

TENTH DAY

TUESDAY, May 11, 2021

Legislature met pursuant to adjournment.

President Dr. Joe Carbone in the Chair.

ROLL CALL

Present – Legislators Allkofer*, Ancello*, Barnhart*, Bauroth*, Baynes*, Boyce*, Brew*, Carbone, Colby* Delehanty*, DiFlorio*, Dondorfer*, Felder*, Flagler-Mitchell*, Hasman*, Hebert*, Keophetlasy*, LaMar*, Lee*, Maffucci*, Marianetti*, Morelle, Jr.*, Roman*, Smith*, Taylor*, Terp*, Wilcox*, Wilt*, Yudelson* – 29

* Legislator Participated in the Meeting via Teleconference in Accordance with Executive Order 202.1 and 202.107, issued by Governor Andrew M. Cuomo.

SUSPENSION OF THE RULES

Intro. 179
M. 40
29-0

Brew & DiFlorio
Motion to Suspend the Rules of the Monroe County Legislature as follows:

PROVIDING THAT RULES OF THE MONROE COUNTY LEGISLATURE BE SUSPENDED AND MODIFIED FOR THE REGULAR MEETING ON MAY 11, 2021

Be It Moved, that Article II, Section 545-6 of the Rules of the Monroe County Legislature, be, and hereby is suspended and modified by prohibiting public in-person access to the Regular Meeting in favor of video viewing or listening to, and recording and later transcription of such proceeding.

MOMENT OF PRAYER

The meeting formally opened. President Carbone requested a moment of silent prayer. The Pledge of Allegiance to the Flag was led by Legislator Howard Maffucci.

APPROVAL OF MINUTES

Without objection, the Journals of Day 8, April 13, 2021, and Day 9, Special Meeting, April 27, 2021 were approved as submitted.

(Note: President Carbone stated the meeting had been closed to the public and all Legislators are participating via video or teleconference in accordance with Executive Order 202.1 and 202.107. President Carbone also noted that keeping with the Legislature's tradition of openness, the meeting is being live-stream on YouTube through the Legislature's official channel.)

PETITIONS AND COMMUNICATIONS

None

PROCLAMATIONS

By the President of the Legislature – Dr. Joe Carbone

Recognized jointly with Legislator Paul Dondorfer, Monroe County Law Enforcement Agencies, for their dedicated service to our community during National Police Week 2021.

Read and Filed.

Recognized jointly with Legislator Ernest Flagler-Mitchell, Legislator Sabrina LaMar, Legislator Vincent R. Felder, Legislator Calvin Lee, Jr., and Legislator Frank Keophetlasy, James Holmes, for his commitment to youth football in the City of Rochester.

Read and Filed.

Recognized jointly with Legislator Ernest Flagler-Mitchell, Legislator Sabrina LaMar, Legislator Vincent R. Felder, Legislator Calvin Lee, Jr., and Legislator Frank Keophetlasy, Shawn Watson and Memories Funeral Home, for their efforts to provide comfort and relief to families who lost loved ones during the COVID-19 pandemic.

Read and Filed.

RECESS

President Carbone recessed the meeting to allow for a series of Public Hearings entitled...

“Enacting a Local Law Entitled ‘Business Closure Transparency Act’”

Three speakers addressed the Legislature and the Public Hearing concluded at 6:19 P.M.

“Enacting a Local Law Entitled ‘Operation of Off-Road Vehicles on Public Highways in Monroe County’”

No speakers addressed the Legislature and the Public Hearing concluded at 6:20 P.M.

RECONVENING LEGISLATURE

President Carbone reconvened the recessed meeting of May 11, 2021 and proceeded under the Usual Order of Business.

FORMAL COMMITTEE REPORTS

None

PUBLIC FORUM

An Open Forum was conducted. The comments of fifty-six pre-registered participants were read and the Open Forum concluded at 7:03 P.M.

CONSIDERATION OF LOCAL LAWS

1. Brew & Delehanty
Intro. 180
M. 41
29-0
21-0081.LL Providing that Local Law (Intro. No. 135 of 2021), Entitled “Business Closure Transparency Act”, Be Lifted from the Table

2. Brew & Delehanty
Intro. 181
M. 42
20-9
Intro. 135
Local Law TBD
20-9
21-0081.LL Providing that Local Law (Intro. No. 135 of 2021), Entitled “Business Closure Transparency Act”, Be Adopted

(Legislator Barnhart, Baurtoth, Baynes, Hasman, Maffucci, Morelle, Jr., Roman, Wilcox and Yudelson Voted in the Negative.)

Local Law

(Legislator Barnhart, Baurtoth, Baynes, Hasman, Maffucci, Morelle, Jr., Roman, Wilcox and Yudelson Voted in the Negative.)

3. Smith & Barnhart
Intro. 182
21-0125.LL Enacting Local Law Requiring Motorists to Provide a Minimum of Three Feet of Space When Passing a Bicycle Rider
For Introductory Purposes Only

4. Smith & Barnhart
Intro. 183
M. 43
29-0
21-0125.LL Providing that Local Law (Intro No. 182 of 2021) entitled Enacting a Local Law Requiring Motorists to Provide a Minimum of Three Feet Space When Passing a Bicycle Rider” be Tabled

5. Smith & Barnhart
Intro. 184
Res. 138
29-0
21-0125.LL Fixing a Public Hearing on Local Law (Intro No. 182 of 2021) entitled Enacting a Local Law Requiring Motorists to Provide a Minimum of Three Feet Space When Passing
Public Hearing Scheduled for Tuesday, June 8, 2021 at 6:15 P.M.

6. Brew & Ancello
Intro. 185
M. 44
29-0
21-0131.LL Providing that File No. 21-0131 entitled, “Enact a Local Law Establishing a Sustainable Energy Loan Program (OPEN C-PACE) in Monroe County and Authorize a Contract with Energy Improvement Corporation to Administer the Energize NY Open C-PACE Program,” be Discharged from Committee

7. Yudelson & Ancello
Delehanty
Intro. 186
21-0131.LL Enact a Local Law Establishing a Sustainable Energy Loan Program (OPEN C-PACE) in Monroe County
For Introductory Purposes Only

8. Yudelson & Ancello Delehanty
Intro. 187
M. 45
29-0
21-0131.LL Providing Local Law (Intro. No. 186 of 2021) Establishing a Sustainable Energy Loan Program (OPEN C-PACE) in Monroe County, be Tabled
 9. Yudelson & Ancello Delehanty
Intro. 188
Res. 139
29-0
21-0131.LL Fixing a Public Hearing on Local Law (Intro. No. 186 of 2021) Establishing a Sustainable Energy Loan Program (OPEN C-PACE) in Monroe County
Public Hearing Scheduled for Tuesday, June 8, 2021 at 6:16 P.M.
 10. Felder & Flagler-Mitchell
Intro. 189
M. 46
29-0
21-0164.LL Providing that Local Law (Intro. No. 175 of 2021) entitled, "Operation of Off-Road Vehicles on Public Highways in Monroe County," be Lifted from the Table
 11. Felder & Flagler-Mitchell
Intro. 190
M. 47
29-0
21-0164.LL Providing that Local Law (Intro. No. 175 of 2021) entitled, "Operation of Off-Road Vehicles on Public Highways in Monroe County," be Amended
 12. Flagler-Mitchell & Felder
Intro. 191
M. 48
29-0
20-0340.LL Providing that Referral No. 20-0340 entitled, Enact a Local Law Entitled 'Gantt's Law for Utilization of Minority and Women-Owned Businesses,'" be Discharged from the Agenda/Charter Committee
 13. Flagler-Mitchell & Felder
Intro. 192
20-0340.LL Enact a Local Law Entitled 'Gantt's Law for Utilization of Minority and Women-Owned Businesses'"
For Introductory Purposes
 14. Flagler -Mitchell & Felder
Intro. 193
M. 49
29-0
20-0340.LL Providing that Local Law (Intro. No. 192 of 2021) entitled, Enact a Local Law Entitled 'Gantt's Law for Utilization of Minority and Women-Owned Businesses,'" be Amended
 15. Flagler -Mitchell & Felder
Intro. 194
M. 50
29-0
20-0340.LL Providing that Local Law (Intro. No. 192 of 2021) entitled, Enact a Local Law Entitled 'Gantt's Law for Utilization of Minority and Women-Owned Businesses,'" be Tabled
 16. Flagler-Mitchell & Felder
Intro. 195
M. 50
29-0
20-0340.LL Fixing a Public Hearing on Local Law (Intro. No. 192 of 2021) entitled, Enact a Local Law Entitled 'Gantt's Law for Utilization of Minority and Women-Owned Businesses,'"
Public Hearing Scheduled for Tuesday, June 8, 2021 at 6:17 P.M.
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MOTIONS, RESOLUTIONS AND NOTICES

- Intro. 196
M. 51
- 9-20F
17. Dondorfer & Delehanty
Intro. 197
Res. 141
29-0
18. Yudelson & Ancello,
Delehanty
Intro. 198
Res. 142
29-0
19. Dondorfer & Delehanty
Intro. 199
Res. 143
29-0
20. Dondorfer & Delehanty
Intro. 200
14-15F
21. Dondorfer & Delehanty
Intro. 201
12-17F
22. Dondorfer & Delehanty
Intro. 202
Res. 144
29-0
23. Boyce & Delehanty
Intro. 203
Res. 145
29-0
- Morelle/Barnhart (*Motion to Suspend Rules*)
PROVIDING THAT THE RULES OF THE MONROE COUNTY LEGISLATURE
BE SUSPENDED
Be It Moved, that the Rules of the Monroe County Legislature be, and hereby are,
suspended.
(*Legislators Barnhart, Bauroth, Baynes, Hasman, Maffucci, Morelle, Jr., Roman, Wilcox and Yudelson
Voted in the Positive.*)
- 21-0130 Accepting Grant from Federal Aviation Administration (Coronavirus Response and Relief Supplemental Appropriations Act Grant Program) Related to Operation and Maintenance of the Frederick Douglass- Greater Rochester International Airport Committee of the Whole; April 27, 2021- CV: 28-0
- 21-0131 Authorizing Contract with Energy Improvement Corporation to Administer Energize NY Open C-PACE Program
- 21-0132 Authorizing Contracts with Testa Construction, Inc., and Biliter Electric, Inc. for Monroe Community College Finger Lakes Workforce Development Center Committee of the Whole; April 27, 2021- CV: 28-0
- 21-0133 Amending 2021-2026 Capital Improvement Program to Add Project Entitled "Space Utilization and Renovation of CityPlace"
Committee of the Whole; April 27, 2021- CV: 26-2
(*Legislators Barnhart, Bauroth, Baynes, Felder, Flagler-Mitchell, Hasman, Keophetlasy, LaMar, Lee, Maffucci, Morelle, Jr., Roman, Wilcox and Yudelson Voted in the Positive.*)
- 21-0133.br Resolution Authorizing the Issuance of \$9,000,000 Bonds of the County of Monroe, New York, to Finance the Cost of Space Utilization and Renovation of CityPlace in and for Said County, at an Estimated Maximum Cost of \$9,000,000
(*Legislators Barnhart, Bauroth, Baynes, Felder, Hasman, Keophetlasy, LaMar, Maffucci, Morelle, Jr., Roman, Wilcox and Yudelson Voted in the Positive.*)
- 21-0134 Accepting Grants from New York State Department of Environmental Conservation for Zero Emission Infrastructure Project
Committee of the Whole; April 27, 2021- CV: 28-0
- 21-0135 Amending Resolution 122 of 2017 as Amended by Resolution 113 of 2018 to Extending and Increasing Contract with WorkFit Medical, LLC for Sheriff's Employees' Medical Services
Committee of the Whole; April 27, 2021- CV: 28-0

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| 24. Boyce & Delehanty
Intro. 204
Res. 146
29-0 | 21-0136 | Authorizing Contract with Roberts Wesleyan College for Rochester Threat Advisory Committee Program Management
Committee of the Whole; April 27, 2021- CV: 28-0 |
| 25. Boyce & Delehanty
Intro. 205
Res. 147
29-0 | 21-0137 | Accepting Grant from the United States Department of Justice, United States Marshals Service Western District of New York for United States Marshals Services NY/NY Regional Fugitive Task Force- Rochester Division
Committee of the Whole; April 27, 2021- CV: 28-0 |
| 26. Boyce & Delehanty
Intro. 206
Res. 148
29-0 | 21-0138 | Accepting Grant from New York State Office of Indigent Legal Services for Offices of Public Defender and Conflict Defender for the Provision of Indigent Legal Services
Committee of the Whole; April 27, 2021- CV: 28-0 |
| 27. Boyce & Delehanty
Intro. 207
Res. 149
29-0 | 21-0139 | Authorizing Creation of Three (3) New Positions in the Public Defender's Office and Authorizing Creation of Nine (9) New Positions in the Conflict Defender's Office as Part of Year 3 Funding of the Statewide Expansion of the Hurrell-Harring Project Grant
Committee of the Whole; April 27, 2021- CV: 28-0 |
| 28. Boyce & Ancello
Delehanty
Intro. 208
Res. 150
29-0 | 21-0140 | Authorizing Intermunicipal Agreement with City of Rochester to Accept Pass Through Funding from United States Department of Justice for 2020 Edward Byrne Memorial Justice Assistance Grant Program
Committee of the Whole; April 27, 2021- CV: 28-0 |
| 29. Boyce & Delehanty
Intro. 209
Res. 151
29-0 | 21-0141 | Accepting Grant from United States Department of Justice, Office of Justice Programs, for FY2020 DNA Capacity Enhancement and Backlog Reduction Program
Committee of the Whole; April 27, 2021- CV: 28-0 |
| 30. Boyce & Dondorfer
Intro. 210
Res. 152
29-0 | 21-0142 | Accepting Grant from New York State Division of Homeland Security and Emergency Services for FY2020 State Law Enforcement Terrorism Prevention Program
Committee of the Whole; April 27, 2021- CV: 28-0 |
| 31. Boyce & Delehanty
Intro. 211
Res. 153
29-0 | 21-0143 | Authorizing Contract with the University of Rochester for Continuing Development and Sustainment of County's Medical Countermeasure Program
Committee of the Whole; April 27, 2021- CV: 28-0 |

32. Boyce & Ancello, Delehanty
Intro. 212
Res. 154
29-0
- 21-0144 Amending Resolution 284 of 2020 to Extend Time Period of Intermunicipal Agreement with City of Rochester for FY2016 Complex Coordinated Terrorist Attack Grant
Committee of the Whole; April 27, 2021- CV: 28-0
33. Wilt & Delehanty
Intro. 213
Res. 155
29-0
- 21-0145 Authorizing Contracts with County of Monroe Industrial Development Agency and Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, DPC for Professional Services for Monroe County Comprehensive Plan
Committee of the Whole; April 27, 2021- CV: 28-0
34. Ancello & Smith, Delehanty
Intro. 214
Res. 156
29-0
- 21-0146 Authorizing Intermunicipal Agreement with City of Rochester to Provide Water Quality Monitoring for the Beach at Durand Eastman Park
Committee of the Whole; April 27, 2021- CV: 28-0
35. Colby & Delehanty
Intro. 215
Res. 157
29-0
- 21-0147 Authorizing Contract with Greenman-Pedersen, Inc. for Engineering Services
Committee of the Whole; April 27, 2021- CV: 28-0
36. Colby & Delehanty
Intro. 216
Res. 158
29-0
- 21-0147.br Resolution Authorizing the Issuance of \$400,000 Bonds of the County of Monroe, New York, to Finance the Cost of the Expressway Lighting Rehabilitation-Central, in and for Said County, at an Estimated Maximum Cost of \$400,000 and Superseding the Bond Resolution Adopted on December 15, 2020 (Resolution No. 377 of 2020)
Committee of the Whole; April 27, 2021- CV: 28-0
37. Colby & Boyce, Delehanty
Intro. 217
Res. 159
29-0
- 21-0148 Authorizing Contract with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. for Engineering Services for the Middle Road Project in the Town of Henrietta
Committee of the Whole; April 27, 2021- CV: 28-0
38. Dondorfer & Wilt
Intro. 218
Res. 160
29-0
- 21-0149 Classification of Action and Determination of Significance Pursuant to the State Environmental Quality Review Act for the Acquisition of Real Property for the Culver Road Highway Improvement Project at 4225 Culver Road in the Town of Irondequoit
Committee of the Whole; April 27, 2021- CV: 28-0
39. Colby & Delehanty
Intro. 219
Res. 161
29-0
- 21-0150 Authorizing Acquisition of Interests in Real Property for Culver Road Highway Improvement Project at 4225 Culver Road in Town of Irondequoit
Committee of the Whole; April 27, 2021- CV: 28-0

40. Dondorfer & Wilt
Intro. 220
Res. 162
29-0
- 21-0151 Classification of Action and Determination of Significance Pursuant to the State Environmental Quality Review Act for the Acquisition of Real Property for the English Road Highway Improvement Project in the Town of Greece
Committee of the Whole; April 27, 2021- CV: 28-0
41. Colby & Delehanty
Intro. 221
Res. 163
29-0
- 21-0152 Authorize the Acquisition of Interests in Real Property for the English Road Highway Improvement Project in the Town of Greece
Committee of the Whole; April 27, 2021- CV: 28-0
42. Smith & Delehanty
Intro. 222
Res. 164
29-0
- 21-0153 Authorizing Contract with the University of Rochester Medical Center for Medical Services for Monroe Community Hospital
Committee of the Whole; April 27, 2021- CV: 28-0

(Legislator Hasman declared her interest prior to the vote.)
43. Dondorfer & Delehanty
Intro. 223
Res. 165
29-0
- 21-0154 Amending the 2021-2026 Capital Improvement Program to Add a Project Entitled “Energy Improvement Equipment Acquisition”
Committee of the Whole; March 23, 2021- CV: 28-0
Committee of the Whole; April 27, 2021- CV: 28-0
44. Dondorfer & Delehanty
Intro. 224
Res. 166
29-0
- 21-0154.br Resolution Authorizing the Issuance of \$12,900,000 Bonds of the Count of Monroe, New York, to Finance the Cost of an Energy Improvement Equipment Acquisition Project in and for said County, at an Estimated Maximum Cost of \$12,900,000
45. Smith & Delehanty
Intro. 225
Res. 167
29-0
- 21-0155 **Amending** Resolution 431 of 2020, as Amended by Resolution 24 of 2021, Authorizing Contracts for Provision of Mental Health, Developmental Disability, and Alcoholism and Substance Abuse Services in 2021 for Monroe County Office of Mental Health
Committee of the Whole; April 27, 2021- CV: 28-0
46. Hebert & Allkofer
Wilt
Maffucci
Intro. 226
Res. 168
29-0
- 21-0163 Authorizing Contract with Trybe Ecotherapy, LLC for Provision of a Pilot Mental Health Program as a Holistic Option for Veterans Struggling with Mental Illness for Monroe County Department of Veteran Services
Committee of the Whole; April 27, 2021- CV: 28-0

Matters of Urgency

47. Felder & Flagler-Mitchell
Keophetlasy
Intro. 227
- 21-0165 Authorizing Allocation of Emergency Grant Funding to Support Arts Organizations Negatively Impacted by COVID-19 Pandemic
Matter of Urgency

Intro. 228
 M. 52

Baynes/Roman (*Motion to Table*)
 PROVIDING THAT INTRO. NO. 227 OF 2021 BE TABLED
 Be It Moved, that Intro. No. 227 of 2021 be, and hereby is, tabled.

7-21F

(*Legislators Baynes, LaMar, Maffucci, Morelle, Jr., Roman, Wilcox and Yudelson Voted in the Positive.*)

Intro. 229
 M. 52

Carbone/Flagler-Mitchell (*Motion to Amend*)
 PROVIDING THAT RESOLUTION (INTRO NO. 227 OF 2021), ENTITLED
 “AUTHORIZING ALLOCATION OF EMERGENCY GRANT FUNDING TO
 SUPPORT ARTS ORGANIZATIONS NEGATIVELY IMPACTED BY COVID-19
 PANDEMIC,” BE AMENDED

BE IT MOVED, that Resolution (Intro. No. 227 of 2021), entitled “AUTHORIZING ALLOCATION OF EMERGENCY GRANT FUNDING TO SUPPORT ARTS ORGANIZATIONS NEGATIVELY IMPACTED BY COVID-19 PANDEMIC,” be amended as follows:

Section 1. The President of the Legislature, or his designee, is hereby authorized to execute grant agreements, contracts, or applications, and any amendments thereto, with the organizations listed below, in the total amount of ~~\$131,000~~ \$136,000, for emergency grant funding related to the COVID-19 pandemic, for the period of January 1, 2021 through December 31, 2021.

Organization

The Avenue Blackbox Theatre	\$20,000
Rochester Contemporary Art Center	\$10,000
Rochester Community Television	\$20,000
Borinquen Dance Theatre	\$20,000
Legacy Drama House	\$10,000
Rochester Latino Theatre	\$10,000
<u>Irondequoit Arts Club</u>	<u>\$5,000</u>
Blackfriars of Rochester Inc.	\$3,500
Boa Editions Limited	\$3,500
Deep Arts	\$2,500
Flower City Arts Center	\$3,500
Garth Fagan Dance	\$4,000
Landmark Society of WNY Inc.	\$4,500
Push Physical Theatre	\$3,000
Rochester City Ballet	\$5,500
Rochester Oratorio Society	\$3,000
Visual Studies Workshop Inc.	\$3,500
Writers And Books	\$4,500
Total:	<u>\$131,000</u> <u>\$136,000</u>

Section 2. Funding for these agreements, contracts, or applications is included in the 2021 operating budget of the Monroe County Legislature, general fund 9001, funds center 1001020000, Community Contingency Fund.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Added language is underlined.
Deleted language is ~~stricken~~

- 27-2 *(Legislators Baynes and Maffucci Voted in the Negative.)*
- Intro. 230
M. 54
28-1
Intro. 227
26-3
48. Hebert & Delehanty
Intro. 231
Res. 170
29-0
49. Hebert & Terp
Intro. 232
Res. 171
29-0
50. Hebert & Brew
Intro. 233
Intro. 234
M. 55
12-17F
Intro. 235
M. 56
19-10F
Intro. 233
Res. 172
18-11
- Felder/Flagler-Mitchell *(Call the Question)*
PROVIDING THAT THE QUESTION BE CALLED ON INTRO. NO. 227 OF 2021
Be It Moved that the question be, and hereby is called on Intro. No. 227 of 2021.
(Legislator Morelle, Jr. Voted in the Negative.)
- Main Motion as Amended
(Legislators Baynes, Maffucci and Yudelson Voted in the Negative.)
- 21-0166 Amending Resolution 134 of 2020 Entitled "Accepting Grant from United States Treasury for Coronavirus Aid, Relief and Economic Security Act," for Provision of Additional Legislative Fiscal Oversight
Matter of Urgency
- 21-0167 Authorize an Intermunicipal Agreement with the Town of Webster for an Exchange of Real Property to Fulfill and Assist with the Completion of the Town of Webster's Lake Ontario Resiliency and Economic Development Initiative (REDI) Mo. 56 Lake Road Improvement Project
Matter of Urgency
- 21-0168 Addressing Homelessness in the Civic Center Parking Garage
Matter of Urgency
- Baynes/Roman *(Motion to Table)*
PROVIDING THAT INTRO. NO. 233 OF 2021 BE TABLED
Be It Moved, that Intro. No. 233 of 2021 be, and hereby is, tabled.
(Legislators Barnhart, Bauroth, Baynes, Felder, Hasman, Keophetlasy, LaMar, Maffucci, Morelle, Jr., Roman, Wilcox and Yudelson Voted in the Positive.)
- Felder/Flagler-Mitchell *(Call the Question)*
PROVIDING THAT THE QUESTION BE CALLED ON INTRO. NO. 244 OF 2021
Be It Moved that the question be, and hereby is called on Intro. No. 233 of 2021.
(Legislators Brew, Felder, Flagler-Mitchell, Allkofer, Ancello, Boyce, Colby, Delehanty, DiFlorio, Dondorfer, Hebert, Keophetlasy, Lee, Marianetti, Smith, Taylor, Terp, Wilt and Carbone Voted in the Positive.)
- Main Motion
(Legislators Barnhart, Bauroth, Baynes, Felder, Hasman, Keophetlasy, Maffucci, Morelle, Jr., Roman, Wilcox and Yudelson Voted in the Negative.)
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UNFINISHED BUSINESS

Upon Motion by Legislator Brew, the Legislature Adjourned at 9:08 P.M. until **Tuesday, June 8, 2021 at 6:00 P.M.**

Jack Moffitt
Clerk of the Legislature