

California Association of Health and Education Linked Professions

Joint Powers Authority (CAHELP JPA)

**GOVERNANCE COUNCIL MEETING**

*May 12, 2023 - 10:00 a.m.*

Desert Mountain Educational Service Center, 17800 Highway 18, Apple Valley, California 92307

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**MINUTES**

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**GOVERNANCE COUNCIL MEMBERS PRESENT:**

Allegiance STEAM Academy Thrive – Sebastian Cognetta, Apple Valley USD – Trenae Nelson, Excelsior Charter Schools – Derek King, Helendale SD – Joshua Behnke, Ross Swearingen, Hesperia USD – David Olney, Oro Grande SD – Derek Delton, Snowline USD – Ryan Holman, Victor Elementary SD – Lori Clark, and VVUHSD – Carl Coles.

**OTHERS PRESENT:**

Kelly Jung – Aveson School of Leaders, Brenda Congo – Taylion High Desert Academy, and Jennifer Alvarado – San Bernardino County Superintendent of Schools (SBCSS).

**CAHELP JPA STAFF PRESENT:**

Jamie Adkins, Pamela Bender, Heidi Chavez, Peggy Dunn, Thomas Flores, Marina Gallegos, Linda Llamas, Kathleen Peters, Adrienne Shepherd, and Jennifer Sutton

**1.0 CALL TO ORDER**

The regular meeting of the California Association of Health and Education Linked Professions, Joint Powers Authority (CAHELP, JPA) Governance Council was called to order by Chairperson Ross Swearingen at 10:03 a.m. at the Desert/Mountain Educational Service Center, Apple Valley.

**2.0 ROLL CALL**

**3.0 PUBLIC PARTICIPATION**

None.

**4.0 ADOPTION OF THE AGENDA**

4.1 **BE IT RESOLVED** that a motion was made by David Olney, seconded by Lori Clark, to approve the May 12, 2023 CAHELP JPA Governance Council Meeting Agenda as presented. The motion carried on the following vote 9:0:0, Ayes: Clark, Cognetta, Coles, Delton, Holman, King, Nelson, Olney, and Swearingen. Nays: None, Abstentions: None.

**5.0 PRESENTATIONS**

5.1 2022-23 DM County Operated Special Education Fee-For-Service Program – 2nd Interim Update

Jennifer Alvarado presented the 2022-23 DM County Operated Special Education Fee-For-Service Program – 2<sup>nd</sup> Interim Update. She reported there is a projection of a significant growth in revenue of \$7.4 million due to considerable growth in referrals to the county operated programs in the desert mountain region. Primarily in the special day class (SDC) program, there is an expectation of \$5.2 million in AB 602 revenue which is fee-for-service (FFS) in conjunction with an additional \$2.1 million in LCFF revenue transfer for the increased Average Daily Attendance (ADA) in the

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county operated programs. In response to the significant growth, the expenditures have also increased by an estimated \$5 million which is causing a projected \$2.4 million surplus at the end of the year. Jennifer said any amount remaining at the end of the year will be returned to the districts in proportionate share to which they were billed throughout the year.

5.2 2022-23 First 50% Local Control Funding Formula (LCFF) Revenue Transfer - District Funded Students in County Operated Special Education Programs

Jennifer Alvarado presented the First 50% Local Control Funding Formula (LCFF) Revenue Transfer for District Funded Students in County Operated Special Education Programs. She said the transfer is done twice a year: once after P1 certification, once after P2 certification. Jennifer stated the LCFF revenue is ADA generated by students attending county operated programs. The revenue goes directly to the districts with a transfer to the county to offset costs of county operated program expenditures before fee-for-services rates are determined. She continued that after P1, there is a projected \$10.4 million in LCFF transfer with half of the amount being \$5.2 million.

5.3 2023-24 County Operated Special Education Fee-For-Service Budget

Jennifer Alvarado presented the 2023-24 Desert Mountain County Operated Special Education Fee-For-Service Budget. She stated the budget was developed using agency wide budget assumptions with an estimated 4% Cost of Living Adjustment (COLA) on salary step and column that is included for all the contracted salaries. Also included is 5% increase on medical, dental, vision, and life insurances, an increase to CALPERS, and an indirect cost rate of 8.5%. Jennifer highlighted the proposed rates for 2023-24 in comparison to the rates for the current year. She said there will not be a fee for the early start program as SBCSS continuously applies for additional funding for the zero to three-year-old population. They have been awarded the funds in previous years and are hopeful to be awarded the additional funds going forward.

## 6.0 INFORMATION / ACTION

6.1 Educationally Related Mental Health Services (ERMHS) Funding Pass Through (**ACTION**)

Pam Bender recommended the pass through of ERMHS funds from LEAs to DMSELPA via SBCSS in order to continue implementing current mental health services and supports.

6.1.1 **BE IT RESOLVED** that a motion was made by Trenae Nelson, seconded by David Olney, to approve the pass through of ERMHS funds from LEAs to DMSELPA via SBCSS in order to continue implementing current mental health services and supports as presented. The motion carried on the following vote 9:0:0, Ayes: Clark, Cognetta, Coles, Delton, Holman, King, Nelson, Olney, and Swearingen. Nays: None, Abstentions: None.

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### 6.2 Appointment of Officers of the CAHELP JPA Governance Council – FY 2023-24 (**ACTION**)

Article IV of the CAHELP JPA Bylaws specifies that annually the Governance Council shall organize, elect officers including a chair and vice-chair(s) from its members, with the secretary designated pursuant to Article VI. The elected officers will assume their roles and responsibilities as of July 1 of the next fiscal year. Discussion will center on the selection of these two officers.

6.2.1 **BE IT RESOLVED** that a motion was made by Lori Clark, seconded by Trenae Nelson, to select Jesse Najera as the chairperson of the CAHELP JPA Governance Council effective July 1, 2023 as presented. The motion carried on the following vote 9:0:0, Ayes: Clark, Cognitiona, Coles, Delton, Holman, King, Nelson, Olney, and Swearingen. Nays: None, Abstentions: None.

6.2.2 **BE IT RESOLVED** that a motion was made by David Olney, seconded by Sebastian Cognitiona, to select Debra Tarver as the vice-chairperson of the CAHELP JPA Governance Council effective July 1, 2023 as presented. The motion carried on the following vote 9:0:0, Ayes: Clark, Cognitiona, Coles, Delton, Holman, King, Nelson, Olney, and Swearingen. Nays: None, Abstentions: None.

### 6.3 Proposed 2023-24 CAHELP, Desert Mountain SELPA, Desert Mountain Charter SELPA, and Desert Mountain Children’s Center Budgets (**ACTION**)

The annual CAHELP, DMSELPA, DMCS and DMCC budgets for regional services administered by the SELPA office include the primary services provided through program specialists/regional services, X-pot, clinical counseling, SELPA regional services, and DMCC. In reviewing and approving the budgets, the Governance Council designates and supports the staff and operational expenses necessary to carry out the functions of the SELPAs as designated in the Local Plans.

Marina Gallegos shared that the projected ending balance is greater than anticipated because Department of Behavioral Health (DBH) has been unexpectedly adjusting the rates through COVID-19 to maximize the contract and not charging the full match. She said those funds are projected to be spent down. Marina confirmed the FFS for the upcoming year will remain flat due to the large ending balance until the expenses increase. She continued that it is important to keep a large ending balance in this portion of the budget because DBH does not settle up their contracts for five or six years which generates an unexpected allowance of units and other claims. Having the DMCC balance allows those to be covered.

6.3.1 **BE IT RESOLVED** that a motion was made by David Olney, seconded by Trenae Nelson, to approve the Proposed 2023-24 CAHELP, Desert Mountain SELPA, Desert Mountain Charter SELPA, and Desert Mountain Children’s Center Budgets as presented. The motion carried on the following vote 9:0:0, Ayes: Clark, Cognitiona, Coles, Delton, Holman, King, Nelson, Olney, and Swearingen. Nays: None, Abstentions: None.

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### 6.4 Proposed 2023-24 Desert Mountain SELPA and Desert Mountain Charter SELPA Fee-for-Service Rates (**ACTION**)

Pam Bender called on Marina Gallegos to present the Proposed 2023-24 DMSELPA and DMCS Fee-for-Service Rates Service Rates. The FFS remains flat for DMCC mental health services. Marina said services are counted monthly and billed at 1/12 of the rate so as the population grows or decreases, the rate adjusts. Marina concluded that Due Process budget increased 5% per pupil based on Fall 1 pupil count.

6.4.1 **BE IT RESOLVED** that a motion was made by Lori Clark, seconded by Ryan Holman, to approve the Proposed 2023-24 Desert Mountain SELPA and Desert Mountain Charter SELPA Fee-For-Service Rates as presented. The motion carried on the following vote 9:0:0, Ayes: Clark, Cognetta, Coles, Delton, Holman, King, Nelson, Olney, and Swearingen. Nays: None, Abstentions: None.

### 6.5 Low Incidence Ending Balance (**ACTION**)

Pam Bender proposed the Low Incidence Ending Balance be used to reimburse charter LEAs for low incidence costs incurred in 2022-23. She called on Marina Gallegos to explain the proposal. Marina said it is a request to distribute a percentage of excess funds to LEAs with students who have disabilities. These funds are specific to charter LEAs with a projection of \$168,700 balance. Marina said typically the funds are used to reimburse districts for materials but there have been no reimbursement requests received. Marina explained the fund has built up because CDE has increased the low incidence rate from \$466 to \$3400. The proposal is to maintain 10% of the total funds and distribute 90% to the charters who have students with low incidence disabilities. Marina said the DMSELPA also has a large increase in funding and it is used to reimburse for services purchased from SBCSS.

6.5.1 **BE IT RESOLVED** that a motion was made by Sebastian Cognetta, seconded by David Olney, to approve the Low Incidence Ending Balance be used to reimburse charter LEAs for low incidence costs incurred in 2022-23 as presented. The motion carried on the following vote 9:0:0, Ayes: Clark, Cognetta, Coles, Delton, Holman, King, Nelson, Olney, and Swearingen. Nays: None, Abstentions: None.

### 6.6 One-year Pause of the Set-Aside Fund Contribution for Desert Mountain Charter SELPA Member LEAs (**ACTION**)

Pam Bender proposed a one-year pause of the set-aside contribution for the Desert Mountain Charter SELPA members to maintain the balance of the fund. Marina Gallegos explained the fund is for emergencies and used at the discretion of the Desert Mountain Charter SELPA Executive Council. The set-aside fund has not been used in the past couple years and she does not anticipate it being used beyond the projected expense of \$75,000. Charter LEAs contribution amount is 3%

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of their allocation for one year. Marina continued that the required balance of the set aside fund is \$250,000 or 5% of annual base, whichever is greater. Currently 5% is \$331,000 and the balance of the set-aside account is over \$700,000.

6.6.1 **BE IT RESOLVED** that a motion was made by Ryan Holman, seconded by Derek King, to approve a one-year pause of the set-aside fund contribution for the Desert Mountain Charter SELPA LEAs as presented. The motion carried on the following vote 9:0:0, Ayes: Clark, Cognetta, Coles, Delton, Holman, King, Nelson, Olney, and Swearingen. Nays: None, Abstentions: None.

### 7.0 CONSENT ITEMS

It is recommended that the Governance Council consider approving several Agenda items as a Consent list. Consent Items are routine in nature and can be enacted in one motion without further discussion. Consent items may be called up by any Council Member at the meeting for clarification, discussion, or change.

Pam Bender reported that regarding Item 7.1.1, the Governance Council members had asked for the meetings to correspond with the Mountain Desert Career Pathways (MDCP) JPA meetings. After discussing the meeting schedule with the MDCP director, the October 27, 2023 meeting will coordinate but the other dates would not allow deadlines to be met by CAHELP JPA Governance Council.

7.1 **BE IT RESOLVED** that a motion was made by Lori Clark, seconded by David Olney, to approve the following Consent Items as presented. The motion carried on the following vote 9:0:0, Ayes: Clark, Cognetta, Coles, Delton, Holman, King, Nelson, Olney, and Swearingen. Nays: None, Abstentions: None.

7.1.1 Approve the March 17, 2023 CAHELP JPA Governance Council Meeting Minutes.

7.1.2 Approve the 2023-24 CAHELP JPA Governance Council Schedule of Meetings.

7.1.3 Approve Association for Supervision and Curriculum Development (ASCD) membership renewal for Heidi Chavez in the amount of \$95.90.

7.1.4 Approve the 2023-24 Council for Exceptional Children membership for Heidi Chavez in the amount of \$195.00.

7.1.5 Approve the 2023 Association for Positive Behavior Supports membership for Deborah Sarkesian and Athena Vernon in the amount of \$175.00 each.

7.1.6 Approve the 2023-24 California Association of Marriage and Family Therapists (CAMFT) membership for Linda Llamas in the amount of \$300.00.

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- 7.1.7 Approve the 2023-24 SANDABS Memberships for the Desert Mountain SELPA and the Desert Mountain Charter SELPA in an amount not to exceed \$500.00 for each SELPA.
- 7.1.8 Approve the 2023-24 Coalition for Adequate Funding for Special Education (CAFSE) Letters of Agreement for Special Services for the Desert Mountain SELPA and the Desert Mountain Charter SELPA in an amount not to exceed \$1500.00 for each SELPA.
- 7.1.9 Approve the 2023-24 SELPA Administrators of California Organizational Memberships for the Desert Mountain SELPA and the Desert Mountain Charter SELPA in an amount not to exceed \$1660.00 for each SELPA.
- 7.1.10 Approve the Declaration of Low Incidence Equipment as Salvage or Surplus.

The Desert Mountain SELPA is seeking approval from the CAHELP JPA Governance Council for the release to surplus or salvage of unassigned and/or obsolete low incidence equipment currently in storage. All of the low incidence equipment identified on the inventory report has been reviewed and determined to be unassigned and/or obsolete.

## **8.0 PUBLIC HEARINGS**

### **8.1 Desert Mountain SELPA Annual Budget Plan (ACTION)**

California Education Code requires that an Annual Budget Plan be approved by the CAHELP Governance Council as part of the Local Plan. The 2023-24 Annual Budget Plan describes the revenues and expenditures for special education for all local education agencies in the Desert Mountain SELPA.

- 8.1.1 **BE IT RESOLVED** that a motion was made by Derek King, seconded by Sebastian Cogna, to approve the Desert Mountain SELPA 2023-24 Annual Budget Plan as presented. The motion carried on the following vote 9:0:0, Ayes: Clark, Cogna, Coles, Delton, Holman, King, Nelson, Olney, and Swearingen. Nays: None, Abstentions: None.

### **8.2 Desert Mountain SELPA Annual Service Plan (ACTION)**

California Education Code requires that an Annual Service Plan be approved by the CAHELP JPA Governance Council as part of the Local Plan. The 2023-24 Annual Service Plan describes all special education services currently provided in the Desert Mountain SELPA broken down by type, location, and level of severity.

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8.2.1 **BE IT RESOLVED** that a motion was made by David Olney, seconded by Ryan Holman, to approve the Desert Mountain SELPA 2023-24 Annual Service Plan as presented. The motion carried on the following vote 9:0:0, Ayes: Clark, Coggnetta, Coles, Delton, Holman, King, Nelson, Olney, and Swearingen. Nays: None, Abstentions: None.

8.3 Desert Mountain Charter SELPA Annual Budget Plan (**ACTION**)

California Education Code requires that an Annual Budget Plan be approved by the CAHELP JPA Governance Council as part of the Local Plan. The 2023-24 Annual Budget Plan describes the revenues and expenditures for special education services currently for all local education agencies in the Desert Mountain Charter SELPA.

8.3.1 **BE IT RESOLVED** that a motion was made by Derek Delton, seconded by Sebastian Coggnetta, to approve the Desert Mountain Charter SELPA 2023-24 Annual Budget Plan as presented. The motion carried on the following vote 9:0:0, Ayes: Clark, Coggnetta, Coles, Delton, Holman, King, Nelson, Olney, and Swearingen. Nays: None, Abstentions: None.

8.4 Desert Mountain Charter SELPA Annual Service Plan (**ACTION**)

California Education Code requires that an Annual Service Plan be approved by the CAHELP JPA Governance Council as part of the Local Plan. The 2023-24 Annual Service Plan describes all special education services currently provided in the Desert Mountain Charter SELPA broken down by type, location, and level of severity.

8.4.1 **BE IT RESOLVED** that a motion was made by Derek King, seconded by Carl Coles, to approve the Desert Mountain Charter SELPA 2023-24 Annual Service Plan as presented. The motion carried on the following vote 9:0:0, Ayes: Clark, Coggnetta, Coles, Delton, Holman, King, Nelson, Olney, and Swearingen. Nays: None, Abstentions: None.

## 9.0 CHIEF EXECUTIVE OFFICER AND STAFF REPORTS

9.1 Legislative Update

Pam Bender provided a legislative update from State SELPA Administrators.

- AB 1340 (Garcia) School Accountability: pupils with exceptional needs - post statewide data based on disability on CDE website is moving forward,
- SB 323 (Portantino) Pupils with exceptional needs: IEPs: emergency safety procedures-include in the IEP accommodations needed to support comprehensive school safety plan is moving forward,

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- SB 445 (Portantino) IEP Translations: requires translation of the IEP, assessments and progress reports used to determine IEP into the native language of the parent, or communication type; within 30 days of the meeting; top eight languages; amendments have been submitted so it could change,
- AB 611 (Weber) Nonpublic School (NPS) Certification: requires the LEA to notify parents within 14 days of a change in certification status. Pam said DMSSELPA notifies LEAs of these changes but not parents,
- AB 723 (Quirk-Silva) Foster Youth: NPS: School of Origin - makes an NPS the school of origin for foster students,
- AB 381 (Blanca Rubio) Teacher Credentialing: OT/PT: allows OT/PT as a services credential in health. California School Employees Association (CSEA) is opposed to the bill,
- AB 438 (Rubio) Pupils with exceptional needs: IEPs: postsecondary goals and transition services - change age to 14,
- SB 483 (Cortese) Pupil Rights: Prone Restraint: eliminates all prone restraint within the school system,
- AB 1466 (Weber) Pupil Discipline: Restraint and Seclusion: requires restraint and seclusion data to be posted on the LEA website and submitted to CDE,
- SB 691 (Portantino) Dyslexia Risk Screening: by June 2024, School Board of Education (SBE) provides list of screening instruments so that in 2024-25, all K-2nd graders are screened for dyslexia within first 90 days of school, new students screened within 30 days of enrollment. Within 45 days of screening, administration must notify parents of results and provide resources. LEAs are to provide evidence-based literacy instruction, progress monitoring, and interventions within general education programs. There are two agencies opposing the bill but 49 others that are supporting it,
- SB 88 (Skinner) Pupil Transportation: Driver Qualifications: drivers who operate a vehicle with a maximum of 10 students must undergo a criminal background check, fingerprinting, and mandated reporter. They must also test for tuberculosis, drugs, and alcohol testing, as well as training and classes,
- AB 447 (Arambula) Public postsecondary education: Students with Disabilities: inclusive college pilot programs: requires Cal State and University of California systems to create college pilot inclusive program for students with intellectual disabilities (ID) and developmental disabilities (DD),

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- AB 248 (Mathis) Individuals with intellectual or developmental disabilities: removes obsolete terminology including “mentally retarded persons” “mentally retarded children” “retardation”.

### 9.2 Grant Submissions

Pam Bender provided information on grant submissions. She shared that several grants have been submitted that did not require letters of support from member LEAs including CalWORKS Youth Employment Program, Community Grant for Autism, School-Based Trauma-Informed Support Services, Mental Health Awareness Training, Cycle 46 Program Development. Pam agreed to notify the Governance Council members with grant information including the grant amount, what would be required from the LEAs if anything, and the reason being asked for support before sending letter templates and the specific request for support.

### 9.3 Learning Recovery Support, Dispute Prevention and Resolution Funds Update

Pam Bender provided Learning Recovery Support, Dispute Prevention and Resolution Update. There are large amounts of funds still available and Pam shared they can be used for prior years expenditures including funds from general education that were used and can be reimbursed.

Marina Gallegos said funds are to be encumbered by June 30, 2023 and it would be a revenue transfer from CAHELP resource to appropriate LEA resource then the LEA would contribute the revenue to where it is needed based on prior year. She said Sam Barker has been working with LEA fiscal departments to get the funds claimed. Marina said that the dollar amounts have changed since May 1, 2023.

### 9.4 Hesperia Property Maintenance Schedule

Pam Bender presented the revised schedule of maintenance for local school districts to keep the Hesperia property clean of debris and dumping. Pam said the October 2023 CAHELP Governance Council agenda will include an item about the property.

### 9.5 Compliance Update

Pam Bender provided an update on compliance issues from the California Department of Education including IEP Implementation and Monitoring, Compliance and Improvement Monitoring (CIM) and levels of intervention. Pam shared the number of overdue IEPs which is shared with the special education directors at their monthly meeting in an attempt to get the IEPs completed before the transition to SEIS. Pam said it would be helpful if IEPs that are due July through September to be done before the end of June, if possible, to also assist with the transition. There are many opportunities for SEIS training including onsite and regional. Pam continued that program specialists have been working with the directors to help the compliance concerns. There are several compliance timelines currently with several LEAs receiving Annual Determination Letters, small school monitoring, and IEP implementation. State SELPA is in discussion with

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CDE about the timelines not being sufficient. LEAs have different Focused Monitoring and Technical Assistance (FMTA) consultants that provide slightly different information which can add to the issues.

### **10.0 INFORMATION ITEMS**

10.1 Professional Learning Summaries

10.2 Resolution Support Services Summaries

### **11.0 CLOSED SESSION CALLED**

11.1 Litigation Update

Chairperson Ross Swearingen provided an update on pending litigation.

11.2 CAHELP JPA Administrative Unit

Pam Bender led a discussion pertaining to CAHELP JPA administrative unit.

### **12.0 GOVERNANCE COUNCIL MEMBERS COMMENTS / REPORTS**

None.

### **13.0 CEO COMMENTS**

Pam Bender shared she has been the CEO for 18 months and thanked the council members for their support, asking questions, and providing comments. She said she and the CAHELP JPA leadership team will begin working on a strategic plan based on CAHELP JPA employee survey responses at a leadership retreat June 6 and 7, 2023 in San Bernardino. Pam invited the Governance Council members to join if they are interested. Pam shared she will also be sending a survey to CAHELP JPA Governance Council and special education directors to see what CAHELP is doing well and what issues they are seeing. This will allow the internal executive team to be aware of where there is growth and what can be improved. Pam plans to share the information with the stakeholders.

### **14.0 MATTERS BROUGHT BY GENERAL PUBLIC**

None.

### **15.0 ADJOURNMENT**

Having no further business to discuss, a motion was made by Lori Clark, seconded by Ryan Holman, to adjourn the meeting at 11:35 a.m. The motion carried on the following vote 9:0:0, Ayes: Clark, Cognetta,

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Coles, Delton, Holman, King, Nelson, Olney, and Swearingen. Nays: None, Abstentions: None.

The next regular meeting of the CAHELP JPA Governance Council will be held on Friday, October 27, 2023, at 10:30 a.m., at the Desert Mountain Educational Service Center, Lilac/Yucca Room, 17800 Highway 18, Apple Valley, CA 92307.

*Individuals requiring special accommodations for disabilities are requested to contact Jamie Adkins at (760) 955-3555, at least seven days prior to the date of this meeting.*