, the City has selected the CUNY Institute for State and Local Governance (ISLG) to lead the Equity Indicators project to establish a framework for measuring and understanding the inequities that exist in Fort Collins.

8. First Reading of Ordinance No. 137, 2020, Making Certain Amendments to the Codes of the City of Fort Collins to Eliminate Affordable Housing Fee Waivers and Instead Authorize a Discretionary Credit for Certain Affordable Housing Units to be Constructed in the City.

The purpose of this item is to amend the City Code and Land Use Code to simplify the way affordable housing fee waivers are used to support the development of affordable housing units targeting the city's lowest wage earners. Instead of calculating precise fee amounts for waivers on a project by project basis, flat amounts of credit will be established and codified for qualifying new construction and adaptive reuse homes targeting households making no more than 30% Area Median Income (AMI). This support will still be subject to Council discretion and appropriation of funding. Not only will this provide greater certainty to the developer and be more efficient to administer by the City, it will also allow all City departments' fees to be paid in full either by the developer or by the credit that has been appropriated.

9. Resolution 2020-099 Approving the Midtown Business Improvement District 2021 Budget and Operating Plan.

The purpose of this item is to consider a Resolution approving the Midtown Business Improvement District 2021 Operating Plan and Budget and making appointments to the District's board of directors.

10. Ordinance No. 141, 2020, Approving the Administrative Rules, Regulations and Standards for the Riverside Community Solar Program.

This item has been revised to be listed as an Ordinance rather than a Resolution.

The purpose of this item is to approve the Riverside Community Solar Program rules, which define the continuing delivery of credits and other program benefits to participating customers. The Utilities' Executive Director has approved the Riverside Community Solar Program, as defined by the Program Rules and Continuing Participation Agreement under the authority defined by Code §26-463(a). Council's approval of the Ordinance, and the Program Rules as attached to it, completes the approval process.

Utilities completed acquisition of the Riverside Community Solar Project on August 28, 2020, assuming all responsibility for program management, customer support, and operations and maintenance. As a result of the transfer, existing customer contracts with Clean Energy Collective for the old program structure terminated. Utilities is re-enrolling participating customers that already own panels in the array of the Program via Continuing Participation Agreements. Current customers who own panels in

the solar array (“Customer-owners”) and re-enroll in the Program will continue to receive credits on their bill as they do today, based on the City’s applicable time of day rates as set forth in the City Code.

11. Resolution 2020-101 Authorizing an Intergovernmental Agreement Between the Cities of Fort Collins, Greeley and Loveland for the Exchange of Judicial Services, and Appointing Temporary Judges.

The purpose of this item is to authorize an intergovernmental agreement (IGA) with the Cities of Greeley and Loveland for judicial services to be used in the event that a conflict of interest or other circumstance prevents the Municipal Judge and assistant judges from hearing a particular Municipal Court case. This agreement is intended to replace an existing 2019 IGA between Fort Collins, Loveland and Greeley. The previous IGA named former Chief Judge Kathleen Lane. This agreement is updated to include all current and eligible judges from each jurisdiction.

12. Resolution 2020-102 Approving an Intergovernmental Agreement with Larimer County for COVID-19 Test Funding.

The purpose of this item is to authorize the Mayor to enter into an intergovernmental agreement (IGA) with Larimer County to financially support the increased testing, and costs associated with the tests administered on a pro rate contribution.

END CONSENT

● **CONSENT CALENDAR FOLLOW-UP**

This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.

● **STAFF REPORTS**

A. Staff Report: Museum of Discovery: Mind Matters Exhibit (Cheryl Donaldson)

● **COUNCILMEMBER REPORTS**

● **CONSIDERATION OF COUNCIL-PULLED CONSENT ITEMS**

Discussion Items

The method of debate for discussion items is as follows:

- Mayor introduces the item number, and subject; asks if formal presentation will be made by staff
- Staff presentation (optional)
- Mayor requests citizen comment on the item (three minute limit for each citizen)
- Council questions of staff on the item
- Council motion on the item
- Council discussion
- Final Council comments
- Council vote on the item

Note: Time limits for individual agenda items may be revised, at the discretion of the Mayor, to ensure all citizens have an opportunity to speak. **If attending in person, please sign in at the table in the back of the room.** The timer will buzz when there are 30 seconds left and the light will turn yellow. It will buzz again at the end of the speaker’s time.

13. First Reading of Ordinance No. 138, 2020, Being the Annual Appropriation Ordinance Relating to the Annual Appropriations for Fiscal Year 2021; Adopting the Budget for the Fiscal Year beginning January 1, 2021 and Ending December 31, 2021; and Fixing the Mill Levy for Property Taxes Payable in 2021. (staff: Darin Atteberry, Travis Storin, Lawrence Pollack, John Duval; 15 minute presentation; 45 minute discussion)

The purpose of this item is to present the Annual Appropriation Ordinance for First Reading. This Ordinance sets the City Budget for the one-year period (2021) which becomes the City's financial plan for the next fiscal year. This Ordinance sets the amount of \$668,909,564 to be appropriated for fiscal year 2021. However, this appropriated amount does not include what is being appropriated by separate Council/Board of Director actions to adopt the 2021 budget for the General Improvement District (GID) No. 1 of \$808,791, the 2021 budget for GID No. 15 (Skyview) of \$1,000, the Urban Renewal Authority (URA) 2021 budget of \$6,706,744 and the Downtown Development Authority 2021 budget of \$23,884,505. This results in City-related total operating appropriations of \$700,310,604 in 2021. This Ordinance also sets the 2021 City property tax mill levy at 9.797 mills, unchanged since 1991.

14. Items Relating to Electric and Water Rates, Fees and Charges. (staff: Lance Smith; 10 minute presentation; 20 minute discussion)
 - A. First Reading of Ordinance No. 139, 2020, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Electric Rates, Fees and Charges.
 - B. First Reading of Ordinance No. 140, 2020, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Water Rates, Fees, and Charges. **This Ordinance has been revised.**

The purpose of this item is for Council to consider the above-listed electric and water rate ordinances, adjusting monthly charges for both electric and water services in 2021. The revenue requirements to support the 2021 budget require increasing monthly charges for electric service by 3.0%. Additionally, a reduction in pricing is proposed for the voluntary Green Energy program, reducing the charge per kWh from 1.9 cents per kWh to 1.6 cents per kWh in 2021. A 2% increase for water services is proposed to help offset mitigation costs related to the Cameron Peak Fire. Upon adoption, both rates would be effective January 1, 2021.

- **CONSIDERATION OF CITIZEN-PULLED CONSENT ITEMS**

- Consideration of a motion to adjourn the City Council meeting to conduct the Board meetings listed below then return to the regular City Council meeting:

- A. General Improvement District No. 1 Board Meeting; and
- B. Skyview South General Improvement District No. 15 Board Meeting.

- **OTHER BUSINESS**

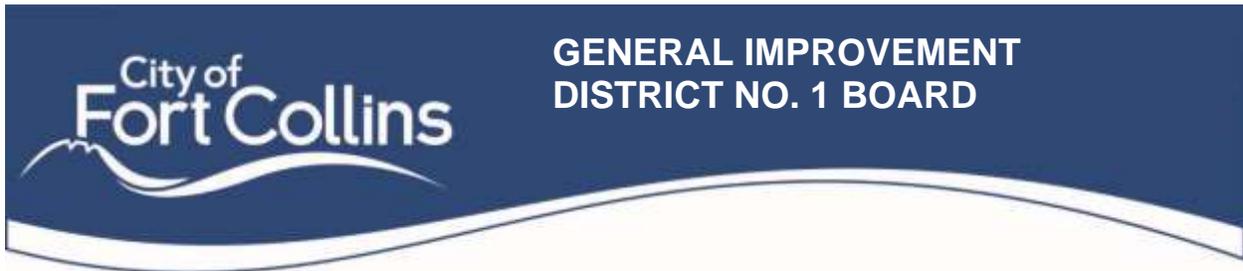
- A. Possible consideration of the initiation of new ordinances and/or resolutions by Councilmembers
(Three or more individual Councilmembers may direct the City Manager and City Attorney to initiate and move forward with development and preparation of resolutions and ordinances not originating from the Council's Policy Agenda or initiated by staff.)

- **ADJOURNMENT**

- A. Consideration of a motion to adjourn to 6:00 p.m., Tuesday, November 10, 2020 to conduct the annual evaluation of the City Manager, City Attorney and Chief Judge and such other business as may come before Council.

"I move that Council adjourn this meeting to 6:00 p.m. on Tuesday, November 10, in order to consider a motion to go into executive session to conduct annual performance reviews of the Council's direct report employees, and for such other business as may come before the Council."

Every Council meeting will end no later than 10:30 p.m., except that: (1) any item of business commenced before 10:30 p.m. may be concluded before the meeting is adjourned and (2) the City Council may, by majority vote, extend a meeting until no later than 12:00 a.m. for the purpose of considering additional items of business. Any matter which has been commenced and is still pending at the conclusion of the Council meeting, and all matters scheduled for consideration at the meeting which have not yet been considered by the Council, will be continued to the next regular Council meeting and will be placed first on the discussion agenda for such meeting.



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General Improvement District No. 1 Board Regular Meeting November 4, 2020 (after the Regular Council Meeting)

- **CALL MEETING TO ORDER**
- **ROLL CALL**
- 1. Consideration and Approval of the Minutes of the August 18, 2020 and September 1, 2020 General Improvement District No. 1 Meetings.

The purpose of this item is to approve the minutes from the August 18, 2020 and September 1, 2020 General Improvement District No. 1 Meeting.

- 2. First Reading of Ordinance No. 074 Determining and Fixing the Mill Levy for General Improvement District No. 1 for Fiscal Year 2021; Directing the Secretary of the District to Certify Such Levy to the Board of County Commissioners of Larimer County; and Making the Fiscal Year 2021 Annual Appropriation.

The purpose of this item is to set the mill levy of 4.924 and authorize the fiscal year 2021 appropriation for General Improvement District No. 1 (GID). The sum of \$310,000 is anticipated to be collected from the mill levy of 4.924 mills for fiscal year 2021 imposed within the GID's boundaries. Additional revenue for the GID from automobile specific ownership taxes and interest earnings are anticipated in 2021 to total \$53,135, resulting in an expected revenue total of \$363,135 for 2021. The Ordinance appropriates funds in the amount of \$809,009 from ongoing revenue and from prior year reserves for the operation of the GID in 2021.

- **OTHER BUSINESS**
- **ADJOURNMENT**



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Skyview South General Improvement District No. 15 Board Meeting November 4, 2020 (after the Regular Council Meeting)

- **CALL MEETING TO ORDER**
- **ROLL CALL**
- 1. First Reading of Ordinance No. 014, 2020, Determining and Fixing the Mill Levy for the Skyview South General Improvement District No. 15 for the Fiscal Year 2021; Directing the Secretary of the District to Certify Such Levy to the Board of Commissioners of Larimer County; and Making the Fiscal Year 2021 Annual Appropriation.

This Ordinance includes the annual appropriation for 2021 of \$1,000 for the expenses of the Skyview South General Improvement District No. 15 (GID No. 15). The sum of \$32,930 is anticipated to be collected from the mill levy of 10.0 mills for fiscal year 2021. Additional miscellaneous revenue for GID No. 15 of \$1,713 is anticipated to be generated from interest income. The total 2021 revenue for GID No. 15 is expected to be \$34,643. The total amount will be used in the future to maintain and repair roads in the Skyview subdivision.

- **OTHER BUSINESS**
- **ADJOURNMENT**