

**Menominee-Delta-Schoolcraft  
Community Action Agency**

**GOVERNING BOARD MEETING  
Thursday, April 7, 2011  
511 First Ave. North, Escanaba  
1:30 p.m. (EDT)**

**A G E N D A**

The meeting was called to order at 1:30 p.m. by Vice-Chair, Karen Wigand. A quorum was noted with the following in attendance:

**MEMBERS PRESENT**

Karen Wigand, Delta  
Dan LaFoilie, Schoolcraft  
George Arkens, Menominee  
Ken Bryant, Schoolcraft  
Ernie Hoholik, Schoolcraft  
Charmaine Lehman, Schoolcraft  
Myra Croasdell, Delta  
Tom Lippens, Delta  
Bernie Lang, Menominee  
Omer Doran, Schoolcraft  
George Lyon, Schoolcraft  
Gil Vandenhouten, Menominee  
Ruth Helwig, Delta  
Gil Sablack, Schoolcraft  
Mari Negro, Menominee  
Walter Multerer, Menominee  
Marv Mayer, Menominee  
John Stapleton, Schoolcraft  
Geri Nelson, Delta  
Dave Rivard, Delta  
Brenda Moya, Menominee  
Ken Penokie, Delta  
Beth Pletcher, Menominee

**OTHERS PRESENT**

William Dubord, Executive Director  
Cathy Pearson, Executive Assistant  
Beau Miller, Finance Director  
Theresa Nelson, RSVP Director  
Sally Kidd, Senior Citizen Director  
Kim Johnson, ECP Director  
Joe Dehlin, Weatherization Director  
Connie Maule, SCP Director  
Cindy Bender  
Brad Bender

**MEMBERS ABSENT**

Dave Anthony, excused  
Pastor Levin, excused  
Helen Walker, excused

Ms. Wigand offered our condolences to Dave Schultz' family and asked for a moment of silence in memory of Dave. Mr. Dubord commented on what a huge asset he was to our organization.

**VACANCY OF BOARD CHAIR**

Due to Mr. Schultz' untimely passing the Chair position is vacant. Our By-laws state that the vacancy shall be filled by election as soon as it is practical. Mr. Dubord noted that we have a meeting in May, no meeting in June, and then the regularly scheduled elections take place in July. ***GIL SABLACK MOVED TO APPOINT KAREN WIGAND TO FILL THE VACANCY OF CHAIR UNTIL THE JULY ELECTION, GEORGE LYON SECONDED THE MOTION; MOTION CARRIED.***

**FINANCE COMMITTEE REPORT**

Acting Chair Wigand called on Treasurer Dan LaFoille who reported that the Finance Committee met and reviewed the CAA March accounts payable schedule **AND RECOMMENDS THEIR APPROVAL, SECONDED BY DAVE RIVARD; MOTION CARRIED.** (see attachment "A")

**SAFETY COMMITTEE REPORT**

Karen Wigand called on Tom Lippens who reported that the Safety Committee met today and reviewed three accidents. One was a slip on ice at a child's home and the other two involved chairs in the classroom. Mr. Lippens indicated that the only recommendation was for staff to be more careful. He also noted that the committee will be reviewing the procedure for filing accident reports at their next meeting. **GEORGE LYON MOVED TO ACCEPT THE SAFETY COMMITTEE REPORT, MR. SABLACK SUPPORTED THE MOTION; MOTION CARRIED.** (see attachment "B")

**ACCEPTANCE OF FEBRUARY/MARCH EARLY CHILDHOOD REPORTS**

Members received copies of the February/March Early Childhood reports for their review and **THEY WERE ACCEPTED WITH A MOTION FROM MR. HOHOLIK, SECONDED BY MR. BRYANT; MOTION CARRIED.**

**FUNDING UPDATE**

Ms. Wigand called on Bill Dubord who reported that funding is anybody's guess. The Continuing Resolution expires April 8, 2011 and it is uncertain what will happen after that date. Should a government shut-down occur it is the Executive Director's understanding that we would still continue operations since we are under a contract. **KEN BRYANT MOVED TO GIVE THE EXECUTIVE DIRECTOR AND THE EXECUTIVE COMMITTEE AUTHORIZATION TO CONTINUE OR SUSPEND SERVICES AS DEEMED NECESSARY SHOULD THERE BE A GOVERNMENT SHUT-DOWN; CHARMAINE LEHMAN SECONDED THE MOTION; MOTION CARRIED.**

**EXECUTIVE DIRECTOR'S REPORT**

Karen Wigand called on the Executive Director who thanked the board for their participation in the Early Childhood self-assessment process. Bernie Lang noted that he participated in the process for the first time and found it eye-opening. He strongly recommends that board members visit the centers and/or participate in the assessment.

It was noted that Head Start maintained full enrollment for the year, which is key in funding.

Mr. Dubord announced that the annual risk assessment for the Early Childhood Program will be held on April 26<sup>th</sup> at 10:00 a.m. with key staff and the Regional Office by teleconference at the Head Start office. Board members are welcome and encouraged to participate. If you are interested please contact Cathy Pearson or Kim Johnson.

**EMPLOYEE GRIEVANCE**

Ms. Wigand noted that an employee is appealing their termination and exercising their right to appeal it to the Governing Board. She checked to be sure that the members received two sets of documents from the grievant and two from management. She also checked to be sure the grievant received Management's response to her two sets of information to the board. Since this has only happened one other time, Ms. Wigand reviewed the process that will be followed.

1) The employee will be given an opportunity to address the board. 2) Management will be given an opportunity to address the board. 3) Questions will be allowed by the members in written form or orally. 4) Management will have the opportunity to give their summation. 5) The employee will have the opportunity to give her summation.

Mr. Penokie recused himself from the process as he is friends with the grievant, Cindy Bender. Chair Wigand asked Ms. Bender if she wished the meeting to be closed during the grievance hearing and she indicated she would like it to remain open.

Ms. Bender explained her side of the incident and her actions when the child was accidentally locked in a locker. She also asked if she would be considered for any other positions within the agency.

Kim Johnson spoke for Management and explained that parents must be notified when something significant happens to their child while in our care and administration has the responsibility to follow the process which is outlined in ECP Policies. She reiterated that the dismissal was not because the child was in the locker but Cindy's lack of action and follow-up after the incident.

Question and answer segment:

Question – What has changed between the hire date and now to warrant dismissal?

Kim – The decision was based on the lack of good judgment shown by a teacher in responding to an incident by not notifying the parent and supervisor of the incident. It was based on the scope of Cindy's lack of good judgment based on a previous health/safety issue as well. These items have been addressed in evaluations over the past several years.

Cindy – She indicated there have been some issues on and off on her evaluations.

Question – Are staff made aware of disciplinary action(s) included in their personnel file?

Kim – Yes, they are always made aware of any disciplinary action and have the right to review their personnel file at any time.

Question – Is the employee being terminated because of the locker incident alone or because of the prior incident in 2005?

K – The termination is due to not reporting the locker incident to the parent & supervisor. Upon reviewing Cindy's file there was another serious health/safety issue whereby she again lacked poor judgment regarding the safety of a student as well as an ongoing performance concerns.

Question – Do you feel the child that locked the child in the locker did it deliberately or accidentally?

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Cindy – We don't know.

Question – Why wasn't the supervisor and/or parent notified of the incident?

Cindy – My focus was on consoling the child.

Kim – the supervisor was not notified until noon on Monday and then only because the mother of the child locked in the locker called the administrative office.

Cindy – I talked with the child's caregiver that was there to pick him/her up and figured they would tell the Mother who would call me if she had any concerns. I was also focusing on data entry that needed to be completed.

Question – Cindy were you made aware of other questionable judgment between 2005 – 2010?

Cindy – I had a verbal reprimand.

Kim – It was addressed in several of her evaluations.

Question - How long did the student teacher indicate that the child was in the locker?

Cindy – less than a minute

Question – Have the doors been removed from the lockers?

Kim – No, there's a fire law that requires the doors to be on if lockers are outside of a classroom area but we are checking on other options to prevent a further incident.

Question – If I'm a teacher and have questionable judgment is there a progressive disciplinary policy in place?

Kim – No, health and safety concerns of children are considered serious enough to warrant termination.

Question – Is that option stated in our personnel policies?

Kim – Yes

Summation: The Executive Director indicated he is authorized to oversee the day-to-day activities of agency operations, including hiring and firing. We are an At-Will employer; however, he noted that he has never allowed a termination without cause. The only reason to not uphold management's decision is if there's discrimination or an egregious error on the part of management in their decision. He indicated Cindy remained professional during the appeal process and could be considered for a different position within the agency, but not as a teacher in the Early Childhood Program.

Cindy had no summation. Brad Bender, the grievant's husband, asked if he could give a summation and he was granted that opportunity. Mr. Bender expressed to the board that they really wanted an opportunity to have the board hear Cindy's side of things regarding her termination. He indicated that his wife is a compassionate person but they have discussed the fact that the job may not be a good fit for Cindy because of all of the paperwork requirements.

Discussion: Mr. Hoholik indicated he has evaluated the Early Childhood classrooms several times and has admired the job they do considering how busy the children are.

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Mari Negro stated that the discipline policy doesn't outline the steps leading up to termination. She also consulted a Human Resource Specialist who indicated you can't look back at past practices beyond three years, so the 2005 incident shouldn't be considered.

Mr. LaFoille noted that if, as a parent, he was not notified by the teacher of an incident of this seriousness he would be very disappointed.

Mr. Stapleton indicated that since our policies state that discipline can be up to and including termination, then one incident of this severity is enough to warrant termination.

Bernie Lang said he's not sure the punishment fits the offense.

Mr. Bryant noted that he worked with special needs children for over 30 years and indicated that they are hard to manage so he feels the termination seems harsh.

Brenda Moya noted there were conflicting statements given about where the child was when the caregiver came to pick the child up – one said they couldn't find the child and the other said he was pulled out of the locker. Ms. Moya pointed out that Mr. Dubord has stated that this decision will not disqualify Ms. Bender for other employment within the agency, just not in the classroom.

Mari Negro stated that it is very unfortunate the issue happened and the teacher didn't follow policy and was terminated.

It was asked if the termination notice is for the locker incident or past performance? Ms. Wigand referenced the following Notice of Employment Termination (**see attachment "C"**)

Mr. Rivard suggested the board be careful not to excuse the incident away, as it was serious.

John Stapleton indicated the board will be setting a precedent if they overturn management's decision.

Ernie Hoholik noted that nobody was hurt by the incident.

Karen Wigand pointed out that the employee has had several less than satisfactory evaluations. The child was harmed emotionally. In instances of health and safety concerns a harsher response is warranted.

Mr. Multerer said he feels the discipline is too harsh.

Omer Doran said he thinks it too harsh.

**MS. NEGRO MOVED TO AFFIRM MANAGEMENT'S REPRIMAND BUT WITH A PENALTY LESS THAN TERMINATION; SECONDED BY WALTER MULTERER. AFTER DISCUSSION MARI NEGRO WITHDREW THE MOTION, BUT MR. MULTERER WOULD NOT WITHDRAW THE SECOND.**

A roll call vote was called:

<i>Dave Rivard</i>	<i>no</i>
<i>Brenda Moya</i>	<i>no</i>
<i>Karen Wigand</i>	<i>no</i>
<i>John Stapleton</i>	<i>no</i>
<i>Dan LaFoilie</i>	<i>no</i>
<i>Walter Multerer</i>	<i>yes</i>
<i>George Arkens</i>	<i>yes</i>
<i>Marv Mayer</i>	<i>yes</i>
<i>Bernie Lang</i>	<i>yes</i>
<i>Tom Lippens</i>	<i>yes</i>
<i>Geri Nelson</i>	<i>yes</i>
<i>Myra Croasdell</i>	<i>yes</i>
<i>Ernie Hoholik</i>	<i>yes</i>
<i>Charmaine Lehman</i>	<i>no</i>
<i>Ken Bryant</i>	<i>yes</i>
<i>Beth Pletcher</i>	<i>no</i>
<i>George Lyon</i>	<i>yes</i>
<i>Walter Multerer</i>	<i>yes</i>
<i>Ruth Helwig</i>	<i>yes</i>
<i>Gil Sablack</i>	<i>yes</i>
<i>Gil Vandenhouten</i>	<i>yes</i>

Mr. Doran returned refused to vote and left the meeting.

*Ms. Wigand indicated that staff will be in touch with Ms. Bender regarding their decision on the disciplinary action less than termination and thanked the Bender's for remaining professional.*

#### **PUBLIC COMMENT/OTHER BUSINESS**

Ms. Wigand called on Mari Negro who commended staff on the way they handled the grievance process. Mr. Dubord commended Karen Wigand for doing an exceptional job chairing the meeting today. The Executive Director thanked the board for their input but disagrees with their conclusion that termination is not warranted.

#### **ADJOURNMENT**

**THE MEETING ADJOURNED AT 3:56 WITH A MOTION FROM MR. MULTERER, SUPPORTED BY BERNIE LANG; MOTION CARRIED.**

THE FINANCIAL COMMITTEE HAS REVIEWED THE ACCOUNTS PAYABLE SCHEDULES FOR THE MONTH OF MARCH 2011 FOR THE MENOMINEE-DELTA-SCHOOLCRAFT COMMUNITY ACTION AGENCY. WE HAVE DETERMINED THAT THE EXPENDITURES MADE AGAINST THE VARIOUS PROGRAMS ARE REASONABLE AND PROPERLY CHARGED WITHIN BUDGETARY RESTRICTIONS IN THE FOLLOWING AMOUNTS:

HEAD START	\$	253,015
EARLY HEAD START		47,074
EARLY-ON CHILDHOOD		1,399
GSRP		20,901
ASSET & LIABILITY ACCOUNTS		165,730
TOTAL	\$	488,119

SIGNED



(TREASURER)

DATE

4-7-11

**Finance Committee Meeting  
Thursday, April 7, 2011  
12:45 p.m. (EDT)**

**MINUTES**

The committee reviewed the credit card charges for the Early Childhood Program for the statements due March 22 & April 22, 2011.

Members also reviewed the CAA accounts payable schedules for March, 2011 and **THEY WERE ACCEPTED WITH A MOTION FROM KAREN WIGAND, SECONDED BY OMER DORAN; MOTION CARRIED.**

The members reviewed the HRA accounts payable schedules for March, 2011 and **THEY WERE ACCEPTED UPON A MOTION FROM BERNIE LANG SECONDED BY GIL SABLACK; MOTION CARRIED.**

Bill informed the committee we recently received the audit and management letter and discussion followed. The Finance Committee wishes to have the auditors meet with them before the May Governing Board meeting and then have a short audit presentation for the full board.

There being no other business the meeting adjourned at 1:12 P.M. **WITH A MOTION FROM MS. WIGAND, SUPPORTED BY MR. SABLACK; MOTION CARRIED.**

**SAFETY COMMITTEE MEETING**

**April 7, 2011**

**12:15 p.m.**

**MINUTES**

The following were in attendance: Omer Doran, Tom Lippens, Gil Sablack, Kim Johnson, Debby Wiltzius, and Pat Johnson. Absent: Walter Multerer, George Arkens, and Marv Mayer.

**The Committee reviewed the following three accidents:**

- 1) **EARLY CHILDHOOD PROGRAM:** A bus monitor getting off of the bus to assist a small child onto the bus stepped on a patch of snow covered ice. She slipped and fell and injured her lower back. She did seek medical attention and was off of work for approximately two weeks. This accident happened in front of the child's home so it was just an unfortunate incident.
- 2) **EARLY CHILDHOOD PROGRAM:** A teacher's assistant was sitting with a child at a play table when the child got up and did not push the chair in. The assistant tripped over the chair and fell and hurt her left leg. She chose to see a chiropractor for her injury. She didn't lose any work time and returned to the classroom with no restrictions. Staff must be aware of their surroundings and realize children don't always follow rules and do what they are told.
- 3) **EARLY CHILDHOOD PROGRAM:** A center aide went to sit down at a play table with another child. She missed the chair and landed on the classroom floor injuring her tailbone and lower back. She chose to see a chiropractor for her injury. She did lose work time but is now back to work at full capacity. The aide was cautioned to always check where the chair is located and to keep a firm grip on the chair when sitting down.

Kim indicated she is going to look over the present Accident/Incident Report Package and may make some modifications/revisions to the present procedures.

The meeting adjourned at 12:45 p.m.

Attachment # 2 of 2



Serving Menominee, Delta, and Schoolcraft Counties  
507 First Avenue North  
Escanaba, Michigan 49829  
Telephone: [906] 786-7080 FAX: [906] 786-9423

William Dubord  
Executive Director

Kim Johnson  
Early Childhood Director

February 10, 2011

Cynthia Bender  
3400 16.25 Road  
Escanaba, MI 49829

**NOTICE OF EMPLOYMENT TERMINATION**

Dear Cynthia,

This letter is to notify you that your employment as a Teacher in the MDS CAA Early Childhood Program is being terminated effective immediately as result of your failure to appropriately respond to a recent incident that had caused a child in your class to experience extreme distress. Your lack of appropriate response reflects an inability to perform essential functions of the teacher position and/or negatively impacts the Agency's mission.

Parents entrust teachers in the Early Childhood Program with the care of their young children and have the right to expect prompt notification of any incidents that resulted in their child experiencing significant physical, emotional or psychological distress or injury. This is reinforced through program procedures related to incident reports that are required to go to parents and to administrative supervisors. The decision to terminate your employment is due to evidence that you have failed to demonstrate the ability to maintain the performance expected of a teacher in the Early Childhood Program, as befits your status as an employee of the Agency, as follows:

- You failed to promptly notify the parent and your supervisor of the incident that occurred on Thursday, February 3, 2011:
  - In the hallway at the Escanaba Early Childhood Center, when a family member came to pick up a child from your class at the end of the day, the child could not be immediately located, and was soon found, crying and scared, locked inside his coat locker. When the child left with the family member he was still crying and needing to be comforted.
- Your responses, when interviewed by myself and your supervisor to determine why you had failed to notify the parent, were totally unacceptable.
- A review of your personnel file identifies you received a disciplinary action in 2005, also for failure to report child health/safety information as required by the program.

Based on this information, I recommended that your employment be terminated, and the Executive Director approved that recommendation. You are an at-will employee. However, under the agency personnel policies, you have the right, under the grievance procedure, to file a grievance relative to your termination. If you wish to do so, that grievance must be filed in writing within five (5) days of receipt of this notice.

2/10/11  
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Effective immediately, this action requires that you are accompanied by an ECP administrative staff member if you need to go on-site at any of the Early Childhood Centers. If you have personal items you would like to collect at the Escanaba Early Childhood Center, please contact Lucy Crofton at 786-7080 x135 to schedule a time to do that.

Information on the agency's Employee Assistance Program is enclosed. This service will continue to be available to you and/or your immediate family until March 11, 2011.

Kim Johnson, ECP Director

CC: C. Bender personnel file  
W. Dubord, Executive Director  
Enclosure: EAP Contact Information

*Menominee-Delta-Schoolcraft  
Human Resources Authority*

**GOVERNING BOARD MEETING**  
*Thursday, April 7, 2011*  
*511 First Ave. North, Escanaba*  
*1:45 p.m. (EDT)*

**MINUTES**

The meeting was called to order at 4:07 p.m. by Vice-Chair, Karen Wigand. A quorum was noted with the following in attendance:

**MEMBERS PRESENT**

Karen Wigand, Delta  
Dan LaFoilie, Schoolcraft  
George Arkens, Menominee  
Ken Bryant, Schoolcraft  
Ernie Hoholik, Schoolcraft  
Charmaine Lehman, Schoolcraft  
Myra Croasdell, Delta  
Tom Lippens, Delta  
Bernie Lang, Menominee  
Beth Pletcher, Menominee  
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Ruth Helwig, Delta  
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John Stapleton, Schoolcraft  
Geri Nelson, Delta  
Dave Rivard, Delta  
Brenda Moya, Menominee

**OTHERS PRESENT**

William Dubord, Executive Director  
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Beau Miller, Finance Director  
Theresa Nelson, RSVP Director  
Sally Kidd, Senior Citizen Director  
Kim Johnson, ECP Director  
Joe Dehlin, Weatherization Director  
Connie Maule, SCP Director  
Cindy Bender  
Brad Bender

**MEMBERS ABSENT**

Dave Anthony, excused  
Pastor Levin, excused  
Helen Walker, excused  
Ken Penokie, excuse  
Omer Doran

Ms. Wigand offered our condolences to Dave Schultz's family and asked for a moment of silence in memory of Dave. Mr. Dubord commented on what a huge asset he was to our organization.

**VACANCY OF BOARD CHAIR**

Due to Mr. Schultz' untimely passing the Chair position is vacant. Our By-laws state that the vacancy shall be filled by election as soon as it is practical. Mr. Dubord noted that we have a meeting in May, no meeting in June, and then the regularly scheduled elections take place in July. **BERNIE LANG MOVED TO APPOINT KAREN WIGAND TO FILL THE VACANCY OF CHAIR UNTIL THE JULY ELECTION, MR. RIVARD SECONDED THE MOTION; MOTION CARRIED.**

## FINANCE COMMITTEE REPORT

Acting Chair Wigand called on Treasurer Dan LaFoille who reported that the Finance Committee met and reviewed the HRA March accounts payable schedule **AND RECOMMENDS THEIR APPROVAL, SECONDED BY ERNIE HOHOLIK; MOTION CARRIED.** (see attachment "A")

## ACCEPTANCE OF JANUARY/FEBRUARY/MARCH STAFF MONTHLY REPORTS

Members received copies of the January/February & February/March staff monthly reports for their review and **THEY WERE ACCEPTED WITH A MOTION FROM KEN BRYANT, SECONDED BY MR. STAPLETON; MOTION CARRIED.**

## FUNDING UPDATE

Ms. Wigand called on Bill Dubord who reported that funding is anybody's guess. The Continuing Resolution expires April 8, 2011 and it is uncertain what will happen after that date. Should a government shut-down occur it is the Executive Director's understanding that we would still continue operations since we are under a contract. **KEN BRYANT MOVED TO GIVE THE EXECUTIVE DIRECTOR AND THE EXECUTIVE COMMITTEE AUTHORIZATION TO CONTINUE OR SUSPEND SERVICES AS DEEMED NECESSARY SHOULD THERE BE A GOVERNMENT SHUT-DOWN; CHARMAINE LEHMAN SECONDED THE MOTION; MOTION CARRIED.**

Mr. Dubord also reported that the Senior Volunteer Corps programs have been targeted for elimination and Weatherization for a large decrease. Additionally, deep cuts may still occur in the Community Services Block Grant.

## EXECUTIVE DIRECTOR'S REPORT

Acting Chair Wigand called on the Executive Director who thanked the board members who wrote letters of support for the Community Services Block Grant funds. He indicated that we sent a Resolution of Support to the three county boards but have yet to hear if they have been adopted.

Mr. Dubord informed the members that the Menominee remodeling is progressing. He also reported that we have received the bids for Phase Two of the Gladstone renovation project made possible through the Olsen Trust. We have the project on hold until we see how the funding picture looks and since the cost is more than the funds that were bequeathed. Scaling back the project is also a possibility.

The Executive Director indicated we are looking at streamlining the quarterly food distribution process as most of our volunteers are elderly and the days of loading onto the rental trucks long. We may check with Trades and Labor to see if they might have any ideas as they used to help with food distributions back when Harnischfeger closed.

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**PUBLIC COMMENT/OTHER BUSINESS**

Mr. Dubord reminded the members that the next meeting is scheduled *for Thursday, May 19, 2011 at 1:30 p.m.*

**ADJOURNMENT**

***THE MEETING ADJOURNED AT 4:19 p.m. WITH A MOTION FROM MR. MULTERER, SUPPORTED BY BERNIE LANG; MOTION CARRIED.***

THE FINANCIAL COMMITTEE HAS REVIEWED THE ACCOUNTS PAYABLE SCHEDULES FOR THE MONTH OF MARCH 2011 FOR THE HUMAN RESOURCES AUTHORITY, INC. WE HAVE DETERMINED THAT THE EXPENDITURES MADE AGAINST THE VARIOUS PROGRAMS ARE REASONABLE AND PROPERLY CHARGED WITHIN BUDGETARY RESTRICTIONS IN THE FOLLOWING AMOUNTS:

SENIOR CITIZENS	\$	87,101
VOLUNTEER PROGRAMS		38,867
NUTRITION		170,692
STATE & LOCAL PROGRAMS		77,191
ENERGY AND HOUSING		263,835
ASSET & LIABILITY ACCOUNTS		61,856
<b>TOTAL</b>	<b>\$</b>	<b>699,543</b>

SIGNED   
(TREASURER)

DATE 4-7-11