

MINUTES
NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION MEETING
September 11, 2020

The North Carolina Sentencing and Policy Advisory Commission met remotely by Webex on **Friday, September 11, 2020.**

Members Present: Chairman Charlie Brown, Frances Battle, Art Beeler, Sheriff James Clemmons, Louise Davis, Danielle Elder, Judge Sherri Elliot, Senator Toby Fitch, Lindsey Granados, Judge Greg Horne, Susan Katzenelson, Chief Henry King, Honorable Tammy Lee, Dr. Harvey McMurray, Representative Allen McNeill, Honorable Jim Mixson, Luther Moore, Tim Moose, Judge Fred Morrison, Representative Billy Richardson, Calvin Suber, Patrick Weede, and Judge Valerie Zachary.

Guests: Mary Stevens (DPS PRC); Jesse Sholar (NCSA); and Billy Lassiter (DPS, DACJJ)

Note: Pursuant to G.S. 166A-19.24, the meeting was simultaneously streamed live online on a private Judicial Branch YouTube channel and the public was notified of the means by which it could access the meeting.

Staff: Michelle Hall, John Madler, Ginny Hevener, Tamara Flinchum, Meghan Boyd Ward, Rebecca Dial, Becky Whitaker, and Shelley Kirk.

INTRODUCTION

Chairman Brown called the meeting to order at 10:00 a.m. He welcomed the Commission members and thanked them for their virtual attendance. He reviewed the meeting process and how questions, motions, and votes would be handled, and stated that members of the public were able to view the meeting online but could not ask questions. If they had questions, they could contact staff and staff would follow-up with them. He informed the members that the 2021 Commission meeting dates were March 5, June 4, September 10, and December 3. He recognized Michelle Hall, staff, to provide an overview of the WebEx functions.

At the conclusion of the overview, Chairman Brown presented the minutes from the June 5, 2020 Sentencing Commission meeting. Luther Moore moved to adopt the minutes as presented; Senator Fitch seconded the motion. Ms. Hall called the roll for attendance and for each member's vote on the motion. The motion carried. Chairman Brown then reviewed the agenda noting staff presentations and topics to be covered.

Chairman Brown introduced two new members to the Sentencing Commission: Senator Toby Fitch representing the NC Senate, and Lindsey Granados representing the NC Advocates for Justice.

LEGISLATIVE SESSION SUMMARY AND IMPACT

Chairman Brown recognized John Madler, staff, to provide a summary of the 2020 legislative session (see Handout). Mr. Madler recognized Becky Whitaker and Meghan Boyd Ward, staff, for their assistance in preparing the materials. Mr. Madler informed the Commission that the General Assembly had adjourned for the year as of September 3. They passed several bills since the update staff provided at the June 5 meeting and he would highlight five provisions that relate directly to the work of the Commission.

Beginning with the bills that create new felony offenses or change the elements of existing offenses, Mr. Madler reviewed two bills. The first bill, House Bill 593 – JCPC/Detention/CAA and Other Fees, addresses sex offenders residing in North Carolina who have a conviction from another jurisdiction, either state or federal. The bill establishes a process whereby a judge reviews the offense to determine if it is substantially similar to an offense in North Carolina. If the offender willfully failed to have the review, and failed to register, then they are in violation of the failure to register offense (G.S. 14-208.11), which is a Class F felony. This provision was effective August 1, 2020, and only applies to those who are in North Carolina who have a reportable conviction from another jurisdiction. He added that the Commission did not review this provision at the June meeting because it was added afterwards. The second bill, House Bill 1169 – Bipartisan Elections Act of 2020, creates a new felony offense that prohibits certain persons from sending or providing an absentee ballot to someone who has not requested it; violation is a Class I felony. The offense is limited to a person who is a member of the state board or any county board of election, or who is an employee of the state board or any county board of election. The Commission reviewed this provision and found it to be consistent with the Offense Classification Criteria.

Mr. Madler reviewed one bill that changed a felony punishment, House Bill 511 – North Carolina First Step Act. This bill only applies to people convicted of drug trafficking or conspiracy to commit trafficking. The provision allows a judge to reduce the fine and sentence the person according to Structured Sentencing, based upon their offense class and prior record level, rather than to the mandatory sentence and fine. The judge must find 11 statutory factors in order to sentence an offender pursuant to this provision, and those factors tend to limit its application. The bill also has a provision that applies to people who are currently serving sentences for drug traffic or conspiracy to commit trafficking, allowing them to file a motion for appropriate relief and try and get resentenced under this act. Mr. Madler added that the Administrative Office of Courts is required to produce an annual report on who gets sentenced under this act. The Commission did not review this bill because drug trafficking offenses are outside of Structured Sentencing.

Mr. Madler reviewed two bills that deal with juvenile justice. The first bill, House Bill 593 – JCPC/Detention/CAA and Other Fees, essentially transfers all offenders who are under 18 out of local jails and into juvenile detention facilities until they turn 18. This bill brings North Carolina in line with federal legislation that takes effect in 2021. He added that offenders under 18 in the state prison system are kept in a separate unit so it is not an issue for them. The second bill was Senate Bill 562 – The Second Chance Act. The bill addresses several expunction statutes, some of which relate to some of the collateral consequence issues the Commission has discussed in the past. He highlighted the section that addresses expunction for offenders who were 16 or 17 at the time of their offense but who committed the offense prior to North Carolina raising the age of juvenile jurisdiction on December 1, 2019. Those offenders, once they complete their sentence, will be eligible to apply for an expunction of a misdemeanor or a Class H or I felony conviction. If the application is approved, this would remove their prior adult conviction. Mr. Madler stated that the details of the bills are in the handout and that Ginny Hevener, staff, would discuss the potential impact of these bills on the prison system next.

Ms. Hevener summarized potential impact from the criminal bills passed during the legislative session. She stated that impact on the prison population depends on the number of convictions involved, as well as offense class, type of punishment imposed, and sentence length. Legislative changes from the past session are not anticipated to have a substantial impact on the prison population, in either direction, due to the limited groups to which they apply.

PRISON POPULATION PROJECTION UPDATE

Ms. Hevener shared an update on the prison population projections that were previously shared at the March Commission meeting (see Handout). The handout provides an assessment of the accuracy of the first year of the projection and whether it appears to be on target for the later years of the projection. The projections are typically within an accuracy range of plus or minus 2% for the first year and plus or minus 5% for the later years of the projections, unless there are significant policy changes. She stated that COVID-19 has been far-reaching in its impacts, including in the criminal justice system, and, as a result, the first year of the projections were off by 10%. The average prison population for June 2020 was 32,565 (including jail backlog of 1,282) compared to the projected population of 35,855. Ms. Hevener noted that stated that last year, the Commission projected 35,855 and the average population was 32,565. Historically, the prison population has typically been closer to Expanded Operating Capacity; however, with the impact of the pandemic on the courts and corrections, the prison population is currently very close to Standard Operating Capacity.

Ms. Hevener reviewed graphs showing the projected prison population within the context of prison capacity and also historical trends for the prison populations. She highlighted the impact of declining criminal justice trends and Justice Reinvestment on the prison population, along with legislative changes. The prison population has been very stable for the past three fiscal years until the start of the pandemic. Ms. Hevener noted that the March population primarily represents a normal population, with the Governor's state of emergency and the Chief Justice's emergency directives occurring nearly mid-way through the month. The prison population dropped 7% from March to June. Between the postponement of court proceedings and moratorium on accepting offenders from county jails (April to May), prison entries declined from around 2,000 in March to just over 300 in May – a substantial decline in offenders being admitted to prisons.

Additionally, Ms. Hevener stated that there were changes that affected the release of offenders from prison and their time served – one of which was the authorization of Extended Limits of Confinement (ELC) by Secretary Hooks. Under ELC, certain individuals are allowed to serve their sentences outside of prison, under community corrections supervision. In addition, she described changes to discretionary time credits that allow offenders to be released closer to their minimum sentences through incentive time credits for remaining infraction-free. ELC has an immediate impact on the prison population with those individuals no longer housed in prison, while changes to discretionary credits will have a longer-term impact as offenders are released closer to their minimum sentences.

Ms. Hevener noted that the current prison population is around 32,000 and jail backlog has been reduced substantially. At its highest, jail backlog was around 1,800 inmates and is currently down to around 400. She stated that operations are resuming slowly but not at previous levels. SPAC staff and DPS staff have been meeting to discuss possible changes in the approach for the projections in order to account for COVID-19 and to produce as accurate of a projection as possible, she concluded.

Chairman Brown thanked Ms. Hevener and then proceeded to ask Chief Deputy Secretary and Commissioner, Tim Moose, for any additional comments on the presentation or take-aways. Mr. Moose added that the prison population is currently at a point similar to the year 2000, which is significant when looking back historically. As of 8:00 a.m. that morning, he stated, the prison population was 30,985 with 400 in backlog, which is quite a reduction. By the end of the day, there will be a total of 516 individuals who have been transitioned onto ELC. Mr. Moose stated that the prison system has definitely adjusted and responded to COVID-19 and managed the population as best it could in light of a pandemic no one

could have anticipated. He thanked staff for their assistance in developing next year's projections and for the great work they always do.

After asking Commissioners if they had any comments or questions for Ms. Hevener or Mr. Moose, Chairman Brown recognized Susan Katzenelson for a comment. She complimented staff on the projections being scientifically solid in an unpredictable event and then added that it will be interesting in projecting in the years forward whether DPS and other governmental entities will choose to keep some of the changes that have occurred in response to the pandemic as part of their normal course of operations.

JUVENILE RESOURCE PROJECTION UPDATE

Chairman Brown recognized Tamara Flinchum, staff, who presented the Youth Development Center (YDC) Population Projection Update (*see Handout*), similar to what was covered with the adult system. She reported that two things impacted the YDC population in FY 2020, with only one of them being planned for – Raise the Age (RtA). The other impact was the COVID-19 pandemic which could not have been predicted and, therefore, not planned for in the current projection. The RtA initiative went into effect halfway through the fiscal year and increased the age of juvenile jurisdiction to include most youth aged 16 and 17. Due to the pandemic, the projected resource need for YDC beds overestimated the actual YDC population.

Pointing to the pandemic-affected projection, Ms. Flinchum commented that, similar to the adult system, the Emergency Directives for the court system issued by Chief Justice Beasley impacted the number of juveniles going into the system and the release of juveniles which impacts their YDC length of stay. The number of YDC admissions and length of stay are key components that affect the accuracy of the projection. Finally, Ms. Flinchum noted that while the YDC population had decreased, the number of RtA juveniles (16- and 17-years) had increased since the RtA effective date and the arrival of the pandemic. She also stated that the projections were more accurate in projecting this population compared to the juveniles under 16 years that had a more dramatic decrease. Ms. Flinchum mentioned that staff had already received FY 2020 data from Juvenile Justice staff that will be used for the FY 2021 through FY 2026 projections.

Chairman Brown introduced Deputy Secretary Lassiter from the Division of Adult Correction and Juvenile Justice who provided an update on the status of the Juvenile Justice System (JJS) during the pandemic. Mr. Lassiter commented that he would be building off what Ms. Flinchum presented and discussed the two major events that impacted the JJS over the past year – the RtA and then the pandemic. He stated that overall dispositions decreased by 21% since March 2020. Generally, YDC commitments and exits trends tend to go back and forth increasing and decreasing each year, but the pandemic has switched things up with the expected trends not occurring due, in part, to the inability to enter those dispositions for YDC commitments during court sessions. During the past year, the average length of stay increased since the youth served were assessed with a higher risk and greater needs than previous years. To address the pandemic, youth with lower-level offenses were moved from YDCs to community commitment or to community-based programs – keeping only the high-risk youth in the system (i.e., detention centers, YDCs) unless extenuating circumstances (e.g., home environment unsafe to return the youth, exposure to COVID-19) prohibited their release.

Overall crime rate for the under 16 juveniles is the lowest ever tracked, according to Mr. Lassiter, while the RtA population had a higher crime rate (15.43 per 1,000 and 44.42 per 1,000 respectively).

Meanwhile, removing youth from YDC commitments out into the community and the slowing of YDC admissions while court sessions were under the Emergency Directives resulted in only 5 YDC admissions during April 2020 – an all-time low. It also produced a backlog of youth waiting in detention centers for their disposition hearing.

Mr. Lassiter noted that when he presented to the Commission at the December 2019 meeting, the facility plan had been to convert one of the units at the Cabarrus YDC to a detention bed facility. That plan was delayed because 20 additional YDC beds at the Dillion Juvenile Detention Center were opened and an additional 30 beds will open once staff is hired. Mr. Lassiter said that the detention population has been growing mainly because of youth aged 16- and 17-years (RtA) who are automatically transferred to the adult system awaiting their superior court disposition and not entering the YDCs. He continued that those youth stay in a juvenile detention center until they have been convicted and sentenced in the adult system.

Mr. Lassiter discussed that the pandemic impacted overall complaints and even with the influx of the RtA youth complaints had decreased compared to last year. One explanation for the drop due to COVID-19 is the decrease in school-based offenses (SBOs) due to school closures and the shift to remote learning. By reducing the SBOs which tend to be misdemeanors and some status offenses, the number of complaints that are serious offenses have increased. He added that the population had not changed, but that youth are not on school campuses to commit those SBOs.

Steps were implemented to practice social distancing in YDCs and juvenile detention centers and Mr. Lassiter was proud to report that no COVID-19 cases had occurred in any of the juvenile facilities – with the exception of two cases that came to the facility already infected. In conclusion, Mr. Lassiter commented on a few trends of note: (a) a 31% decrease in status offenses (e.g., truancy) due to school closures, (b) an 18% increase in distinct juveniles on electronic monitoring between March 1 and August 31 compared to last year, and (c) a 46% increase in the overall delinquent complaints since December 1, 2019, the RtA effective date. Mr. Lassiter thanked Michelle and her staff for all the work with his staff over the years to develop projections and make sure we were prepared for RtA with proper staffing and resources across the state, and short of this pandemic, they nailed it exactly.

Chairman Brown asked Mr. Lassiter to clarify that complaints referred to petitions filed for court, which Mr. Lassiter responded in the affirmative. Chairman Brown commented that with the pandemic influencing these trends and SBOs being driven down, that he was hopeful to see the sharp decline continue. Mr. Lassiter remarked that there are currently 38 jurisdictions with local education agencies that have a school justice partnership in place and are making progress to decrease that population in the JJS.

Chairman Brown pointed out from the presentation the need to reallocate YDC beds for secure custody while courts have been closed and that those transfer hearings, delinquency court, and secure custody review hearings are being done virtually. Mr. Lassiter acknowledged that the teleconferencing option for secure custody hearings with the courts had reduced the possibility of COVID-19 getting into their facilities by not having to transport the juveniles to court and expressed his appreciation of that partnership.

STATEWIDE MISDEMEANANT CONFINEMENT PROGRAM (SMCP) CAPACITY PROJECTION UPDATE

Chairman Brown thanked staff and Mr. Lassiter and said that we are now going to transition to SMCP Projection Update and introduced Rebecca Dial, staff. Ms. Dial began by reviewing those eligible for the SMCP: any misdemeanor sentenced to an active sentence of 90 days or more and all DWI offenders. She added that the SMCP is a voluntary program for counties to house misdemeanants and if the SMCP does not have capacity, then the misdemeanants would be sent to prison. This construct highlights the importance of thinking about the impact of the SMCP and its capacity limits.

Turning to the handout, she noted actual capacity was 916 on June 30th, which was about a 452-bed difference (33%) than projected. Ms. Dial said that the highest capacity was just over 1,400 in 2020 and dropped to 755 at its lowest point. The largest capacity decrease occurred from February to March. The population declined in April, May, and June by over 100 in each of those months. Turning to the bottom graphic (see Handout), she noted that at the end of July 2020, the capacity had increased to 923, but the population was still very low at 625.

Ms. Dial then discussed the two projection scenarios, which are very similar; both were higher than the actual capacity in July 2020. The projections are for five years, and Ms. Dial explained that the difference between them occurred in year two. By Year 5, the projections would be 27 beds apart. She then turned the discussion over to Jesse Sholar from the Sheriff's Association to provide information about the operational impacts of COVID-19. Chairman Brown thanked Ms. Dial and recognized Mr. Sholar.

Mr. Sholar thanked Chairman Brown and discussed the SMCP issues and current decline in admissions resulting from the reduction in cases being brought from the courts, similar to the prison and youth population numbers previously discussed. He stated that the big reduction in capacity has come from receiving counties choosing to place a temporary suspension on receiving new inmates to reduce inmates coming into their facilities. Again, the SMCP operates on a voluntary basis and sheriffs are volunteering these beds into the program; therefore, if they want to put a policy hold on it, they have the option to do so. Mr. Sholar then mentioned that the big reduction in capacity is not anticipated to remain. The program has already gone from a high of about 25 counties with suspensions in July, down to 19 that still have suspensions, with the expectation that more will come online when Phase Three is implemented by the Governor. Counties have come back online because they have put procedures in place to handle any outbreaks that may happen; capacity is expected to continue to increase.

Mr. Sholar continued that the population looks similar to pre-2015 (before DWIs were implemented into the program) and it's important to remember that SMCP houses misdemeanants that often serve shorter sentences. Whenever a decline in admissions happen, and sentences continue to be completed, there is a decline in the population. He noted the population is starting to level off at the 625 inmates now as the handout shows. Chairman Brown then opened the floor for questions to either Mr. Sholar or Ms. Dial and seeing none, he thanked them both.

REVIEW AND DISCUSSION OF THE TASK FORCE ON RACIAL EQUITY IN CRIMINAL JUSTICE AND SENTENCING COMMISSION ROLE

Chairman Brown recognized Becky Whitaker, staff, to provide an overview of the Task Force for Racial Equity in the Criminal Justice System (TREC). Ms. Whitaker stated that TREC was established by executive order in June 2020 as an advisory task force to the Governor and has been tasked with developing and implementing solutions that will eliminate disparate outcomes in the criminal justice

system for communities of color. She described TREC's membership, as well as its staff, and outside consultants. Ms. Whitaker stated that TREC's mandate is to develop evidence-informed strategies and equitable policy solutions that address the structural impact of intentional and implicit bias while maintaining public safety for both law enforcement and criminal justice practices and policies.

She then described TREC's primary duties, including the duty to collaborate with the Sentencing Commission among other collaborating agencies, and encouraged to consider reporting on racial and ethnic disparities in their own work. She stated that TREC has been divided into four working groups: law enforcement management; policing policies and practices; court-based interventions to end discriminatory criminalization; and advancing racial equity in trials and post-conviction. She said SPAC member, Sheriff James Clemmons, was appointed to TREC and is serving on the policing policies and practices working group. Ms. Whitaker described TREC's meeting schedule and timeline for its final report and recommendations, due in December.

Following Ms. Whitaker's overview of TREC, Chairman Brown recognized Sheriff Clemmons to speak about his experience working with the task force. Sheriff Clemmons provided an overview of the progress made by the working group on police policies and practices. He said they have considered recommendations regarding sentinel event reviews, defining use of force, the *Tennessee v. Garner* Supreme Court case regarding deadly force, the duty to intervene, the school to prison pipeline, diversionary tactics, SROs, and accreditation for officers and agencies.

Chairman Brown asked Sheriff Clemmons if there are SROs in elementary schools in Richmond County, to which he responded that schools have their own special police agency, which is a unique system. Chairman Brown then asked fellow Commissioner, Chief Henry King, if there are SROs in elementary schools in his jurisdiction, which he stated there are not. Noting the time on the agenda, Chairman Brown recognized Ms. Hall for a noteworthy business item, where she announced that the Commission, for a second year in a row, had received national recognition for one of its reports and that the link and information would be sent following the meeting.

Now turning to her presentation and discussion on a potential study on sentencing decisions, Ms. Hall explained she would be providing some background and data to inform the Commission's discussion and their decision about whether the Commission wanted to proceed with a study looking at potential disparities in sentencing decisions.

Ms. Hall reminded the Commission that Chairman Brown emailed earlier in the summer in preparation for this meeting, a copy of a Sentencing Commission study conducted in 2002 examining sentencing practices under Structured Sentencing. She noted that was the first and only time the Commission had conducted such a study. She explained that the Commission at that time was looking at whether there was disparity in sentencing practices, acknowledging that there may have been disparity in decisions made prior to the conviction and sentencing phases. The study also looked at some key discretionary points under Structured Sentencing and what extra-legal factors or legal factors might be influencing the likelihood of that outcome. She reviewed some of the key findings from the 2002 study, noting the factors were associated with sentencing disparities (see Presentation).

Staff put together some preliminary data for the Commission to review, specifically looking at the felony punishment grid in terms of convictions imposed in FY 2019. She showed the distribution of convictions within each offense class by race, noting that the majority of convictions in the most serious offense classes (Classes A-D), were for black offenders, and the majority of convictions in the least serious

offense classes (Classes H-I) were for white offenders. When examining prior record level and race, the data showed that generally as prior record level increased, the percentage of convictions for nonwhite offenders increased. These two findings are important to understanding the variation in the use of active punishment. The use of active and nonactive punishment varied by race category; a lower percentage of white offenders received active punishment. More nonwhite offenders are in the serious offense classes, and in the more serious prior record levels, which are consequential places to be on the felony punishment chart, they are more likely to receive active punishment. Looking at sentence length imposed by class and race, Ms. Hall pointed out there was not much variation between the average minimum sentence imposed. Some variation in the most serious classes might be explained by differences in prior record level distribution.

She reviewed the key observations from the data noting there were some differences in the distribution of convictions by race, sex and age. Differences in class and prior record level distributions by race may explain some difference in the use of active punishment by race. She concluded by noting that if the Commission did decide, as the Governor's executive order strongly encouraged, to go forward with publishing a report on racial or ethnic disparities in the Commission's work, staff could construct a study similar to the one that was published in 2002.

Chairman Brown thanked Ms. Hall for the overview. He added that some takeaways from her summary include that the enabling legislation presented previously references the Sentencing Commission but noted there has not been a formal request beyond being a partner that would be valued and could be relied upon to assist. The question is not coming as a legislative study request but would be something for the Commission to consider. He also highlighted the fact that it has been 20 years since the Commission has done a study like the one being considered. Noting the Commission has now seen some of the preliminary data from staff, he indicated he was looking for consensus on whether the Commission should move forward and invited discussion and questions for staff.

Luther Moore inquired as to whether the study would lead to a rewrite of the sentencing structure completely. Chairman Brown noted that North Carolina has a very objective, we think, and simplified approach to sentencing: criminal history and seriousness of offense. If the resulting impact has been disparity, then it may result in some further examination. He stated that he would not use the word "rewrite" when it is not known at this point if there is disparity. Mr. Moore noted it took the Commission four years to develop Structured Sentencing. Chairman Brown said he appreciated the concern and invited other Commissioners to respond to Mr. Moore's concern. He recognized Art Beeler.

Mr. Beeler stated his belief the study was long overdue; 20 years is too long to study potential sentencing disparity. He supported the Commission conducting the study again; he did not have a prediction as to what it would reveal. He referenced a recent study by the United States Sentencing Commission which showed that disparity increased when the federal system moved away from structured sentencing. Disparity increased significantly in the last couple of years when judges were allowed to use federal guidelines in an advisory versus mandatory way. He stated his belief that Structured Sentencing actually works to try to make sure that there are not disparities, but that it needs to be studied.

Ms. Katzenelson noted that she worked on the 2002 report. She stated her very strong recommendation would be: yes as to the study. She noted she was not sure how much content the Commission could prepare for the Governor's Task Force, given the timeline, and suggested a phased approach to the study. She noted that she, and Mr. Moore – who has been serving on the Commission longer than she – want to protect Structured Sentencing. She added that protecting Structured Sentencing

was not, in her view, the primary goal of the Commission. Ms. Katzenelson continued that she did not think that Structured Sentencing would be affected, but if it needed to be, and was the right thing to do, she could live with that. She also noted that some of the findings pointed to things that happened before the sentencing, for example, the area, the county or the judicial district was one of the strongest variables that predicted the kind of disposition. She concluded saying her vote was very much in favor.

Chairman Brown thanked Ms. Katzenelson and reminded Commissioners he was not seeking a motion but appreciated the points Ms. Katzenelson had made. He noted his observation during her commentary that other members were nodding in agreement, which he was taking to mean agreement with proceeding with the study. He then recognized Dr. McMurray for further comments. Dr. McMurray noted his strong support for the study and indicated he would like to see a trend analysis from 2002 to the current study. He stated his agreement with Ms. Katzenelson to include the plea negotiation process because of its importance in sentencing outcomes.

Chairman Brown noted that in reading the chat comments, and considering the verbalized comments, all indicated consensus to him. He asked for additional input, specifically if there were concerns that needed to be registered. No objections were noted. Chairman Brown indicated there were some questions about the technical features of moving forward as to whether the work would be handled through a subcommittee, and noted the Commission was out of time for the current meeting, but that because consensus had been reached, he would direct the staff to move forward. Ms. Hall indicated that staff would proceed and welcomed any questions from Commissioners. Discussion ensued about the potential timeframe for the study. Chairman Brown made note of Commissioners' comments regarding the deadline for the study in relation to the work of the Governor's Task Force.

ADJOURNMENT

Chairman Brown reminded the members of the next scheduled meeting on December 4th most likely virtually, and adjourned the meeting at 12:04 p.m.

Respectfully submitted,

Shelley Kirk
Administrative Secretary