

BAIL BOND BOARD MEETING

AUGUST 18, 2016

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THOSE PRESENT:

- Tim Funchess
- Pat Knauth
- Lieutenant Mills
- Alisa Raumaker, CSR
- Rhonda Brode
- Becky Garcia
- Tina Landry
- Al Reed
- Jaime Smith
- Jill Wiebusch
- Casi De La Torre

12: 43PM

12: 43PM

12: 41PM 1 MR. FUNCHESS: All right. I'm going to  
12: 41PM 2 call this meeting to order.

12: 41PM 3 First thing on the agenda is to review the  
12: 41PM 4 minutes from the last meeting. Anybody have a chance to  
12: 41PM 5 review those?

12: 41PM 6 MS. GARCIA: I didn't realize they got sent  
12: 41PM 7 out.

12: 41PM 8 MR. FUNCHESS: I don't know if they got  
12: 41PM 9 sent out or if they're on line. If nobody has read  
12: 41PM 10 them, I don't think we can approve them. So, we'll  
12: 41PM 11 table that for -- until next month.

12: 41PM 12 I have a report from the District  
12: 41PM 13 Attorney's Office regarding the status of collections  
12: 41PM 14 and judgments.

12: 41PM 15 MS. GARCIA: It's been passed out.

12: 41PM 16 MR. FUNCHESS: Any questions, comments?  
12: 41PM 17 (No response).

12: 41PM 18 MR. FUNCHESS: Next we have consideration  
12: 42PM 19 and approval of applications to become bondsmen.

12: 42PM 20 Becky, do we have any?

12: 42PM 21 MS. GARCIA: No, sir. There is none.

12: 42PM 22 MR. FUNCHESS: Are there any complaints  
12: 42PM 23 against bondsmen?

12: 42PM 24 MS. LANDRY: Mary is not here. She didn't  
12: 42PM 25 give me any to speak of.

12: 42PM 1 MR. FUNCHESS: And I passed out my report  
12: 42PM 2 from the Treasurer's Office, and it's up to date.

12: 42PM 3 Is there any report from the Auditor's  
12: 42PM 4 Office?

12: 42PM 5 MS. BRODE: I've handed them out. We're  
12: 42PM 6 still good on our budget. We're still in the black.  
12: 42PM 7 And the few questions I had about some forfeitures and  
12: 42PM 8 bond limits that have exceeded -- I mean, bonds that are  
12: 42PM 9 out -- that have exceeded the limits, I've gotten with  
12: 42PM 10 the County Clerk and District Clerk and we're  
12: 42PM 11 researching off line.

12: 43PM 12 MR. FUNCHESS: All right. Item Number 7 is  
12: 43PM 13 surety bonds for attorneys.

12: 43PM 14 MS. GARCIA: If we can actually discuss 8  
12: 43PM 15 and then we can go back to 7.

12: 43PM 16 MR. FUNCHESS: All right. Discussion on  
12: 43PM 17 60, 180-day bond expirations.

12: 43PM 18 MS. LANDRY: We were going to see if we  
12: 43PM 19 could make it 180 days across the board, instead of 60  
12: 43PM 20 on some cases and 180 on the others before they expire.  
12: 43PM 21 Because we're having -- we came across it where someone  
12: 43PM 22 was arrested for a DWI and then for evading arrest and  
12: 43PM 23 that one, the evading, was 60 days, the DWI was 180.  
12: 43PM 24 So, they have one warrant; and they don't a warrant on  
12: 43PM 25 the other case. And if it was across the board, it

12: 44PM 1 would just be, like, so much easier.

12: 44PM 2 MS. GARCIA: Or one court date and no  
12: 44PM 3 spending --

12: 44PM 4 MS. LANDRY: Right. It's beginning to be a  
12: 44PM 5 -- more of a headache, I think, than a help to the  
12: 44PM 6 courts, that is, and to the clerk's offices.

12: 44PM 7 MR. FUNCHES: Well, does that require  
12: 44PM 8 action from this Board?

12: 44PM 9 MS. LANDRY: I would think we would have to  
12: 44PM 10 vote to have it, like, 180 days on all cases.

12: 44PM 11 MS. GARCIA: Because that information has  
12: 44PM 12 to be put on the bonds.

12: 44PM 13 MR. REED: Which we'd just refuse.

12: 44PM 14 MS. LANDRY: And it would -- it really  
12: 44PM 15 wouldn't affect too many cases with the -- like, most of  
12: 44PM 16 them will be filed within 180 days anyway. So, it's  
12: 44PM 17 just going to be, like, a whole lot better all across.

12: 45PM 18 MR. REED: It's not a whole lot better for  
12: 45PM 19 the bondsmen. And I'll tell you the reason why. If we  
12: 45PM 20 have to wait six months to get off of a bond on  
12: 45PM 21 accusation, we need some relief there. We're writing  
12: 45PM 22 5,000-dollar misdemeanor bonds, 10,000-dollar  
12: 45PM 23 misdemeanor bonds. Those are going to go away. We're  
12: 45PM 24 not going to write those kind of bonds with that kind of  
12: 45PM 25 exposure. I don't think any of the bondsmen will write

12: 45PM 1 those kind of bonds with six months' exposure and you  
12: 45PM 2 cannot get off the bond. So, what is going to happen,  
12: 45PM 3 they're going to get out on an accusation in 72 hours.  
12: 45PM 4 The warrant department is going to have to go chase  
12: 45PM 5 them. Now, they don't chase misdemeanor bonds. They  
12: 45PM 6 chase felony bonds when they can. But then that's going  
12: 45PM 7 to backlog the courts with all these outstanding cases  
12: 45PM 8 that hasn't come to court yet. So, you might want to  
12: 45PM 9 consider that.

12: 46PM 10 MS. LANDRY: Well, the other problem we're  
12: 46PM 11 having with that, though, Al, is we did -- we had one  
12: 46PM 12 that came up just the other day. You-all said that  
12: 46PM 13 you-all would only charge them the 15-dollar processing  
12: 46PM 14 fee once the case was filed. There are bondsmen out  
12: 46PM 15 there -- I have a case that the mother said -- and I can  
12: 46PM 16 call her back to file a complaint against the bondsman,  
12: 46PM 17 if need be, but they said that judge -- they said that  
12: 46PM 18 the bondsman -- that he had to charge the full amount.  
12: 46PM 19 He would not -- they were not going to just charge the  
12: 46PM 20 15-dollar fee. They had to pay the full amount again  
12: 46PM 21 and it was up to his discretion as to whether he charged  
12: 46PM 22 the full amount and he chooses to. And the mother  
12: 46PM 23 called back; and we said, well, judge said he'll make a  
12: 46PM 24 PR bond on it, to come down. She called that bondsman  
12: 46PM 25 back. That bondsman said, no, the court cannot do that;

12: 46PM 1 I have to make the bonds because I made the original  
12: 47PM 2 bond. Now, I'm just saying what's happening, you know.  
12: 47PM 3 So, if it was 180 days, most of them are going to be  
12: 47PM 4 filed within that time anyway.

12: 47PM 5 MR. REED: Well --

12: 47PM 6 MS. GARCIA: Well, before you speak, in  
12: 47PM 7 addition to that, Court 2 has implemented a new  
12: 47PM 8 procedure that you-all might want to be aware of.

12: 47PM 9 MR. REED: Now, if we have some relief to  
12: 47PM 10 be able to get off the bond before they're filed, I  
12: 47PM 11 would have no objections to that. But when you're  
12: 47PM 12 talking about writing close to three -- a total of close  
12: 47PM 13 to 3 million bonds a month that are written out of that  
12: 47PM 14 jail and then you say, oh, I have one case that this and  
12: 47PM 15 this and this happens, well, that happens in all cases  
12: 47PM 16 when you're dealing with attorneys or that you're  
12: 47PM 17 dealing with the courts and you're dealing with the bail  
12: 47PM 18 bond people. That happens. You can't just say, I have  
12: 47PM 19 one case or I have five cases when we are writing  
12: 48PM 20 \$3 million worth of bonds a month or -- out of that jail  
12: 48PM 21 and say, well, I got a case. That's not fair.

12: 48PM 22 JUDGE BRANICK: Let me see if I understand  
12: 48PM 23 what you're saying. Tina, is it after this one bondsman  
12: 48PM 24 after 60 days wanted to charge a person the full amount  
12: 48PM 25 of the bond again to extend it out to 180?

12: 48PM 1 MS. LANDRY: No. Because the case was  
12: 48PM 2 filed after -- if the case is filed after 60 days, then  
12: 48PM 3 the bondsman is not responsible for that bond any more.  
12: 48PM 4 So, we issued an at-large without proper bond. Well,  
12: 48PM 5 most of the bondsmen, the majority of the bondsmen, once  
12: 48PM 6 that client calls in and says, my case is filed now; I  
12: 48PM 7 have a warrant out for my arrest -- sometimes the  
12: 48PM 8 bondsmen even keep track of it themselves -- but there's  
12: 48PM 9 a warrant out for my arrest; will you make the bond for  
12: 48PM 10 me and rewrite the bond. Most of them charge a  
12: 49PM 11 15-dollar processing fee which they are charged. So,  
12: 49PM 12 that's all they charge them to rewrite the bond. But  
12: 49PM 13 some of them are not doing that. They're charging the  
12: 49PM 14 full amount that they charged initially. Say it's a  
12: 49PM 15 10,000-dollar bond and they charged -- I'm just going to  
12: 49PM 16 throw something out there -- \$2,000 for that bond.  
12: 49PM 17 They're wanting \$2,000 more to rewrite the bond after  
12: 49PM 18 the case is filed.

12: 49PM 19 MS. GARCIA: Or they would be out that  
12: 49PM 20 money again if they go to another bondsman. But in the  
12: 49PM 21 meantime Court 2 has implemented a new procedure that is  
12: 49PM 22 in the event an at-large without proper bond does go  
12: 49PM 23 out, we're not going to issue a warrant immediately.  
12: 49PM 24 We're going to issue a summons for them to appear in  
12: 49PM 25 court. If they make their court appearance, the Court

12: 49PM 1 is PRing them out on all charges, which on the end  
12: 50PM 2 result, if there is a forfeiture later on, it's bad for  
12: 50PM 3 us because we won't do NISIs on a PR bond. We're  
12: 50PM 4 shooting ourselves in the foot.

12: 50PM 5 MR. REED: Exactly.

12: 50PM 6 MS. GARCIA: The bad part about it is there  
12: 50PM 7 is not a bondsman on it, you know, for you-all's  
12: 50PM 8 livelihood and for the Court's benefit that you-all will  
12: 50PM 9 keep up with this person to make them show up for court.

12: 50PM 10 MR. REED: You know, the PR bond systems is  
12: 50PM 11 terrible because you have nobody following the  
12: 50PM 12 defendant.

12: 50PM 13 MS. LANDRY: We actually do. They have to  
12: 50PM 14 report to probation. They have to take drug tests.

12: 50PM 15 MR. REED: Good luck on that. I think what  
12: 50PM 16 you're getting ready to do is really going to back up  
12: 50PM 17 the court's system. I think you're looking at it one  
12: 50PM 18 way and not looking at it another way. And these  
12: 51PM 19 5,000-dollar misdemeanor bonds and 4 and 500-dollar and  
12: 51PM 20 10,000-dollar misdemeanor bonds, they're going to go  
12: 51PM 21 away. Nobody is going to write them. Too much  
12: 51PM 22 exposure.

12: 51PM 23 JUDGE BRANICK: Is there a middle ground,  
12: 51PM 24 like, 120 days or something?

12: 51PM 25 MR. REED: You know, I know in Houston when

12: 51PM 1 the defendant is in jail, he's assigned a number, he's  
12: 51PM 2 assigned a court and then they can get off the bonds.  
12: 51PM 3 But if you can find a way to assign a number to that  
12: 51PM 4 defendant when he's in jail where we can get off the  
12: 51PM 5 bonds, I don't care if you have it 180 days.

12: 51PM 6 MS. GARCIA: The previous discussion,  
12: 51PM 7 Judge, was the DA's office felt like within that 180  
12: 51PM 8 days, because most of the information on the cases, the  
12: 51PM 9 DWI, drug cases, within 180 days, they're getting the  
12: 51PM 10 results back from the lab. So, then they know exactly  
12: 51PM 11 how to file that case. But if -- in Al's part of it,  
12: 52PM 12 how do they get off the bond before that time period,  
12: 52PM 13 but there is no relief for them to file that paperwork  
12: 52PM 14 because a case hasn't been filed, there is no cause  
12: 52PM 15 number that has been assigned for it. So, whose  
12: 52PM 16 authority can sign off, you know, for that NFRS and  
12: 52PM 17 where does the paperwork go? Because the courts can't  
12: 52PM 18 accept it because we don't have a file with that number.  
12: 52PM 19 So, it's a catch-22 and a dilemma on --

12: 52PM 20 JUDGE BRANICK: The bond has got no cause  
12: 52PM 21 number on it?

12: 52PM 22 MS. GARCIA: Right.

12: 52PM 23 MR. REED: And this year we're experiencing  
12: 52PM 24 that the DA's office is not filing these cases in an  
12: 52PM 25 expedient amount of time. They're way behind on filing

12: 52PM 1 cases. And I think that this is some of the problems.

12: 53PM 2 You have --

12: 53PM 3 MS. GARCIA: Well, in Pat's and I think in  
12: 53PM 4 the DA's defense, they're waiting to file the case with  
12: 53PM 5 the proper information to say whether it's over this BAC  
12: 53PM 6 or what the results are instead of filing it and then  
12: 53PM 7 later on having to go back and change it.

12: 53PM 8 MR. KNAUTH: Right. It's as good as it's  
12: 53PM 9 going to get. So, get used to it.

12: 53PM 10 MR. REED: I'm not talking about -- I'm not  
12: 53PM 11 talking about for alcohol cases. I'm talking about all  
12: 53PM 12 the cases.

12: 53PM 13 MR. KNAUTH: Well, give me -- like anybody  
12: 53PM 14 else that has a complaint, you're going to have to give  
12: 53PM 15 me something specific here. An example, whenever  
12: 53PM 16 somebody comes up, you need to give me the case number  
12: 53PM 17 in front of it. There may be a reason. There may not  
12: 53PM 18 be. Or maybe just we made a mistake. I don't know.  
12: 53PM 19 That happens, too.

12: 53PM 20 MR. REED: I understand.

12: 53PM 21 MR. KNAUTH: I can't answer to general --

12: 53PM 22 MR. REED: I understand. The bondsmen  
12: 53PM 23 shouldn't have to solve all of the problems that come up  
12: 53PM 24 because we have a few isolated cases and then they want  
12: 53PM 25 to put everything on the back of the bondsmen.

12: 54PM 1 MR. KNAUTH: I hear you. But I don't  
12: 54PM 2 think, you know, the DA's office is responsible for  
12: 54PM 3 those few isolated cases.

12: 54PM 4 MR. REED: No. No. I'm not saying that.  
12: 54PM 5 But is there a legal way that we can assign a number so  
12: 54PM 6 we can get off those cases?

12: 54PM 7 MR. KNAUTH: I have no idea. I'd be happy  
12: 54PM 8 -- if there is a way, I'd be happy to try to facilitate  
12: 54PM 9 that. But it's -- right now, I'm more interested to see  
12: 54PM 10 what the courts think about -- you know, Judge Woods or  
12: 54PM 11 the incoming judge about how they want to handle their  
12: 54PM 12 bonds, whether or not they want to do it. I hear your  
12: 54PM 13 panic about wanting to get off the bonds because it's a  
12: 54PM 14 -- you know, you should be entitled to make a living  
12: 54PM 15 properly and get -- and it holds up your money. But as  
12: 54PM 16 far as how to make that happen, I have no idea. But it  
12: 54PM 17 really comes down to the courts. The courts need to  
12: 54PM 18 decide on how they wish to conduct those bond situations  
12: 54PM 19 and whether or not it's 180 days or 120 days or 60 days.  
12: 54PM 20 They need to decide that.

12: 54PM 21 MS. LANDRY: It actually doesn't hold up  
12: 54PM 22 their money until the case is actually filed. Then it  
12: 55PM 23 cuts off their liability. It does not cut off their  
12: 55PM 24 liability until there is a case number. There is no way  
12: 55PM 25 to keep track of it before that.

12: 55PM 1 MR. REED: It's just keeping -- if somebody  
12: 55PM 2 -- if you can't find that person in six months, then --  
12: 55PM 3 and then this case is filed in five months. Well, this  
12: 55PM 4 guy has been gone for four months. You know, there is  
12: 55PM 5 no warrant. He's been in and out of jail. So, there's  
12: 55PM 6 no relief. You know, he can go to jail three times; and  
12: 55PM 7 if a case has not been filed, there is no relief to us.

12: 55PM 8 MR. KNAUTH: Somebody has -- I don't have  
12: 55PM 9 an answer to this problem. I don't. I mean, we've got  
12: 55PM 10 -- I have extra people at intake to try to make it go  
12: 55PM 11 faster and more economical. We're hit with the Michael  
12: 55PM 12 Morton Act which we're required to get a lot more  
12: 55PM 13 information which requires more man hours, more  
12: 55PM 14 manpower. We have more video which we have to make  
12: 56PM 15 copies and present to the defense lawyers. It's --  
12: 56PM 16 we're getting it from every side. So, we're doing the  
12: 56PM 17 best we can. And we don't mean anything personally.

12: 56PM 18 MR. REED: There is no question about that.

12: 56PM 19 MR. KNAUTH: We're limited on staff. But  
12: 56PM 20 that's because -- that's because of the economy. I'm  
12: 56PM 21 just kidding. We're great.

12: 56PM 22 MR. REED: A lot of these misdemeanor bonds  
12: 56PM 23 aren't going to be written, especially the ones that  
12: 56PM 24 are high misdemeanor bonds. And they're just going  
12: 56PM 25 to --

12: 56PM 1 MS. GARCIA: On the court's side of it, the  
12: 56PM 2 conflict comes in when there are multiple charges  
12: 56PM 3 involving DWI and drug cases and other cases and the  
12: 56PM 4 avenues these cases can't be kept together with the  
12: 56PM 5 courts because we've got one set of actions and  
12: 56PM 6 justification going this way and another set going this  
12: 56PM 7 way. So, you may get a bond forfeiture on this one, but  
12: 56PM 8 you're not going to get -- you know, typically we keep  
12: 56PM 9 everything together. So --

12: 56PM 10 MR. REED: You know, in the last 20 years  
12: 57PM 11 it worked that way. It's worked smooth. All the  
12: 57PM 12 sudden, you know, everything -- every "I" has to be  
12: 57PM 13 dotted and every "T" has to be crossed now to make other  
12: 57PM 14 people's life a little bit better. So, the bondsmen get  
12: 57PM 15 hit with everything. If you can find -- if you can find  
12: 57PM 16 a way like Houston, like Harris County does, to assign a  
12: 57PM 17 number as soon as they hit the jail and then we can get  
12: 57PM 18 off the bond when and if we have to, then that would  
12: 57PM 19 work for everybody.

12: 57PM 20 UNIDENTIFIED SPEAKER: Can I say something  
12: 57PM 21 about that? One of the reasons we -- like, on the case  
12: 57PM 22 number deal, normally what happens a lot of times on --  
12: 57PM 23 in some counties when there is a non-assigned case, no  
12: 57PM 24 case numbers, there's a JP that comes in and sets the  
12: 57PM 25 bond. So, in a lot of counties what happens is, if the

12: 57PM 1 case never gets indicted or never gets accepted, you  
12: 58PM 2 take it to get off the bond you take it to the JP level  
12: 58PM 3 to get that. Here now the magistrates sets the bonds on  
12: 58PM 4 most occasions, on 90 plus percent of the occasions.  
12: 58PM 5 So, that's where the problem is. We don't have a case  
12: 58PM 6 number to get off. Normally, like, say if JP 2 sets the  
12: 58PM 7 bonds and we want to get off John Doe for JP 2, we would  
12: 58PM 8 take it to JP 2. And the case here, we don't have that  
12: 58PM 9 because the magistrate sets the bonds. So, that's --  
12: 58PM 10 like Al is saying, we don't have a case where we can get  
12: 58PM 11 off because that's the scenario of why we're not able to  
12: 58PM 12 get off bonds, because the magistrate sets the bonds.

12: 58PM 13 JUDGE BRANICK: We're in litigation right  
12: 58PM 14 now with the City of Beaumont over jail fees. And there  
12: 58PM 15 is -- we have magistrations here, and our deal for years  
12: 58PM 16 worked well for 25 years. When the DA accepted a case,  
12: 58PM 17 then they become our prisoner. I don't know if there's  
12: 59PM 18 a way that you can go back to the magistrates that are  
12: 59PM 19 there every morning.

12: 59PM 20 MS. GARCIA: Theresa and I had a suggestion  
12: 59PM 21 to alleviate that problem. There is a unique number  
12: 59PM 22 assigned to every person that goes in there. That's the  
12: 59PM 23 TRN number. That TRN number is a unique number that is  
12: 59PM 24 assigned regardless of how many charges they're brought  
12: 59PM 25 in there for. It's that number plus an A01, A02, A03.

12: 59PM 1 That's a unique tracking number. Our suggestion was, if  
12: 59PM 2 the courts would allow it, to file your AFRS or  
12: 59PM 3 surrender or whatever under the TRN number if the case  
12: 59PM 4 hasn't been assigned a cause number and filed with the  
12: 59PM 5 court. And that would be kept at the jail. Let the  
12: 59PM 6 magistrate sign off on it. Let it proceed that way.  
01: 00PM 7 And then that paperwork, if and when the case is filed,  
01: 00PM 8 would all go with that file at that time.

01: 00PM 9 MR. KNAUTH: I like that idea. I would  
01: 00PM 10 want the blessing of Clint and Raquel as well.

01: 00PM 11 MS. GARCIA: That's the -- it kind of fell  
01: 00PM 12 off on that part. That was our thought process, that it  
01: 00PM 13 would be a win/win for everybody.

01: 00PM 14 MR. KNAUTH: Would give him relief and --

01: 00PM 15 MR. REED: Absolutely.

01: 00PM 16 MR. KNAUTH: I like that idea.

01: 00PM 17 MR. REED: I like it, too.

01: 00PM 18 JUDGE BRANICK: Who's is going to present  
01: 00PM 19 that to Clint and Raquel?

01: 00PM 20 MS. GARCIA: I can certainly talk to them.

01: 00PM 21 JUDGE BRANICK: Why don't you and Pat talk  
01: 00PM 22 to them.

01: 00PM 23 MS. GARCIA: That's fine. I know Judge  
01: 00PM 24 Woods has not been feeling well. He's been out for the  
01: 00PM 25 last couple of days.

01:00PM 1 MR. REED: Thank you.

01:00PM 2 MS. GARCIA: I guess we'll table this until  
01:00PM 3 we can discuss it with the judges.

01:00PM 4 MR. FUNCHESS: Sure. If you plan on taking  
01:00PM 5 action and you want to make an action item on the agenda  
01:01PM 6 so we can consider it.

01:01PM 7 Anyone have anything else?

01:01PM 8 MS. GARCIA: And we've got to go back to  
01:01PM 9 Number 7. I put that on there only because there is a  
01:01PM 10 little bit of confusion at the jail when the bonds are  
01:01PM 11 coming in there is no identifying factors that an  
01:01PM 12 attorney is writing this bond. And most of you-all know  
01:01PM 13 that when an attorney writes the bond, there is no  
01:01PM 14 expiration. They're excluded from the time period and  
01:01PM 15 all that. But whenever she's marking these bonds and  
01:01PM 16 they're coming to the courts, sometimes they're marked  
01:01PM 17 over 60 days. And by the time we've gone through the  
01:01PM 18 motions of issuing the warrants and whatnot, it's --  
01:01PM 19 we've got to start backtracking everything. So, my  
01:01PM 20 thought was if we can get this Item Number 8 ironed out,  
01:02PM 21 because that language is going to need to be included on  
01:02PM 22 their bond, but just have some kind of identifying  
01:02PM 23 factors -- I think temporarily we already did out at the  
01:02PM 24 jail -- write "attorney bond" on it so she knows this is  
01:02PM 25 bond is written by an attorney and it will not expire.

01:02PM 1 But that was all that this was for, just so we can be  
01:02PM 2 clear that this bond is written by an attorney and it  
01:02PM 3 does not expire so the courts will be aware of that.

01:02PM 4 MR. FUNCHES: Okay. All right. Well, if  
01:02PM 5 there is nothing further, do I hear a motion to adjourn?

01:02PM 6 MR. KNAUTH: I so move.

01:02PM 7 JUDGE BRANICK: Second.

01:02PM 8 MR. FUNCHES: We're adjourned.

01:02PM 9 (Conclusion of Bail Bond Board Meeting at  
01:02PM 10 1:02 p.m.)

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