Board Policy Committee Meeting and Special SMUD Board of Directors Meeting

Date: Wednesday, April 13, 2022
Time: Scheduled to begin at 5:30 p.m.
Location: Virtual Meeting (online)

Powering forward. Together.
AGENDA
BOARD POLICY COMMITTEE MEETING
AND SPECIAL SMUD BOARD OF DIRECTORS MEETING

Wednesday, April 13, 2022
Scheduled to begin at 5:30 p.m.
Zoom Webinar Link: Join Board Policy Committee Meeting Here
Webinar/Meeting ID: 161 849 7220
Passcode: 819059
Phone Dial-in Number: 1-669-254-5252 or 1-833-568-8864 (Toll Free)

Pursuant to Government Code section 54953(e) and the Emergency Board Meeting Procedures adopted by the SMUD Board of Directors, the regular Board meeting and other public meetings are currently conducted solely via virtual (online/teleconference) meeting to align with state, local, and federal guidelines for the containment of the coronavirus.

Live video streams and indexed archives of meetings are available at: http://smud.granicus.com/ViewPublisher.php?view_id=16

Members of the public may register to provide verbal comments at an upcoming Board or Committee meeting by emailing a request to speak to PublicComment@smud.org. Please include the date of the meeting, name, and topic or agenda item the requestor wishes to speak on. The request may also be submitted while the meeting is in progress during the standard time for the agenda item or topic. Pre-registration is strongly encouraged by no later than 3:00 p.m. on the day of the meeting.

Members of the public may provide written public comments on a specific agenda item or on items not on the agenda (general public comment) by submitting comments via e-mail. Comments may be submitted to PublicComment@smud.org and will be placed into the record of the meeting.

Members of the public that are listening to or watching the live stream of a Committee meeting and wish to comment on a specific agenda item as it is being heard may submit their comments, limited to 250 words or less, to PublicComment@smud.org, noting the agenda item number in the subject line. The Committee Chair may read comments for items on the agenda into the record, in his discretion, based upon such factors as the length of the agenda or the number of e-mail comments received. General public comment for items not on the agenda will not be read into the record but will be provided to the Board and placed into the record of the Board meeting if it is received within two hours after the meeting ends.

This Committee meeting is noticed as a joint meeting with the Board of Directors for compliance with the Brown Act. The Policy Committee will review, discuss and provide the Committee's recommendation (if applicable) on the following discussion item, and the Board of Directors will take action on the Discussion Calendar:
DISCUSSION CALENDAR

1. Steve Lins  
   Make findings pursuant to Government Code section 54953(e) to continue holding meetings virtually during proclaimed state of emergency (recurring item, every 30 days).  
   Discussion: 5 minutes

DISCUSSION ITEM

2. Dave Tamayo  
   Board Monitoring: Governance Process GP-1, Purpose of Board; Governance Process GP-3, Board Job Description; and Governance Process GP-7, Guidelines for Board Member Behavior.  
   Presentation: 15 minutes  
   Discussion: 30 minutes

INFORMATIONAL ITEMS

3. Brandon Rose  
   Board Work Plan.  
   Discussion: 5 minutes

4. Public Comment

5. Dave Tamayo  
   Summary of Committee Direction.  
   Discussion: 1 minute

Pursuant to Resolution No. 20-06-08 adopted on June 18, 2020, Emergency Board Meeting Procedures are in effect:

Members of the public may make either a general public comment or comment on a specific agenda item by submitting comments via email. Comments may be submitted to PublicComment@smud.org. Comments will be provided to the Board and placed into the record of the Committee meeting if it is received within two hours after the meeting ends.

Members of the public that are listening or watching the live stream of a Board meeting and wish to comment on a specific agenda item as it is being heard, may submit their comments, limited to 250 words or less, to PublicComment@smud.org. The Board Chair may read the comments into the record, in his discretion, based upon such factors as the length of the agenda or the number of email comments received. Comments will be provided to the Board and placed into the record of the Committee meeting if it is received within two hours after the meeting ends.

Members of the public may register to provide verbal comments at an upcoming Board or Committee meeting by emailing a request to speak to PublicComment@smud.org. Please include the date of the meeting, name, and topic or agenda item the requestor wishes to speak on. The request may also be submitted while the meeting is in progress during the standard time for the agenda item or topic. Pre-registration is strongly encouraged by no later than 3:00 p.m. on the day of the meeting.

ADA Accessibility Procedures: Upon request, SMUD will generally provide appropriate aids and services leading to effective communication for qualified persons with disabilities so that they can participate equally in this virtual meeting. If you need a reasonable auxiliary aid or service for effective communication to participate, please email Toni.Stelling@smud.org, or contact by phone at (916) 732-7143, no later than 48 hours before this virtual meeting.
TO

1. Jennifer Davidson
2. Brandy Bolden
3. Farres Everly

TO

4. 5.

6. 7.

8. 9. Legal

10. CEO & General Manager

Consent Calendar | Yes | X | No (If no, schedule a dry run presentation.) | Budgeted | X | Yes | No (If no, explain in Cost/Budgeted section.)
--- | --- | --- | --- | --- | --- | --- | ---
FROM (IPR) | Joe Schofield | DEPARTMENT | Legal Department | MAIL STOP | B406 | EXT. | 5446 | DATE SENT | 02/23/22

NARRATIVE:

Requested Action: Make determination pursuant to Government Code section 54953(e) to continue meetings via virtual (online/teleconference) meeting for the next 30 days.

Summary: Pursuant to Executive Order N-29-20 issued on March 17, 2020, and Executive Order N-35-20 issued on March 21, 2020, as well as the Emergency Board Meeting Procedures adopted by this Board via Resolution No. 20-06-08 on June 18, 2020, this Board has conducted regular Board meetings and other public meetings via remote (online/teleconference) meetings.

On September 16, 2021, Governor Newsom signed Assembly Bill 361 (AB 361), which became effective immediately upon signature, containing language that eased Brown Act requirements to allow local agencies to meet remotely. AB 361 allows meetings to continue to be conducted by teleconference, similar to the process used during the current COVID-19 pandemic, but only when there is a declared state of emergency when the local governing body makes findings that there are imminent health risks to meeting in person.

On February 25, 2022, Executive Order N-04-22 was issued leaving the California State of Emergency due to the threat of COVID-19 in effect for the foreseeable future. Though the State of Emergency remains in effect, mask mandates have been dropped locally and at the State level.

Nonetheless, CAL/OSHA continues to maintain some COVID-19 protocols for workplaces, including outbreak reporting; SMUD staff continue to report COVID-19 infections, though at a decreasing rate; the lack of a requirement to sign in at SMUD Board meetings with contact information could make contact tracing nearly impossible; and the most recently reported COVID-19 data published on March 30, 2022, by the Sacramento County Department of Public Health on its Epidemiology COVID-19 Dashboard indicated a local COVID-19 case rate of 3.9% and 12 deaths since the last update. A large percentage of SMUD staff are still working remotely while reentry protocols are being employed to ensure people can be brought back incrementally in a manner that is protective of employee health.

Moreover, when SMUD Board and Committee meetings were held in person, they could last as long as four hours with all participants in a single room. And although we could space out participants, they would still be breathing one another’s respirated air for what could be a lengthy period.

By Resolution 21-10-01 adopted on October 12, 2021, Resolution No. 21-10-03 adopted on October 21, 2021, Resolution No. 21-11-05 adopted on November 18, 2021, Resolution No. 21-12-04 adopted on December 9, 2021, Resolution No. 22-03-01 adopted on March 8, 2022, and Resolution No. 22-03-03 adopted on March 17, 2022, this Board has previously made findings to continue to hold regular Board meetings and other public meetings via solely virtual (online/teleconference) format.

Staff’s recommendation is to continue to hold regular Board meetings and other public meetings via solely virtual (online/teleconference) meeting and continue to monitor developments related to the COVID-19
pandemic. Pursuant to Government Code section 54953(e), this Board must make findings every 30 days that conditions warrant continuing to meet virtually instead of in-person.

**Board Policy:** Governance Process GP-3, Board Job Description – j) Take such other actions as may be required by law.

**Benefits:** Making the determination to continue remote meetings will allow for efficient conduct of SMUD business.

**Cost/Budgeted:** Contained in Business Unit budget for internal labor.

**Alternatives:** Take no action and comply with all original Brown Act requirements.

**Affected Parties:** SMUD, Board of Directors, Public

**Coordination:** Executive Office, Board Office, Legal Department, Information Technology, Communications

**Presenter:** Steve Lins, Deputy General Counsel

**Additional Links:**

<table>
<thead>
<tr>
<th>SUBJECT</th>
<th>Make Findings to Continue Online/Teleconference Meetings</th>
</tr>
</thead>
</table>

ITEMS SUBMITTED AFTER DEADLINE WILL BE POSTPONED UNTIL NEXT MEETING.
RESOLUTION NO. ___________

WHEREAS, SMUD is committed to preserving public access and participation in meetings of the Board of Directors and to the safety of meeting attendees; and

WHEREAS, all meetings of the Board of Directors are open and public, as required by the Ralph M. Brown Act (Gov’t Code, §§ 54950-54963) (“Brown Act”), so that any member of the public may attend, participate in, and watch SMUD’s governing body conduct its business; and

WHEREAS, the newly enacted Government Code section 54953(e) authorizes a local agency’s governing body, during a proclaimed state of emergency, to participate in its public meetings using remote teleconferencing without compliance with the requirements of Government Code section 54953(b)(3), under specified conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, another condition is that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body determines that meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, on February 28, 2022, the California Department of Public Health rescinded the mask requirement effective March 1, 2022, for all individuals
regardless of vaccination status and instead issued a strong recommendation that all persons, regardless of vaccine status, continue indoor masking; and

WHEREAS, the Sacramento County Department of Public Health on its Epidemiology COVID-19 Dashboard continues to show elevated case and death data; and

WHEREAS, the California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA) continues to maintain some COVID-19 protocols for workplaces, including outbreak reporting; and

WHEREAS, SMUD is incrementally reintroducing staff to its administrative buildings, staff infections continue to be reported with some consistency, and, under the current schedule, the majority will not return to working on-site until August or September 2022; and

WHEREAS, SMUD Board and Committee meetings can last as long as four hours, with participants sitting in the same room sharing air the entire time; and

WHEREAS, it would be impractical for SMUD to take steps necessary to prevent imminent risks to the health and safety of attendees, such as by holding public meetings outdoors, ensuring public meeting attendees are vaccinated, have appropriate face coverings, and wear them consistent with public health guidance; and

WHEREAS, all meetings, agendas, meeting dates, times, and manner in which the public may participate in the public meetings of the SMUD Board and offer public comment by telephone or internet-based service options including video conference are posted on the SMUD website and physically outside of SMUD’s Headquarters Building; and
WHEREAS, by Resolution No. 21-10-01 adopted on October 12, 2021, this Board made findings that requisite conditions exist for the SMUD Board to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, by Resolution No. 21-10-03 adopted on October 21, 2021, this Board made findings that requisite conditions exist for the SMUD Board to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, by Resolution No. 21-11-05 adopted on November 18, 2021, this Board made findings that requisite conditions exist for the SMUD Board to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, by Resolution No. 21-12-04 adopted on December 9, 2021, this Board made findings that requisite conditions exist for the SMUD Board to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, by Resolution No. 22-03-01 adopted on March 8, 2022, this Board made findings that requisite conditions exist for the SMUD Board to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, by Resolution No. 22-03-03 adopted on March 17, 2022, this Board made findings that requisite conditions exist for the SMUD Board to conduct
remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; NOW, THEREFORE,

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SACRAMENTO MUNICIPAL UTILITY DISTRICT:

Section 1. Risks to Health and Safety of Attendees. The Board has reconsidered the circumstances of the state of emergency and hereby finds that the state of emergency continues to directly impact the ability of the members to meet safely in person and holding SMUD Board meetings in person would present imminent risks to the health and safety of attendees.

Section 2. Remote Teleconference Meetings. SMUD staff are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution, including conducting open and public meetings in accordance with section 54953(e) and other applicable provisions of the Brown Act.

Section 3. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) May 13, 2022, or (ii) such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the SMUD Board may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.
## BOARD AGENDA ITEM

**STAFFING SUMMARY SHEET**

<table>
<thead>
<tr>
<th>NO.</th>
<th>TO</th>
<th>FROM (IPR)</th>
<th>DEPARTMENT</th>
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**NARRATIVE:**

**Requested Action:** Allow the Board members and executive staff an opportunity to discuss and evaluate Purpose of the Board (GP-1), Board Job Description (GP-3) and Guidelines for Board Member Behavior (GP-7) as part of the Board policy monitoring process.

**Summary:** The Board has participated in a surveying process of these policies and will engage in a discussion of their compliance and make any suggested changes to the policies as part of this discussion. Monitoring established policies creates a better understanding of the policies and gives the Board an opportunity to make corrections, additions, or changes, if necessary.

**Board Policy:** GP-2 Governance Focus states the Board will discuss and evaluate its performance.

**Benefits:** Having this discussion will give the Board members an opportunity to review, edit, and update language in the policies that are under review.

**Cost/Budgeted:** N/A

**Alternatives:** Table this discussion for a later time.

**Affected Parties:** Board of Directors

**Coordination:** Donna Lofton, Special Assistant to the Board

**Presenter:** Dave Tamayo, Policy Committee Chair

**Additional Links:**

**SUBJECT**

Board Monitoring of GP-1, GP-3, GP-7
<table>
<thead>
<tr>
<th>Category: Governance Process</th>
<th>Title: Purpose of Board</th>
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<tbody>
<tr>
<td>Policy Number: GP-1</td>
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<tr>
<td>Resolution No. 02-12-14</td>
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<td>Resolution No. 03-10-14</td>
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<td>Resolution No. 05-11-04</td>
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<td>Resolution No. 21-07-08</td>
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The Board is the legislative body of the Sacramento Municipal Utility District. It operates under the provisions of the Municipal Utility District Act of the State of California (the MUD Act) and all other applicable statutes and laws.

The purpose of the Board of Directors is to:

a) Identify and define the purpose, values and vision of SMUD and communicate them in the form of policy.

b) Identify and define those quantitative and qualitative results or conditions of SMUD that are acceptable and not acceptable to the Board and communicate them in the form of policy.

c) Monitor the organization’s performance against the results that the Board has established for SMUD.

d) Make certain operational decisions as designated by law.

e) Hire, evaluate and, when necessary, discharge the CEO/General Manager.

Monitoring Method: Board Report
Frequency: Annual
<table>
<thead>
<tr>
<th>Category: Governance Process</th>
<th>Title: BOARD JOB DESCRIPTION</th>
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<tr>
<td>Date of Adoption: December 19, 2002</td>
<td>Policy Number: GP-3</td>
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<td>Revision Date: October 16, 2003</td>
<td>Resolution No. 02-12-14</td>
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<td>Revision Date: December 1, 2005</td>
<td>Resolution No. 03-10-14</td>
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<td>Revision Date: March 5, 2009</td>
<td>Resolution No. 05-12-11</td>
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<tr>
<td>Revision Date: December 3, 2009</td>
<td>Resolution No. 09-03-05</td>
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<tr>
<td>Revision Date: January 20, 2010</td>
<td>Resolution No. 09-12-04</td>
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<tr>
<td>Revision Date: April 3, 2014</td>
<td>Resolution No. 11-01-07</td>
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<tr>
<td>Revision Date: June 19, 2014</td>
<td>Resolution No. 14-04-03</td>
</tr>
<tr>
<td>Revision Date: April 20, 2017</td>
<td>Resolution No. 14-06-06</td>
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<tr>
<td>Revision Date: July 15, 2021</td>
<td>Resolution No. 17-04-08</td>
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The specific job duty of Board members as elected representatives is to ensure appropriate organizational performance.

Specifically, the Board shall:

a) Produce and maintain written policies that ensure high quality of governance and clear roles in decision-making between Board and staff.

b) Regularly monitor and evaluate the performance of the CEO/General Manager.

c) Seek to understand the strategic viewpoints and values of our customers, owners, the community and other interested stakeholders.

d) Develop and adopt Strategic Direction policies for SMUD that define the outcomes the Board wants SMUD to achieve – and refine those Directions as conditions warrant while recognizing the importance of providing predictable policy direction to the CEO/General Manager and staff.
e) Review the Strategic Directions regularly, on the timetable specified in each policy, and communicate to the CEO/General Manager whether the Board finds SMUD to be in compliance. For the purpose of this policy, compliance is defined as substantially meeting the requirements of the Strategic Direction.

f) Adopt the SMUD budget on an annual basis.

g) Serve as ambassadors for SMUD and build relationships throughout SMUD’s service territory and the region.

h) Contract with an external independent auditor to audit SMUD’s finances and procedures; such audits are to be performed on an annual basis.

i) Set the rates, rules and regulations for services and commodities provided by SMUD.

j) Take such other actions as may be required by law.

Monitoring Method: Board Report
Frequency: Annual
The Board and its members should act in an ethical, businesslike, productive, and lawful manner. Board members should avoid even the appearance of impropriety to ensure and maintain public confidence in SMUD.

Specifically:

a) Board members shall conduct themselves in accordance with all laws.

b) Board members should conduct themselves with civility and respect at all times with one another, with staff, and with members of the public.

c) Board members are expected to demonstrate loyalty to the interests of SMUD owners and ratepayers. This supersedes any conflicting loyalty such as that to advocacy or interest groups and membership on other Boards or staffs. It also supersedes the personal interest of any Board member acting as a consumer of the organization’s activities.

d) Board members may not attempt to exercise individual authority over the organization except as explicitly set forth in Board policies.

   i) Board members should recognize the lack of authority vested in them as individuals in their interactions with the CEO/General Manager or with staff, except where explicitly Board authorized.
ii) In their interactions with the public, press or other entities, Board members should recognize the same limitation and the inability of any Board member to speak for the Board or for other Board members except to repeat explicitly stated Board decisions.

e) Board members shall at all times endeavor to express their individual opinions in a responsible manner, without causing harm to SMUD, to SMUD’s owners and customers, or to other Board members and staff.

i) Each member of the Board is expected to support the Board’s decision-making authority, irrespective of the member’s personal position.

ii) Board members retain the right to criticize the decisions of SMUD, but in doing so should make it clear that it is their opinion, and not the opinion of the Board or other Board members, and so long as it complies with the limitations set forth in these policies. Board members are encouraged to notify the CEO/General Manager in advance when they plan to speak publicly in opposition to SMUD decisions and policies.

f) Members should prepare themselves for Board deliberations.

g) Board members shall discourage former Board members from attempting to influence the Board, individual Board members or staff, on behalf of any third party (other than a governmental entity) from whom the former Board member is receiving compensation, on any matter that the former Board member substantially participated in during his or her tenure with the Board. This provision shall not apply to: (i) communications by a former Board member acting in his or her capacity as an individual or customer and for which the Board member receives no compensation; or (ii) communications with a former Board member who has not been a Board member for more than two years.

Monitoring Method: Board Report
Frequency: Semi-Annual
SSS No.  
BOD 2021-021

BOARD AGENDA ITEM  
STAFFING SUMMARY SHEET

Committee Meeting & Date  
POLICY - 4/13/22

Board Meeting Date  
N/A

TO  
6.  
7.  
8.  
9.  Legal  
10. CEO & General Manager

Consent Calendar  
Yes  
No  
If no, schedule a dry run presentation.

Budgeted  
Yes  
No  
(If no, explain in Cost/Budgeted section.)

FROM (IPR)  
Brandon Rose / Donna Lofton

DEPARTMENT  
Board Office

MAIL STOP  
B307

EXT.  
5079

DATE SENT  
12/21/2021

Requested Action:  Enable the Board of Directors and Executive Staff an opportunity to review the Board Work Plan.

Summary:  The Board President reviews the Board Work Plan at the Policy Committee meeting to ensure agenda items support the work of the Board.

Board Policy:  This review of the work plan supports GP-6 Role of the Board President which states that the Board President shall give progress reports on the Board’s work plan.

Benefits:  Reviewing the Work Plan allows the Board members and Executive staff to make changes to the Work Plan and Parking Lot items as necessary.

Cost/Budgeted:  N/A

Alternatives:  Not review the Work Plan at this time

Affected Parties:  Board and Executive staff

Coordination:  Donna Lofton

Presenter:  Brandon Rose, Board President

Additional Links:

SUBJECT  
Board Work Plan

ITEM NO. (FOR LEGAL USE ONLY)

ITEMS SUBMITTED AFTER DEADLINE WILL BE POSTPONED UNTIL NEXT MEETING.
TO

1. Jennifer Davidson
2. Brandy Bolden
3. Farres Everly
4. 
5. 
6. 
7. 
8. 
9. Legal
10. CEO & General Manager

Consent Calendar: Yes x No
If no, schedule a dry run presentation.

Budgeted: Yes

Mail Stop: B307
Ext.: 5079
Date Sent: 12/21/2021

NARRATIVE:

Requested Action: A summary of directives provided to staff during the committee meeting.

Summary: The Board requested an on-going opportunity to do a wrap up period at the end of each committee meeting to summarize various Board member suggestions and requests that were made at the meeting in an effort to make clear the will of the Board. The Policy Committee Chair will summarize Board member requests that come out of the committee presentations for this meeting.

Board Policy: GP-4 Agenda Planning states the Board will focus on the results the Board wants the organization to achieve.

Benefits: Having an agendized opportunity to summarize the Board’s requests and suggestions that arise during the committee meeting will help clarify what the will of the Board.

Cost/Budgeted: N/A

Alternatives: Not summarize the Board’s requests at this meeting.

Affected Parties: Board of Directors and Executive Staff

Coordination: Donna Lofton, Special Assistant to the Board

Presenter: Dave Tamayo, Policy Committee Chair

Additional Links:

Subj. Summary of Committee Direction

Item No. (For Legal Use Only)

Items submitted after deadline will be postponed until next meeting.