

MINUTES OF THE REGULAR MEETING OF THE
BOARD OF EMERY COUNTY COMMISSIONERS
HELD IN THE EMERY COUNTY COURTHOUSE

MARCH 21, 2023

Present at the meeting was Commission Chairman Lynn Sitterud, Commissioner Keven Jensen, Commissioner Jordan Leonard, Attorney Mike Olsen, Sheriff Tyson Huntington, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 262684 through and including #262795 was presented for payment.

Requisitions were presented for the following:

REQUISITION	DESCRIPTION	AMOUNT
18-23	2023 Durango pursuit vehicle Sheriff/K-9 setup-E Smith	\$45,431.00
19-23	Battery 9 " cut-off saw Road Dept.	868.19
20-23	(3) Office Chairs Clerk/Auditor	1,912.47
21-23	DesignJet Plotter Homeland Security/IT	4,725.00
22-23	8.5 x 20 FT Cargo Box Trailer Travel/Trails	13,150.00

There were no dispositions.

(2)

APPROVAL OF THE MARCH 7, 2023 COMMISSION MEETING MINUTES.

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(3)

APPROVAL OF BUSINESS LICENSE FOR BIG H METAL, HADLEY CLOWARD.

(4)

APPROVAL TO PROMOTE MITZI LOPEZ TO A JUSTICE COURT CLERK II. MOVE FROM GRADE 11 TO GRADE 12. EFFECTIVE 4-3-23.

(5)

APPROVAL TO GIVE LILLEE TUTTLE A 3% WAGE INCREASE FOR SUCCESSFUL COMPLETION OF HER 6 MONTH ORIENTATION PERIOD AS A HEAD LIFEGUARD AND THE 5% COLA GIVEN THE FIRST OF THE YEAR. EFFECTIVE 4-3-23

(6)

APPROVAL OF JENNY MARIE GARDNER AS A VOLUNTEER FOR THE MUSEUM OF THE SAN RAFAEL.

(7)

APPROVAL TO PROMOTE LANE GARDNER TO DEPUTY II. MOVE FROM GRADE 16 TO GRADE 17 EFFECTIVE 4-3-23

Motion to approve the Consent Agenda was made by Commissioner Keven Jensen, seconded by Commissioner Jordan Leonard, and the motion passed.

AYE: Keven Jensen

Jordan Leonard

Lynn Sitterud

NAY: none

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

(2)

SAFETY MINUTE PRESENTATION BY SAMI JOHNSON, LEGAL ASSISTANT IN THE COUNTY ATTORNEY'S OFFICE.

Sami Johnson provided information regarding having a department Emergency Plan of Action in place.

(3)

AWARDING OF THE SAFETY VISA GIFT CARDS.

Full-time employee: Natalie Humphrey

Part-time employee: Melissa Kemple

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Safety Sensitive: Tyler Butler and Dallon Cologie

EMT's: Lisa Mangum and Rebecca Norton

(4)

RATIFICATION OF NOTICE TO PROCEED ON THE COUNTY ROAD RIPRAP AND FISH HABITAT PROJECT.

Jim Jennings explained that bids for the County Road Riprap and Fish Habitat were opened in the last Commission Meeting. Bids were reviewed by NRCS to make sure that they were complete. The bid was awarded to TSJ Construction. The project is time sensitive because of the window of time for the construction that is being allowed. The notice to proceed was signed so that TSJ can move forward with securing the insurance and bonding that is required for the project. TSJ is planning on mobilizing next week to begin the project. Because of the tight schedule the notice to proceed was signed prior to this meeting. That action now needs to be ratified. Commissioner Jordan Leonard made a motion to ratify the signing of Notice to Proceed on the county Road Riprap and Fish Habitat Project. The motion was seconded by Commissioner Keven Jensen. The motion passed.

AYE: Jordan Leonard

Keven Jensen

Lynn Sitterud

NAY: none

(5)

RATIFICATION OF AGREEMENT BETWEEN SCHINDLER ELEVATOR AND EMERY COUNTY REGARDING CHANGE ORDER #1 ON THE ELEVATOR REPAIR AT THE EMERY COUNTY ADMINISTRATION BUILDING.

Building Maintenance Supervisor Kyle Scow explained that the building elevator has been updated and modernized. The company doing the upgrade came upon some bumps and presented a change order for additional funds for the project. The change was more than what was reasonably expected. Attorney Mike Olsen was able to negotiate the cost down to \$3,520.00. Kyle requested to pay the Change Order and move forward with operation of the elevator at the County Administrative Building. Commissioner Jordan Leonard made a motion to approve ratification of agreement between Schindler Elevator and Emery County regarding Change Order #1 on the elevator repair at the Emery County Administration Building. The motion was seconded by Commissioner Keven Jensen. The motion passed.

AYE: Jordan Leonard

Keven Jensen

Lynn Sitterud

NAY: none

Commissioner Keven Jensen made a motion to leave the regular meeting schedule and enter into a Public Hearing. The motion was seconded by Commissioner Jordan Leonard. The motion passed.

AYE: Keven Jensen

(6)

PUBLIC HEARING: A PUBLIC HEARING TO HEAR INPUT FROM THE PUBLIC WITH RESPECT TO THE ISSUANCE OF THE CASTLE VALLEY SPECIAL SERVICE DISTRICT BONDS, IN ONE OR MORE SERIES, IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,750,000 FOR THE PURPOSE OF PAYING ALL OR PART OF THE COST OF ACQUIRING OR IMPROVING, THROUGH PURCHASE OR CONSTRUCTION OR BOTH, FACILITIES FOR THE COLLECTION AND TREATMENT OF SEWAGE; FACILITIES USED IN CONNECTION WITH THE ACQUISITION, TREATMENT, STORAGE, TRANSPORTATION, AND SUPPLY OF WATER FOR DOMESTIC, INDUSTRIAL SECONDARY AND OTHER PURPOSES; DRAINAGE AND STORM SEWER FACILITIES, INCLUDING CURBS AND GUTTERS; AND TRANSPORTATION FACILITIES CONSISTING OF ROADS, SIDEWALKS AND RELATED BRIDGES AND VIADUCTS; TOGETHER WITH ALL NECESSARY LAND, RIGHTS-OF-WAY, EQUIPMENT AND FURNISHINGS THEREFORE, AND INCLUDING SUCH LEGAL, ENGINEERING AND FISCAL AGENT EXPENSES REASONABLY INCURRED IN CONNECTION WITH THE ACQUISITION OF SUCH FACILITIES AND FOR THE DISTRICT, AND RELATED MATTERS.

REGARDING THE BOARD OF COUNTY COMMISSIONERS OF EMERY COUNTY, UTAH ACTING AS THE GOVERNING BODY OF THE CASTLE VALLEY SPECIAL SERVICE DISTRICT GENERAL OBLIGATION BOND IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$1,391,000 FOR WITH IMPROVING THROUGH PURCHASE OF CONSTRUCTION OR BOTH, FACILITIES FOR THE COLLECTION AND TREATMENT OF SEWAGE, AND RELATED IMPROVEMENTS.

Jacob Sharp, CVSSD explained that the General Obligation Bonds was voter approved in 2019. CVSSD requested a portion of that bond, \$1,391,000 in loan money. To go along with this CV is receiving \$1,184,000 in grant money. In total they will receive \$2,5 million to spend on improvement projects in the towns within the district. Last month CV came before the Commission and was granted approval to advertise for a PH and allow for the thirty day contest period. This is the final step in the process. Bond Attorney Eric Johnson commented that this is a one and one-half percent interest loan. They got a good deal from the CIB.

(7)

DISCUSS/APPROVE/DENY A FINAL BOND RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF EMERY COUNTY, UTAH ACTING AS THE GOVERNING BODY OF THE CASTLE VALLEY SPECIAL SERVICE DISTRICT, UTAH (THE "ISSUER") AUTHORIZING THE ISSUER'S \$1,391,000.00 GENERAL OBLIGATION BONDS, SERIES 2023 (THE "SERIES 2023 BONDS") IMPROVING, THROUGH PURCHASE OR CONSTRUCTION OR BOTH, FACILITIES FOR THE COLLECTION AND TREATMENT OF SEWAGE; FACILITIES USED IN CONNECTION WITH THE ACQUISITION, TREATMENT, STORAGE, TRANSPORTATION, AND SUPPLY OF WATER FOR DOMESTIC, INDUSTRIAL SECONDARY AND OTHER

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PURPOSES; DRAINAGE AND STORM SEWER FACILITIES, INCLUDING, CURBS AND GUTTERS; AND TRANSPORTATION FACILITIES CONSISTING OF ROADS, SIDEWALKS AND RELATED BRIDGES AND VIADUCTS; TOGETHER WITH ALL NECESSARY LAND, RIGHT-OF-WAY, EQUIPMENT AND FURNISHINGS THEREFOR, AND INCLUDING SUCH LEGAL, ENGINEERING, AND FISCAL AGENT EXPENSES REASONABLY INCURRED IN CONNECTIONS WITH THE ACQUISITION OF SUCH FACILITIES IN AND FOR THE ISSUER; AND RELATED MATTERS.

Commissioner Jordan Leonard made a motion to approve Resolution 3-21-23A a final bond resolution of the Board County Commissioners of Emery County, Utah acting as the governing body of the Castle Valley Special Service District Emery County, Utah. The motion was seconded by Commissioner Keven Jensen. The motion passed.

AYE: Jordan Leonard

Keven Jensen

Lynn Sitterud

NAY: none

(8)

APPOINTMENT OF A NEW COMMISSION CHAIRMAN AND VICE CHAIRMAN.

Commissioner Lynn Sitterud started discussion regarding appointment of a new Commission Chairman and Vice Chairman. There are some things going on within the Commission and the Emery County Republican Party and the County that are making it uncomfortable to be serving as the commission chair. He stated, After 6 years of serving as Commission Chairman I think it's time for a new Commission Chairman. Commissioner Sitterud suggested a motion to appoint a new Commission Chairman and Vice Chairman for Emery County. Commissioner Keven Jensen stated he did not see a purpose for a change. Commissioner Keven Jensen made a motion to table agenda #8 for two weeks to allow time to discuss the matter. Commissioner Sitterud asked that they not table. Emery County is in a position where we need Federal and State help and there are people that are pushing for things that will be bad for Emery County. There will be doors slammed that we will not be able to open for years and we will not be able to contact people for help when we need it. Emery County should not be put in this position, especially by the party that we all belong to and members of the community. They are putting the Commissioners in a bad situation. One of the Commissioners is part of this group. It makes it difficult to carry on in the business of the County. Commissioner Jensen commented that in case the public has not figured this out yet, He is the one Commissioner that Commissioner Sitterud is referring to. He commented we would not be up here without an "R" by our name in the election process. The chances are very small. He believes the Republican party in the county has the right and opportunity to discuss any issues of others in the party that are not complying or supporting others in the party. We as a county should not be worried about what other counties think. He doesn't see what that has to do with the county doing their business. He stated he does not feel this is a legitimate reason to change the chairman position. Commissioner Sitterud indicated that this is not the only reason, every meeting has been adversarial ever since the new Commissioners came in. The voters voted you in to be new

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commissioners. Maybe we need a new chair and a new direction. Commissioner Jensen commented that if Commissioner Sitterud wanted Commissioner Jensen to be the Chairman it should have been discussed two weeks ago. We can discuss and communicate in that Commission office. Commissioner Leonard commented that we need to all get on the same page so we can do some good. If Commissioner Sitterud thinks it is adversarial we can discuss it. Commissioner Jensen restated his motion to table for two weeks. The motion was seconded by Commissioner Jordan Leonard. Commissioner Sitterud voted Nay to the motion. The motion passed with two Ayes and one Nay.

AYE: Keven Jensen

Jordan Leonard

NAY: Lynn Sitterud

(9)

DISCUSS/APPROVE/DENY ALLOWING EASTERN UTAH BROADCASTING TO PLACE A RADIO BROADCAST TRANSMITTER IN THE COMMUNICATIONS EQUIPMENT BUILDING ON HORN MOUNTAIN.

Paul Anderson, Eastern Utah Broadcasting explained that he owns 4 radio stations in the Price area. He recently obtained a radio site in Huntington. He is currently working on construction of the site. He recently met with Jeff Guymon to discuss the best and available location in Emery County. Jeff Guymon indicated that the best location for the radio broadcast transmitter would be Horn Mountain. There are two spaces available in two rooms at the Horn Mountain Communications Site. Jeff indicated that he will work with Attorney Mike Olsen to draft a site lease agreement similar to the agreement that the County had with XTO (now Buzzards Bench). If approved then Mr. Anderson will need a letter of approval to lactate in the building to accompany his permitting application process with the USFS. Commissioner Keven Jensen made a motion to allow Eastern Utah Broadcasting to place a radio broadcast transmitter in the Communications Equipment building on Horn Mountain. The motion was seconded by commissioner Jordan Leonard. The motion passed.

AYE: Keven Jensen

Jordan Leonard

Lynn Sitterud

NAY: none

(10)

DISCUSS/APPROVE/DENY RENEWAL OF UTAH.COM PROJECT AND APPROVAL OF QUOTE #2211 FOR THE REMAINING SERVICES TO THE RENDERED.

Emery County Travel Bureau Director Shannon Hiatt requested approval to renew UTAH.COM project and quote #2211 for the remaining services to be rendered. This is a Utah Office of Tourism Co-Op Grant that provides social media for the Emery County Tourism Department. The Travel Board has approved renewal of the project. The project is funded with part grant and TRT funding. Commissioner Keven Jensen made a motion to approve renewal of

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UTAH.com project and approval of Quote #2211 for the remaining services to be rendered. The motion was seconded by Commissioner Jordan Leonard. The motion passed.

AYE: Keven Jensen

Jordan Leonard

Lynn Sitterud

NAY: none

(11)

DISCUSS/APPROVE/DENY FY2023 QTR SPRING OHV RECREATION GRANT APPLICATION.

Shannon Hiatt requested approval for FY2023 Qtr Spring OHV Recreation Grant Application. This is a new grant application to be used to purchase equipment for the Trails Crew. Match will be with in-kind work on the trails for match on the grant. EmeryTelcom partners with Emery County Tourism on the work done on the trails. Commissioner Jordan Leonard made a motion to approve FY2023 Qtr Spring OHV Recreation Grant Application. The motion was seconded by Commissioner Keven Jensen. The motion passed.

AYE: Jordan Leonard

Keven Jensen

Lynn Sitterud

NAY: none

(12)

DISCUSS/APPROVE/DENY APPROVAL AND ADOPTION OF THE EMERY COUNTY EMERGENCY OPERATIONS PLAN-BASIC PLAN.

Sheriff Huntington indicated that the Emergency Operations Plan needs to be updated to amend the key personnel identified in the basic plan, such as new Commissioners and other key personnel. Motion to approve and adopt the Emergency Operations Plan-Basic Plan was made by Commissioner Keven Jensen, seconded by Commissioner Jordan Leonard, and the motion passed.

AYE: Keven Jensen

Jordan Leonard

Lynn Sitterud

NAY: none

(13)

DISCUSS/APPROVE/DENY ACCEPTANCE OF THE 2023 TECHNOLOGY ENHANCEMENT GRANT.

Desiree Malley explained that the Emery County Library applied for and has been granted 2023 Technology Enhancement Grant funds in the amount of \$2,000 for Green River Library and \$4,000 for Castle Dale Library. She requested acceptance of the Enhancement Grant funds.

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Commissioner Keven Jensen made a motion to accept the 2023 Technology Enhancement Grant. The motion was seconded by Commissioner Jordan Leonard. The motion passed.

AYE: Keven Jensen

Jordan Leonard

Lynn Sitterud

NAY: none

(14)

DISCUSS/APPROVE/DENY RESOLUTION AMENDING EMERY COUNTY RESOLUTION NO. 12-13-22D ESTABLISHING THE DISBURSEMENT OF STATE PILT FUNDS TO THE SPECIAL SERVICE DISTRICTS IN EMERY COUNTY.

Commissioner Jensen discussed a resolution amending Emery County Resolution No.#12-13-22D Establishing the Disbursement of State PILT Funds to the Special Service Districts in Emery County. This resolution stated the EMS would receive \$50,000, Fire District would receive \$50,000 and the San Rafael Energy Research Center would receive the balance. Commissioner Jensen suggested an amended resolution establishing the disbursement of State PILT funds to the Special Service Districts in Emery County.

The suggested new amounts for disbursement are as follow:

EMSSD \$110,000

FPSSD \$80,000

NEWUSSD \$45,000

ERCSSD \$25,000

CVSSD shall receive the remaining PILT funds app. \$40,000-\$50,000.

For the past few years the PILT funds were going to a couple of SSD's and the remainder was going to the San Rafael Energy Research Center SSD, about \$200,000 per year.

Commissioner Jensen believes the Special Service Districts are providing services to the County that actually fall under the parameters of what Special Service Districts are identified as. He would like to see the State PILT funds go to the other SSD's. Commissioner Keven Jensen made a motion to adopt Resolution 3-21-23B a resolution amending Emery County Resolution 12-13-22D establishing the disbursement of State PILT Funds to the Special Service Districts in Emery County. Commissioner Leonard wanted to go on record that he 100% supports the Research Center. The Research Center just received \$1.7 million of state funding.

Commissioner Leonard approves of the resolution. He added, we have money to sustain the Research Center; it doesn't need to fall onto the public. If we have needs in the near future we can talk about it at that time. Commissioner Jordan Leonard seconded the motion. The motion passed with two votes AYE, one vote NAY.

AYE: Keven Jensen

Jordan Leonard

NAY: Lynn Sitterud

DISCUSS/APPROVE/DENY RESOLUTION AMENDING EMERY COUNTY RESOLUTION NO. 2-1-22C FOR THE DISBURSEMENT OF EMERY COUNTY COMMUNITY REINVESTMENT AGENCY (CRA) REVENUES.

Commissioner Jensen requested approval to amend Resolution 2-1-22C for the Disbursement of Emery County Community Reinvestment Agency (CRA) Revenues. Resolution 2-1-22C stated that 50% of total revenues from CRA be disbursed to Emery County and 50% be disbursed to San Rafael Research Center SSD until Emery County has received \$150,000, then SRERCSSD will receive 100% of total revenues. The amended Resolution would read that Emery County would receive 100% of total CRA revenues. He wanted to make it clear that it has been said that he wants to see the Center fail. That is not accurate. I do believe in code and policy. I believe in transparency and if the Center needs funds it needs to be through appropriations. We can have that discussion and be approved by the Commission. They did get the \$1.7 million so they should be sitting well. Commissioner Jordan Leonard made a motion to approve Resolution 3-21-23C amending Resolution 2-1-22C for the disbursement of Emery County Community Reinvestment Agency (CRA) Revenues. The motion was seconded by Commissioner Keven Jensen. The Motion passed.

AYE: Jordan Leonard

Keven Jensen

Lynn Sitterud

NAY: none

DISCUSS/APPROVE/DENY TERMINATION OF CONTRACT BETWEEN EMERY COUNTY PUBLIC LANDS DEPARTMENT (THE COUNTY) AND NATIONAL ENVIRONMENTAL STRATEGIES REGARDING PUBLIC LANDS CONSULTING SERVICES.

Commissioner Jensen explained that the county has been paying Cody Stewart and his agency National Environmental Strategies \$3,000 to be a consultant during the work on the land bill. Since then we have not really needed him for the land bill but have been using him for the Research Center. This contract has been void for a couple of years. Commissioner Leonard stated that he would like to visit with Cody Stewart to retain his talents in other needs of the county under a new contract in the area we need consulting. Commissioner Keven Jensen made a motion to terminate the contract between Emery County Public Lands Department and National Environmental Strategies regarding Public Lands Consulting Services. Commissioner Sitterud commented that the money was put in the PL account during the budget process. He has been instrumental in helping the County get \$3 million dollars.. This guy has been good for Emery County. Commissioner Jensen indicated that he is not opposed to paying Cody Stewart. He needs to be paid under a new contract for the correct purpose. Commissioner Jordan Leonard seconded the motion. Commissioner Sitterud voted NAY. the motion passed.

AYE: Keven Jensen

Jordan Leonard

NAY: Lynn Sitterud

(17)

DISCUSS/APPROVE/DENY ADVERTISING AN RFQ FOR LEGAL COUNSEL, WHEN REQUESTED BY THE COUNTY COMMISSIONERS AND OTHER COUNTY ELECTED OFFICIALS, TO PERFORM COUNTY CONTRACTS/AGREEMENTS, RESOLUTIONS AND QUESTIONS.

Commissioner Jensen indicated that he put this on the agenda not to take away from the scope of the work and duties of the County attorney's office. The County Attorney's Office prosecutes criminals and enforces the law. The County Commissioners need counsel and legal advice. Earlier in the meeting you saw our legal counsel telling us what to do, not advising us. Commissioner Keven Jensen made a motion to advertise an RFQ for legal counsel when requested by Commission and elected officials. Commissioner Leonard seconded by motion and added that the reason for a second was that we as a Commission have contracted things that we need counsel on and when we get on the same page and start working together better we can look at this again. Attorney Mike Olsen indicated that he is required by statute to advise the Commission and to do so in writing. I receive everything on the agenda except a couple of the agenda items on Friday around 4pm. Yesterday he received more. He stated he is happy to give advice and counsel in writing when documents are given to me in a timely manner. A couple of items I found out about when the public did. He stated he will do his job as required by statute. Commissioner Sitterud commented that again, we have two Commissioners who can ramrod things through and we don't have any recourse for the time being. Commissioner Sitterud voted nay on the motion commenting that he thinks that things are heading in the wrong direction. Commissioner Leonard commented that is why they ran for office because things are heading in the wrong direction. Commissioner Sitterud commented that maybe you should take his seat as chairman. Commissioner Leonard indicated that he is not afraid of the seat. A question from the public David Robertson. Why don't you step down as Chairman and one of the other Commissioners will fill the seat? Attorney Mike Olsen asked if they want to revisit agenda item 8. Commissioner Jensen indicated that they will take two weeks to discuss it. No more discussion. A vote was taken on the motion. The motion passed with two Aye and one Nay.

AYE: Keven Jensen

Jordan Leonard

NAY: Lynn Sitterud.

(18)

DISCUSS/APPROVE/DENY AMENDMENT TO FY 2022-2023 INTER-AGENCY COORDINATION AND SUB RECIPIENT CONTRACT AGREEMENT BETWEEN EMERY COUNTY AND THE SEUALG FOR THE AGING AND NUTRITION PROGRAM.

SEUALG requested an amendment to the FY 2022-2023 Inter-Agency Coordination and Sub Recipient Agreement between Emery County and the SEULG for the Aging and Nutrition Program. The amendment increases the contract for Socialization and Recreation to \$3,034. Commissioner Keven Jensen made a motion to approve an Amendment to FY 2022-2023 Inter-Agency Coordination and Sub Recipient Contract between Emery County and SEUALG for

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the Aging and Nutrition program. The motion was seconded by Commissioner Jordan Leonard. The motion passed.

AYE: Keven Jensen

Jordan Leonard

Lynn Sitterud

NAY: none

(19)

DISCUSS/APPROVE/DENY ADVERTISING AND RFP FOR PREPARATION OF A COMPREHENSIVE UPDATE TO THE EMERY COUNTY GENERAL PLAN.

Motion to approve advertising an RFP for preparation of a Comprehensive Update to the Emery County General Plan was made by Commissioner Jordan Leonard, seconded by Commissioner Keven Jensen, and the motion passed.

AYE: Jordan Leonard

Keven Jensen

Lynn Sitterud

NAY: none

(20)

COMMISSION/ELECTED OFFICIALS REPORTS.

Jacob Sharp, CVSSD wanted to publicly thank the Emery County EMS for their quick response to the recent accident in which his teenagers were involved.

(21)

ADJOURN

Motion to adjourn the meeting was made by Commissioner Jordan Leonard, seconded by Commissioner Keven Jensen, and the motion passed.

AYE: Jordan Leonard

Keven Jensen

Lynn Sitterud

NAY: none

ATTEST: _____ COMMISSIONER: _____