

City of Richmond – Reimagining Public Safety Community Task Force
Meeting held via Zoom: https://richmond.granicus.com/ViewPublisher.php?view_id=38

Minutes*
Wednesday, November 30, 2022, 5:30 P.M.

**video recording and meeting transcript available*

A. CALL TO ORDER

Chair Small called the meeting to order at 5:35 P.M.

B. ROLL CALL

PRESENT: S. Bischoff, H. Burks, M. Cantú, E. Chacon, L. Chacon, D. Gosney, R. Joseph, K. Kilian-Lobos, M. Njissang*, J. Schlemmer, B. Therriault*, T. Walker, B.K. Williams, and Chair D. Small

*Arrived after Roll Call

ABSENT: A. Lee, L. Mangels, and L. Whitmore

STAFF PRESENT: Deputy City Manager-Community Services LaShonda White, Assistance Administrative Analyst Guadalupe Morales, Associate Administrative Analyst Stephanie, and City Attorney Alison Flowers, Assistant Police Chief Timothy Simmons, Richmond Police Lieutenant John Lopez, YouthWorks Program Manager Bouakhay Phongboupha

C. AGENDA REVIEW AND ADOPTION

Taskforce Member Schlemmer recommended that Lieutenant Lopez’s item be moved up on the agenda from Item 4 to Item 2 under Presentations, Discussions, and Action Items. The Taskforce agreed to that change.

D. MEETING PROCEDURES

Guadalupe Morales, staff to the Taskforce, identified the meeting procedures, the format of the web-based meeting and the public’s ability to speak during the meeting.

E. MINUTES APPROVAL

1. APPROVE the minutes of the October 26, 2022 regular meeting of the Reimagining Public Safety Community Task Force

Motion by Taskforce Member Bischoff, seconded by Taskforce Member Burks to adopt the minutes of the October 26, 2022 meeting, as submitted.

Prior to a vote, Taskforce Member Schlemmer referred to Taskforce Member L. Chacon’s comments on the discussion of the homeless at the last meeting when the comment had been made that some folks living in homeless encampments in Richmond were not from Richmond but had moved from recently dismantled encampments in Berkeley. He suggested that was an important comment to have

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included in the minutes, that the minutes should be revised accordingly, and that staff do a better job documenting relevant information in the minutes.

Since Taskforce Member Schlemmer had no specific revision to the minutes, Chair Small explained that the agenda, minutes and links to the video and written transcript of the actual meeting were available and if there were objections to the minutes Taskforce members should be prepared to identify the objection and identify specifically what was desired to be included based on the available record.

Taskforce Member L. Chacon clarified that his comments had been made as a member of the public and not as a member of the Taskforce.

Taskforce Member Gosney asked about the referenced transcripts of the meetings and LaShonda White, Interim Director of Library and Community Services, Taskforce Staff Liaison, identified the available link to allow individuals to watch the recording of the meeting, although she clarified that there were no transcripts of the meeting.

On the motion by Taskforce Member Bischoff, seconded by Taskforce Member Burks to adopt the minutes of the October 26, 2022 meeting, as submitted, carried by the following Roll Call vote:

AYES: S. Bischoff, H. Burks, M. Cantú, E. Chacon, L. Chacon, D. Gosney, R. Joseph, K. Kilian-Lobos, M. Njissang, T. Walker, B.K. Williams, and Chair D. Small

NOES: J. Schlemmer

ABSENT: A. Lee, L. Mangels, B. Therriault, and L. Whitmore

F. CITY STAFF REPORTS

LaShonda White, Interim Director of Library and Community Services, had no report at this time.

Ms. Morales, Taskforce staff, advised that a transcriber had been hired to produce the meeting minutes that would be more detailed in the future.

Members of the Taskforce offered transcription alternatives for staff to consider for the preparation of minutes such as transcribing the Zoom recording into Word, or considering REV.com, a transcription service.

G. PUBLIC COMMENTS

Randy Joseph commented that homeless youth was a big issue in that if young teenagers were on the street looking for shelter there would be no program available to help support them and there needed to be a program to house and care for youth. He urged an effort to move forward to make such services available.

Helene Burks extended an invitation to support youth and families, specifically those of King Elementary School where donations of used clothing such as jackets, scarves, warm clothing, and gloves were being sought. She could be contacted at hburks@wccusd.net and stated that donations

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could be dropped off at the front office of King Elementary School at 4022 Florida Avenue in Richmond.

H. PRESENTATIONS, DISCUSSIONS, AND ACTION ITEMS

1. REVIEW, DISCUSS, and APPROVE the Taskforce Working Group Structure and Membership

Chair Small referred to the material prepared by City staff that had discussed the previous working group structure along with the proposed structure that had been discussed at the April 13, 2022 meeting. She identified the original working group structure from 2020-2021, the discussion to revamp the working groups, and the fact that the implementation subcommittee would have to be Brown Act compliant to meet on a regular basis, which had resulted in the determination to go back to the original working group structure. She suggested that the proposed working groups should be limited to the six-month timeframe that had been discussed.

Chair Small identified the proposal for the four working groups moving forward, with a *Community Investment* working group to be accountable for implementation of initiatives related to YouthWorks and the Office of Neighborhood Safety (ONS). Taskforce Member Burks had agreed to serve as the point person and members who had volunteered to serve on that working group were identified as Taskforce Members L. Chacon and Njissang.

The *Police Practices and Accountability* working group accountable for implementing initiatives related to the Richmond Police Department (RPD) was identified and the volunteers to serve on that working group were reported as Taskforce Members Schlemmer, Whitmore, Therriault and Chair Small.

The *Health and Safety* working group to be accountable for managing implementation of the Community Crises Response Program (CCRP) was identified. Taskforce Member Kilian-Lobos had agreed to serve as the point person and volunteers to serve on that working group were identified as Taskforce Members Williams and Mangles.

Chair Small reported that Taskforce Member Joseph had agreed to be the point person on the *Community Based Solutions* working group to implement the Unhoused Intervention programs, and Taskforce Members E. Chacon, Walker and Lee had volunteered to serve on that working group.

Chair Small noted that since the April 13, 2022 special meeting some Taskforce members could have changed their interest and additional members may choose to join the proposed working groups. She suggested that the four groups that had been discussed were still relevant and she sought suggestions from the Taskforce.

Legal Counsel Alison Flowers advised that the working groups were advisory only to the full Reimagining Public Safety Community Task Force.

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Chair Small clarified that the main goal of the working groups was to enable Taskforce Members to advise on how to move forward on specific issues, although that would not preclude doing other things such as community investment around youth, which she hoped would be explored further.

Taskforce Member Burks confirmed the current outline and her role in the Community Investment working group.

Taskforce Member Bischoff expressed an interest in being a member of the Health and Safety working group and working with the CCRP.

Taskforce Member Joseph also confirmed his interest and support in the Community Based Solutions working group, stated he would serve as the point person for that group and that he had some things he wanted to bring to the attention of that working group.

Taskforce Member Cantú expressed a desire to continue with the smart budget reallocation when pushing initiatives, policies and programs and wanted to work with other groups based on budget.

Chair Small stated that while a separate budget group had been discussed, it had not been recommended given that each working group needed to pay more attention to the budgets for the programs focused on being implemented. As discussed in April, she suggested that having a separate budget committee would not help in that regard, although she did not oppose a separate budget working group.

Taskforce Member Cantú noted a desire to cross pollinate all working groups to work together collectively, in particular with respect to budgetary aspects that needed funding from the RPD budget, which would have to be researched when other groups might be looking at different initiatives. She proposed a separate budget committee.

Taskforce Member L. Chacon supported a central committee that could consider budgetary questions and proposals.

Chair Small recommended that one person from each subgroup work with Taskforce Member Cantú on budget, consider the budgetary aspects, make sure that there was interaction between the budget work being done and the working groups, and each working group could decide who that person should be. Taskforce Members Cantú and Joseph supported that possibility.

Taskforce Member Joseph suggested it would be helpful to have the heads of each working group meet to have a budget conversation so that everyone was on the same page, and Taskforce Member Burks recommended that each group discuss that at the first meeting to solidify the recommendations.

Taskforce Member Schlemmer verified that the purpose of a budget committee would be to identify funds to cover some of the things being recommended, identify the source of the funds, and that an ultimate decision would be made by the City Council. He recommended that some city staff be on the budget committee.

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Chair Small clarified that city staff would be involved at any rate. She did not want to add to the city staff work burden to have to attend one more meeting and she clarified that the interaction and/or presence of City staff at those meetings would be up to the individual group to determine.

Legal Counsel Flowers clarified that the working group could only include members of the actual governing body and staff could join meetings but would not be actual members of the working groups.

Interim Director White also clarified that staff was happy to attend if able but having a staff person available at all times would not be feasible. She pointed out that staff worked on the agenda and reports for the full body, which was where the connection/nexus would be.

Chair Small added that anyone interested in serving on a working group who had not already expressed that interest should identify it now. On the comment that members had not previously been asked to identify their interest in volunteering on any of the working groups, she noted that she had asked for volunteers at each time the item had been discussed.

Taskforce Member Gosney volunteered to serve on the Police Practices and Accountability working group.

Taskforce Member Bischoff also asked to be on the Police Practices and Accountability working group as well as the Health and Safety working group, although Chair Small stated that it had been discussed at the beginning that for a number of reasons members could only be a member of one working group, which would not keep members from keeping apprised of the workings of the groups that they were interested in.

Legal Counsel Flowers verified that with Taskforce Member Gosney's placement on the Police Practices and Accountability working group, it was now maxed out and there was no position available on that group to allow Taskforce Member Bischoff to become a member.

On the discussion of whether it had previously been discussed that members could volunteer to serve on two committees, Chair Small stated that had never been the practice.

MOTION by Taskforce Member Burks, seconded by Taskforce Member Therriault, to approve the working group structure, as shown in the staff report dated November 30, 2022, as discussed this date with the membership and with the addition of a Budget working group, along with the fact that Taskforce Member Cantú had volunteered to be the point person on the Budget working group, and the tentative agreement that one person from each working group would comprise the membership of the Budget working group, to be determined by each working group; with the duration of the working groups to be six months after the first meeting.

Prior to a vote, Ms. White clarified the motion to approve five working groups and the additional membership choices and explained that given the structure for a Budget working group, some Taskforce members would actually be on two working groups.

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Chair Small did not want to establish that precedent and recommended that the Budget working group be held in abeyance and that the motion be modified to approve the current working group structure for the four working groups and revisit how to address the issue of the budget at a later time.

Taskforce Member Cantú asked if a budget group could be in a different structure to avoid the concern and the Chair stated she would research the rules for the working groups and return with an agenda item for the next meeting after that research.

Taskforce Member Burks agreed to the amendment to her motion.

Taskforce Member Bischoff volunteered for the Health and Safety working group and suggested that the membership of each group be deferred pending a clarification of the issues, although Chair Small stated that the Taskforce was simply approving the names of the working groups and their purpose at this time. The membership would be clarified at a later date.

Taskforce Member Schlemmer asked if everyone had been assigned a committee and the Chair explained that she would check the minutes against the current membership to determine whether everyone had been assigned and would report back at the January meeting.

Interim Director White explained that the agenda identified the action to discuss the working groups and the membership, which would be the membership as listed in the staff report including the new additions from Taskforce Members Bischoff and Gosney, to be approved as part of the motion.

Chair Small clarified that the membership could change but the membership would be approved as shown on this date.

On the motion by Taskforce Member Burks, seconded by Taskforce Member Therriault, the Taskforce identified the four working groups as Community Investment, Police Practices and Accountability, Health and Safety and Community Based Solutions, with the membership as listed in the November 30, 2022 staff report and the addition of Taskforce Members Bischoff to the Health and Safety working group and Gosney to the Police Practices and Accountability working group, to return at the January meeting to discuss a potential budget committee, with the duration of the working groups to be six months from the first meeting. The motion carried by the following Roll Call vote:

AYES: S. Bischoff, H. Burks, M. Cantú, E. Chacon, L. Chacon, D. Gosney, R. Joseph, K. Kilian-Lobos, J. Schlemmer, B. Therriault, T. Walker, B.K. Williams, and Chair D. Small

NOES: None

ABSENT: A. Lee, L. Mangels, M. Njissang, and L. Whitmore

2. RECEIVE a Presentation from Lieutenant John Lopez Regarding the Military Equipment Ordinance

Lieutenant John Lopez, RPD, provided a presentation regarding AB 481, Military Equipment Funding, Acquisition and Use, which had been passed into law by Governor Newsom on September 30, 2021, and which had since been approved by the Richmond City Council, intended to increase community

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awareness and oversight over the possession and use by local police departments of certain types of equipment that was labeled as “military” equipment. AB 481 also required an annual report to summarize equipment usage and updates, equipment inventory and community feedback.

Lieutenant Lopez reported that the City Council had reviewed the new policy, had worked with City Councilmember Jimenez and Jennifer Tu of the American Friends Service Committee to fine-tune the City’s policies and procedures, had completed a new policy and had completed an inventory of equipment. The documents were on RPD’s government website with an email link at AB481@richmondpd.net, which would go to him as coordinator for the RPD. The RPD conducted an annual report to be presented to the public and to the City Council.

Lieutenant Lopez identified the military equipment identified under AB 481, as shown in the PowerPoint presentation, many of which were not applicable to the RPD and explained that what did apply to the RPD included unmanned aerial or ground vehicles, command and control vehicles, breaching apparatus explosive in nature, assault weapons less than .50 caliber, diversionary devices and explosive breaching, munitions containing tear gas or OC, kinetic energy weapons and munitions (40 mm launcher, bean bag shotgun, foam tipped projectiles), and any other equipment as determined by a governing body to require oversight.

The purpose of the equipment the RPD did possess was to assist in a worst case scenario, although the RPD did not warrant the use of that equipment for every incident and recognized that critical incidents were unpredictable and could be very dynamic in nature. He added that a variety of military equipment options could greatly assist incident commanders, officers, and specific units in bringing those incidents to a swift resolution in a safe manner. The use of military equipment was restricted for use only in certain instances and in some cases only by certain units.

Lieutenant Lopez offered examples of the weapons seized by the RPD in 2022, identified the equipment categories possessed by the RPD, and identified the RPD’s inventory of military equipment which included a robot and unmanned aircraft; the RPD Mobile Command Center (MCC); breaching shotgun and projectiles; rifles, SMGs and bullets; noise flash diversionary devices; chemical agents and impact munitions; and kinetic energy less lethal platforms. He also described the purpose and use of each weapon, the occasions when that equipment could be used, who could use the equipment, and the RPD authority allowing that use. He stated the RPD was committed to using the most up-to-date tools and equipment to safeguard the community. He offered his email address so that anyone with questions could contact him at jlopez@richmondpd.net.

In response to questions from Taskforce Member Burks, Lieutenant Lopez explained that the MCC unit had been taken to community events as a way to show the community some of the equipment available to the RPD. With respect to patrol rifles, he explained they could only be used at specific times, as reviewed by Councilmembers and community activists. That equipment could be used when an officer reasonably anticipated an armed encounter; when an officer was faced with a situation that may require the delivery of accurate and effective fire at long range; situations where an officer reasonably expected the need to meet or exceed a suspect’s firepower; when an officer reasonably believed that there may be a need to deliver fire on a barricaded suspect or a suspect with a hostage; when an officer reasonably believed that a suspect may be wearing body armor; when authorized or requested by a supervisor; and when needed to euthanize an animal. With respect to chemical agents,

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he clarified the names of the chemical agents involved as oleoresin capsicum (OC), alpha-chloro acetophenone (CN) and ortho-chlorobenzalmalononitrile (CS).

Taskforce Member Kilian-Lobos asked about jurisdiction and whether other jurisdictions would be able to use equipment not used in Richmond, to which Lieutenant Lopez stated that the RPD policy Section 707.6 stipulated that military equipment used by other jurisdictions providing mutual aid shall conform to the City's military equipment policy. In further response as to the assurances that policy would be implemented, he stated that his role in the RPD was also as the manager of the SWAT and Tactical Response teams and any critical incident requiring mutual aid would require the approval of the incident commander, tactical commanders, the captains and the Chief, and the RPD's policies would have to be adhered to.

Taskforce Member Gosney referred to an incident where a member of the media had reportedly been injured after being shot with a rubber bullet by a member of the RPD at a protest in Oakland, and he asked whether "rubber bullets" were used by the RPD, to which Lieutenant Lopez stated that kinetic energy impact munitions were used which could look like a rubber bullet but was not a rubber bullet. He added that the resources the RPD possessed were very dangerous and specific training in their use was required.

Taskforce Member Williams referred to the reports that had to be filed and asked that the Taskforce be provided with the reports on the actual usage of the equipment, and since the equipment was military she questioned the use of the MCC unit in public spaces where there were children and other community members. As such, she asked for the justification of displaying the MCC at public settings.

Lieutenant Lopez stated that the RPD would have to produce statistics annually on the use of military equipment, which would be presented to the community and to the City Council. As to the MCC use at community events, he stated that had been done prior to COVID and prior to AB 481, and the events had all been well attended and offered a way to show the existing equipment to the public.

Assistant Police Chief Timothy Simmons added that the MCC was also part of the larger picture of the National Incident Management System, a nationally recognized system of properly preparing for public safety in large gatherings and large settings where a command post was required under the proper emergency management planning for critical incident command for all first responders, in one place. He clarified that the MCC would be operational at this times, which was the primary underlining reason for why it was deployed at large community gatherings.

Taskforce Member Schlemmer was appreciative of the clarification of the use of the MCC and stated as one who had been in charge of traffic and special events for many years the MCC had been utilized as a command post and community engagement and he had not known of any adverse interaction with anyone during any event. The MCC had served as a focal point for the community that may need help from the police such as missing children and the like. In his opinion, it was not a piece of military equipment and the MCC served as a positive aspect of the community. He emphasized that the munitions used by the RPD that were categorized as military equipment were used only under certain circumstances, certain distances and for certain parts of the body.

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Taskforce Member Therriault referred to the various types of weaponry seized by the RPD and stated it was important to be transparent about the type of weaponry involved, which was very deadly, and it was good to have equipment available to protect the public.

Taskforce Member Therriault commented that there was a lot of equipment under AB 481 that was not actually military equipment, such as the MCC, which he stated was good for the public to see. He added that the MCC was actually a converted fire truck and was important for public safety.

Taskforce Member Walker asked the difference between military surplus and military issue and Lieutenant Lopez clarified that military surplus were items that were actually in the military used by the military that were now available to law enforcement agencies (LEA) that qualified. He stated the RPD had two military surplus items acquired under the 1033 Program, although those items had never been deployed by the RPD. The RPD was now in the process of removing itself from the 1033 Program. The items involved were a handgun and a small rifle. He added that all the RPD equipment was either brand new or had never been military-issued equipment.

Taskforce Member Walker asked if the City were to ban the use of military weapons whether that would eliminate the RPD's ability to use any of the weapons, and Lieutenant Lopez concurred and stated that if the City had not approved AB 481, the equipment could not be used. He added that the equipment categorized as military equipment was very important for the safety of the community, and that armored vehicles were very important and did not have to look militaristic. He reiterated that the RPD's current equipment was needed to safeguard the community.

Taskforce Member Walker expressed her appreciation for the clarification that the MCC was a converted fire truck and was not a tank, which would have been a concern to her. She did not support any bans at this time.

Taskforce Member Schlemmer clarified that the MCC had been custom built by a company in Florida that primarily built fire trucks, so the MCC was not a decommissioned fire truck that had been retrofitted into a mobile command center. The City's MCC had been purchased with Homeland Security funding as was the City fire boat that had been purchased in recent years. He added that a lot of weaponry possessed by the RPD had been in response to some unfortunate situations that had occurred over the years, such as the North Hollywood shootout in Los Angeles in 1997 when the LA Police Department had been outgunned because of two individuals wrapped in body armor who possessed high power AK47 rifles. The RPD needed the tools to protect its officers as well as the community at large.

Taskforce members thanked Lieutenant Lopez for the informative presentation and for the response to questions.

Chair Small noted that cities throughout the country had stockpiled various equipment in order to be prepared for emergencies to deal with, among other things, the proliferation of high-powered weapons, although referring to the Uvalde, Texas school shooting incident where the public had been told equipment was available to keep the community safe, police officers in that case had specialized equipment that had not been used. She asked Lieutenant Lopez if there had been a similar situation in Richmond where equipment was available but had not actually been utilized to protect public safety.

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Lieutenant Lopez stated in the situation at Uvalde, there were many things that had gone wrong, first from the command on scene making decisions at the time.

Lieutenant Lopez referred to situations that were inherently dangerous and stated police officers knew that, signed up for the job, and when people's lives were put at risk it was the police officer's job to address that situation. Officers would therefore have to have the training and equipment needed to be able to accomplish the mission. With respect to Richmond specifically, he could think of no incident where equipment was available that had not been put to use when needed, although there was always a way to do something better.

Chair Small asked about the RPD's position on no-knock warrants, and Lieutenant Lopez referred to a recent article from the National Tactical Officers Association (NTOA) on that issue. He stated that the RPD had not pursued no-knock warrants under his command. He explained that no-knock warrants were inherently dangerous for both the public and the officers and tactics moved away from any no-knock warrants. He referred to a number of tactics that could be used instead and explained as a commander there would have to be a specific reason to justify a no-knock warrant, which was not utilized in Richmond.

Given the time, Interim Director White stated that the meeting would have to be extended for at least 15 minutes.

Motion by Taskforce Member Therriault second by Taskforce Member Schlemmer to extend the meeting for 15 minutes, carried by the following Roll Call vote:

AYES: S. Bischoff, H. Burks, M. Cantú, E. Chacon, L. Chacon, D. Gosney, R. Joseph, K. Kilian-Lobos, J. Schlemmer, B. Therriault, T. Walker, and Chair D. Small

NOES: None

ABSTAIN: B.K. Williams

ABSENT: A. Lee, L. Mangels, M. Njissang, and L. Whitmore

Taskforce Member Schlemmer referred to the upcoming 30th anniversary of the killing of Officers David Haynes and Leonard Garcia in December 1992, a situation where the suspect who had killed those two officers had been armed with a 30-caliber carbine rifle, and one of the reasons why other officers did not go in to potentially save those two officers who died at the scene was because they weren't armed with the correct tools, did not have the correct tactics, and did not have the correct supervisor on scene.

No written comments were submitted, or oral comments made, by any member of the public for either the presentation from Lieutenant John Lopez regarding the Military Equipment Ordinance, or for the discussion of the Taskforce Working Group Structure and Membership.

Chair Small noted that the Taskforce had agreed that there would be no meeting in December and the next meeting would be in January. She asked for a volunteer to provide the Taskforce Report to the City Council in January since that meeting would occur prior to the next Taskforce meeting. She clarified that the working groups could still meet in December and set up their own meeting time and at a minimum she encouraged a report in January to identify when the working groups would meet.

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Taskforce Member Therriault volunteered to present the Taskforce Report to the City Council.

Taskforce Member Cantú verified that the remainder of the agenda, as follows, would be placed on the next agenda for the January 25, 2023 meeting.

3. DISCUSS and APPROVE Future Community Forums
4. RECEIVE a Presentation from Matrix Consulting Regarding the Comprehensive Study of Emergency Services in Richmond
5. RECEIVE a FY 2022-2023 First Quarter Report Regarding Allocations for Unhoused Interventions, YouthWorks, Office of Neighborhood Safety, and the Community Crises Response Program
6. REVIEW Feedback on Proposed Taskforce Bylaws and DISCUSS Next Steps

I. ACTION ITEM RECAP

Chair Small extended Happy Holiday wishes to everyone and thanked Taskforce Members for all their hard work.

J. ADJOURNMENT

The meeting was adjourned at 7:38 P.M.