File No.	230125	Committee Item No	5
		Board Item No.	

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee:	Rules Committee	Date Feb 13, 2023
Board of Su	pervisors Meeting	Date
Cmte Boai	^r d	
	Motion Resolution Ordinance Legislative Digest Budget and Legislative Analyst I Youth Commission Report Introduction Form Department/Agency Cover Lette Memorandum of Understanding Grant Information Form Grant Budget Subcontract Budget Contract/Agreement Form 126 - Ethics Commission Award Letter Application Form 700 Information/Vacancies (Boards/C Public Correspondence	r and/or Report (MOU) Commissions)
Completed I	by: Victor Young	Date <u>Feb 9, 2023</u> Date

1	[Administrative, Business and Tax Regulations Codes - Homelessness Oversight Commission and Related City Bodies]
2	Ondings on a great district to the Administrative Onde and Dunings and Tou Develope Onde
3	Ordinance amending the Administrative Code and Business and Tax Regulations Code
4	as required by Proposition C, adopted at the November 8, 2022 election, to provide that
5	the Homelessness Oversight Commission ("Commission") appoint all members of the
6	Local Homeless Coordinating Board ("Coordinating Board"); that the Coordinating
7	Board's sole duties are to serve as the governing body required to participate in the
8	federal Continuum of Care Program and to advise the Commission on issues relating
9	to the Continuum of Care; that the Shelter Monitoring Committee advise the
10	Commission in lieu of the Coordinating Board; that the Our City, Our Home Oversight
11	Committee ("Oversight Committee") advise and make recommendations to the
12	Commission and the Health Commission; and that the Oversight Committee inform the
13	Department of Homelessness and Supportive Housing's strategic planning process.
14	NOTE: Unchanged Code text and uncodified text are in plain Arial font. Additions to Codes are in single-underline italics Times New Roman font. Deletions to Codes are in strikethrough italics Times New Roman font.
15 16	Board amendment additions are in double-underlined Arial font. Board amendment deletions are in strikethrough Arial font. Asterisks (* * * *) indicate the omission of unchanged Code
17	subsections or parts of tables.
18	
19	Be it ordained by the People of the City and County of San Francisco:
20	
21	Section 1. Background.
22	On November 8, 2022, the voters approved Proposition C, which established the
23	Homelessness Oversight Commission to oversee the Department of Homelessness and
24	Supporting Housing. One subsection of Proposition C, codified in Charter Section 4.133(h),
25	requires the City to enact an ordinance to amend various provisions of the Administrative and

Business and Tax Regulations Codes to reflect changes to the duties, methods of appointment, and reporting structures of several City bodies that advise on issues relating to homelessness. The intent of this ordinance is to comply with the requirement set forth in Charter Section 4.133(h).

Section 2. Regarding the Local Homeless Coordinating Board, the Administrative Code is hereby amended by revising Article XXXI of Chapter 5, Sections 5.31-2 through 5.31-4, to read as follows:

SEC. 5.31-2. MEMBERSHIP.

The Coordinating Board shall be comprised of nine members, appointed <u>by the</u>

Homelessness Oversight Commission ("Commission") as follows:

- (a) Seat 1 shall be <u>held by appointed by the Mayor and shall be</u> a homeless or formerly homeless person.
- (b) Seats 2 through <u>94</u> shall be <u>held by people who appointed by the Mayor. The</u> appointees shall represent organizations or projects serving one or more of the following homeless subpopulations in San Francisco: families with children; single adults; veterans; the chronically homeless; unaccompanied youth; persons with HIV/AIDS; persons with substance use disorders; the seriously mentally ill; and victims of domestic violence, dating violence, sexual assault, and stalking. <u>For purposes of this subsection (b) regarding Seats 2 through 9, o</u>One Board member may represent the interests of more than one homeless subpopulation.
- -(c) Seats 5 through 8 shall be appointed by the Board of Supervisors. The appointees shall represent one or more of the homeless subpopulations listed in subsection (b) of this Section 5.31-2.

 One Board member may represent the interests of more than one homeless subpopulation.

1	(d) Seat 9 shall be appointed by the Controller and shall represents one or more of the
2	homeless subpopulations listed in subsection (b) of this Section 5.31-2. One Board member may
3	represent the interests of more than one homeless subpopulation.
4	(\underline{ce}) All of the homeless subpopulations listed in subsection (b) $\underline{of this Section 5.31-2}$
5	must be represented on the Coordinating Board to the extent that someone is available and
6	willing to represent that subpopulation on the Board. At the time of appointment, the
7	Commission appointing authority shall identify the homeless subpopulation(s) represented by the
8	appointee.
9	
10	SEC. 5.31-3. ORGANIZATION AND TERMS OF OFFICE.
11	(a) Each member of the Coordinating Board shall serve at the pleasure of the
12	Commission member's appointing authority for a term of four years., except as qualified in
13	subsections (a)(2) and (a)(4).
14	(1) The term of office for each of the seats on the Coordinating Board appointed by the
15	Commission shall commence on July 1, 2023, at noon.
16	(2) To provide for staggered terms, the members appointed to Seats 2, 4, 6, and 8 shall
17	serve for an initial term of two years starting at noon on July 1, 2023 and ending at noon on July 1,
18	2025; thereafter the term for Seats 2, 4, 6, and 8 shall be a four-year term, with the first such term
19	starting on July 1, 2025 at noon. The members appointed to Seats 1, 3, 5, 7, and 9 shall serve for an
20	initial term of four years starting at noon on July 1, 2023 and ending at noon on July 1, 2027, with the
21	next four-year term starting at that time.
22	(3) If the Commission does not appoint a member to a seat prior to the commencement
23	of the term on July 1, 2023, the member of the Coordinating Board in that respective seat shall remain
24	as a holdover in the seat until the Commission appoints a member to the seat; provided, however, that
25	the holdover member serves at the pleasure of the Commission.

1	(4) Notwithstanding subsection (a)(1), the Commission has discretion to appoint
2	members to seats on the Coordinating Board prior to July 1, 2023, to serve on the Coordinating Board
3	for whatever time remains between such appointment and July 1, 2023, at noon.
4	(5) Members of the Coordinating Board who are seated as of July 1, 2023 prior to the
5	commencement of the term at noon, may be appointed by the Commission for that term provided they
6	meet the qualifications for the seat to which the Commission appoints them.
7	(b) If a vacancy occurs in any seat on the Coordinating Board, the Commission
8	appointing authority for the vacated seat-shall appoint a successor to that seat, to complete the
9	remainder of the term of the vacated seat.
10	(c) Members of the Coordinating Board shall receive no compensation.
11	(d) Any member who misses three regular meetings of the Coordinating Board
12	without the express approval of the Coordinating Board at or before each missed meeting
13	shall be deemed to have resigned from the Coordinating Board 10 days after the third
14	unapproved absence. The Coordinating Board shall inform the appointing authority Commission
15	of the resignation.
16	
17	SEC. 5.31-4. DUTIES.
18	The Coordinating Board shall perform the following functions:
19	(a) Serve as the Continuum of Care governing body in accordance with applicable
20	U.S. Department of Housing and Urban Development ("HUD") rules and regulations, including
21	but not limited to 24 CFR Part 578 et seq., as amended. The Coordinating Board shall adopt,
22	and all members shall abide by, a written conflict of interest policy that complies with 24 CFR
23	Part Section 578.95(b), as amended.
24	

1	(b) Advise the <i>Department of Homelessness and Supportive Housing on homeless policy</i>
2	and budget allocations. Commission on issues relating to the City's participation in the Continuum of
3	Care program.
4	
5	Section 3. Regarding the Shelter Monitoring Committee, the Administrative Code is
6	hereby amended by revising Article XII of Chapter 20, Sections 20.300, 20.303, and 20.304,
7	to read as follows:
8	
9	SEC. 20.300. FINDINGS.
10	The Board of Supervisors finds and declares the following:
11	(a) The City and County of San Francisco funds shelters and resource centers that
12	serve homeless people; and
13	(b) There is a significant public interest in determining that the homeless shelters
14	that the City funds are safe and sanitary, that the shelters' policies and procedures are fair
15	and meet the needs of the clients accessing shelter services; that operators receiving City
16	funds are complying with their contractual obligations to the City, and that shelter clients
17	benefit from the expenditure of public funds; and
18	(c) The Mayor, the Board of Supervisors, the <u>Homelessness Oversight Commission</u>
19	("Commission"), established by Charter Section 4.133 Local Homeless Coordinating Board, any
20	future advisory body created by the City and County of San Francisco, and the public, among
21	others, need to be able to access accurate and comprehensive information regarding shelters.
22	
23	SEC. 20.303. PURPOSE.
24	The purpose of the Committee is to provide the Mayor, the Board of Supervisors, the
25	Commission Local Homeless Coordinating Board, the public, and any other appropriate agency

with accurate, comprehensive information about the conditions in and operations of shelters covered by this Article \underline{XII} , as well as City policies in place that affect operations of shelters or their impact on shelter clients.

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SEC. 20.304. POWERS AND DUTIES.

The Committee shall have all of the powers and duties necessary to carry out the functions of the Committee as follows:

* * * *

(b) Reports. The Committee shall prepare and submit quarterly reports that shall include but not be limited to information on the following: safety in the shelter, cleanliness in the shelter, disability access to and within the shelter, family life in the shelter, a review of policies and procedures in place at the shelter, and any information received regarding the treatment and personal experiences of shelter residents. In order to enable the Committee to prepare reports required under this subsection (b), City departments that contract for services at a shelter that is under review must respond within 15 days to any reasonable request for information submitted by the Committee relative to the shelter or to City policies that affect shelter clients. The reports shall also include recommended action steps for the shelter and for the City department that contracts for services at the shelter. City departments and the reports referenced in this subsection shall not identify shelter residents or disclose any confidential information concerning shelter residents consistent with state and federal law. The Committee may issue emergency reports at any time it deems necessary. The reports shall be provided to: 1) the Mayor, 2) the Board of Supervisors, 3) the Commission Local *Homeless Coordinating Board*, 4) the appropriate *Ce*ity department responsible to take action, 5) the Ceity department that contracts for services at the shelter, 6) the shelter under review, and 7) the public. These reports shall be public documents. Any C_e ity department identified in the

report as responsible to take action recommended in the report shall, within 30 days of issuance of the report, provide to the Board of Supervisors a departmental report setting forth how the department intends to respond to the Committee's recommendations. Section 4. Regarding the Our City, Our Home Oversight Committee, the Business and Tax Regulations Code is hereby amended by revising Article 28, Section 2810, to read as follows: SEC. 2810. DEPOSIT OF PROCEEDS; EXPENDITURE OF PROCEEDS.

- (e) Our City, Our Home Oversight Committee.
- (1) By February 28, 2019, the Board of Supervisors shall establish by ordinance the Our City, Our Home Oversight Committee ("Oversight Committee") to make recommendations to the Mayor, and the Board of Supervisors, the Health Commission, and the Homelessness Oversight Commission to ensure that the Our City, Our Home Fund is administered in a manner consistent with the provisions of this Section 2810.
- (2) The purpose of the Oversight Committee shall be to monitor and make recommendations in the administration of the Our City, Our Home Fund, to take steps to ensure that the fund is administered in a manner accountable to the community and consistent with the law, and to advise the Board of Supervisors, the Health Commission, and the Homelessness Oversight Commission on appropriations from the Our City, Our Home Fund. As part of this purpose, the Oversight Committee shall:
- (A) Develop recommendations for prioritizing the use of funds appropriated from the Our City, Our Home Fund;

1	(B) By December 31, 2019, and every three years thereafter, conduct a needs
2	assessment with respect to homelessness and Homeless populations, including but not
3	limited to an assessment of available data on subpopulations with regard to race, family
4	composition, sexual orientation, age, and gender served by the programs and expenditures
5	described in Section 2810(b)(3), and make annual recommendations about appropriations
6	from the Our City, Our Home Fund to the Board of Supervisors, the Health Commission, and the
7	<u>Homelessness Oversight Commission</u> consistent with that needs assessment, <u>and such needs</u>
8	assessment shall inform the Department of Homelessness and Supportive Housing's strategic planning
9	process;
10	(C) Promote and facilitate transparency in the administration of the Our City, Our
11	Home Fund.
12	(D) Promote implementation of the programs funded by the Our City, Our Home
13	Fund in a culturally sensitive manner.
14	* * * *
15	
16	Section 5. Also regarding the Our City, Our Home Oversight Committee, the
17	Administrative Code is hereby amended by revising Article XLI of Chapter 5, Section 5.41-2,
18	to read as follows:
19	
20	SEC. 5.41-2. PURPOSES AND DUTIES.
21	The Committee shall have the following purposes and duties:
22	(a) All the purposes and duties as set forth in Business and Tax Regulations Code
23	Section 2810(e)(1) and (2).
24	
25	

- (c) Solicit substantive input from people who are Homeless regarding spending priorities. The Committee may seek this input through all appropriate means, including but not limited to conducting surveys and focus groups, and coordinating with community organizations that conduct outreach and/or provide services to Homeless people.
- (d) Each needs assessment conducted in accordance with Business and Tax Regulations Code Section 2810(e)(2)(B) shall be provided in the form of a written report within the time frames there specified. The needs assessment specified in Section 2810(e)(2)(B) shall include an assessment of the needs of Homeless people with disabilities, and the report shall include an assessment of available data regarding the disability status of Homeless people served by the programs and expenditures described in Business and Tax Regulations Code Section 2810(b)(3). Each needs assessment shall be transmitted to the Department of Homelessness and Supportive Housing to inform the Department's strategic planning process.
- (e) In conjunction with each needs assessment report, at least 60 days before issuing the report, the Committee shall provide a draft of the report to each City department discussed in the report, and allow the department 30 days to provide a written response to the Committee. The Committee shall include any such responses that it timely receives from departments in the report.
- (f) For purposes of this Section 5.41-2, the term "Homeless" has the same meaning as in Business and Tax Regulations Code Section 2810(h)(1).

Section 6. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

1	ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board	
2	of Supervisors overrides the Mayor's veto of the ordinance.	
3		
4	Section 7. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors	
5	intends to amend only those words, phrases, paragraphs, subsections, sections, articles,	
6	numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal	
7	Code that are explicitly shown in this ordinance as additions, deletions, Board amendment	
8	additions, and Board amendment deletions in accordance with the "Note" that appears under	
9	the official title of the ordinance.	
10		
11		
12	/	
13	DAVID CHIU, City Attorney	
14	By: /s/ Henry L. Lifton HENRY L. LIFTON	
15	Deputy City Attorney	
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LEGISLATIVE DIGEST

[Administrative, Business and Tax Regulations Codes - Homelessness Oversight Commission and Related City Bodies]

Ordinance amending the Administrative Code and Business and Tax Regulations Code as required by Proposition C, adopted at the November 8, 2022 election, to provide that the Homelessness Oversight Commission ("Commission") appoint all members of the Local Homeless Coordinating Board ("Coordinating Board"); that the Coordinating Board's sole duties are to serve as the governing body required to participate in the federal Continuum of Care Program and to advise the Commission on issues relating to the Continuum of Care; that the Shelter Monitoring Committee advise the Commission in lieu of the Coordinating Board; that the Our City, Our Home Oversight Committee ("Oversight Committee") advise and make recommendations to the Commission and the Health Commission; and that the Oversight Committee inform the Department of Homelessness and Supportive Housing's strategic planning process.

Existing Law

Currently, the Mayor, Board of Supervisors, and the Controller appoint all members of the Coordinating Board. In addition to serving as the governing body of the federal Continuum of Care program, pursuant to 24 C.F.R. Part 578, the Coordinating Board advises the Department of Homelessness and Supportive Housing ("Department") on homeless policy and budget allocations. The Shelter Monitoring Committee issues reports to the Mayor, Board of Supervisors, the Coordinating Board, appropriate City departments, the relevant shelter, and the public. Finally, the Oversight Committee makes recommendations to the Mayor and the Board of Supervisors.

Amendments to Current Law

The Proposed Ordinance would provide that the Commission appoint all members of the Coordinating Board and provide for staggered initial terms for Coordinating Board members starting July 1, 2023. The Coordinating Board would no longer advise the Department on homeless policy and budget allocations and instead serve only as the Continuum of Care governing body and report to the Commission on issues relating to the Continuum of Care program. The Proposed Ordinance would also require the Shelter Monitoring Committee to advise the Commission in lieu of the Coordinating Board. Finally, the Proposed Ordinance would provide that the Oversight Committee make recommendations to the Commission and the Health Commission, in addition to the Mayor and Board of Supervisors.

Background Information

BOARD OF SUPERVISORS Page 1

On November 8, 2022, the voters approved Proposition C, which established the Homelessness Oversight Commission to oversee the Department. One subsection of Proposition C, codified in Charter Section 4.133(h), requires the City to enact an ordinance to amend various provisions of the Administrative and Business and Tax Regulations Codes to reflect changes to the duties, methods of appointment, and reporting structures of several City bodies that advise on issues relating to homelessness. The intent of this Proposed Ordinance is to comply with the requirements set forth in Charter Section 4.133(h).

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BOARD OF SUPERVISORS Page 2

Implementing Proposition C Streamlining Advisory Bodies

Supervisor Ahsha Safaí

November's Proposition C established greater accountability for homelessness services:

New Commission to set homelessness policy in a public forum Mandatory Controller's audits of homelessness services—both city-delivered and non-profit provided Streamline advisory bodies to improve efficiency and reduce conflict

Prop C requires an ordinance that:

Focuses the Local Homeless Coordinating Board solely on the Continuum of Care and makes clear that the Commission appoints its members

Ensures the Shelter Monitoring Committee will advise the Commission on shelter conditions

Establishes Our City, Our Home as a body that makes recommendations to the Commission on the budget and strategic planning processes

Further Amendments/Duplicate File

- Improves the city's ability to get federal grants by increasing the number of seats on the LHCB and align member qualifications more closely to Continuum of Care requirements
- Provides more comprehensive focus on shelter conditions by empowering the Commission to appoint the Shelter Grievance Advisory Committee and the Shelter Monitoring Committee
- Streamline other reporting requirements to ensure the Commission is the sole policy and fiscal body overseeing the Department of Homelessness and Supportive Housing

BOARD of SUPERVISORS



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MEMORANDUM

Date:

February 6, 2023

To:

The Honorable Members, Board of Supervisors

From:

Angela Calvillo, Clerk of the Board

Subject:

Administrative Code - Department of Homelessness and Supportive

Housing (File No. 221246)

Board of Supervisors Rules of Order 2.21 establishes certain criteria that must be included in legislation creating and establishing, or reauthorizing, new bodies (boards/commissions/task forces/advisory bodies) and requires the Clerk of the Board to advise the Board on certain matters. In order to fulfill these requirements, the following is provided.

File No. 221246

Administrative, Business and Tax Regulations Codes - Homelessness Oversight Commission and Related City Bodies

On November 8, 2022, the voters approved Proposition C, which established the Homelessness Oversight Commission to oversee the Department. One subsection of Proposition C, codified in Charter Section 4.133(h), requires the City to enact an ordinance to amend various provisions of the Administrative and Business and Tax Regulations Codes to reflect changes to the duties, methods of appointment, and reporting structures of several City bodies that advise on issues relating to homelessness. The intent of this Proposed Ordinance is to comply with the requirements set forth in Charter Section 4.133(h).

Does a current body address the same or similar subject matter?

Yes. Proposition C, passed by the voters on November 8, 2022, change the duties and composition of the Local Homeless Coordinating Board (LHCB).



Language requiring the body to meet at least once every four months

Charter Section 5.31-5(a), entitled "Meetings and Procedures," states "The Coordinating Board shall hold a meeting not less than once every month."

Language indicating members serve at the pleasure of the appointing authority

Page 3, line 11, Section 5.31-3(a), entitled "Organization and Terms of Office," states "Each member of the Coordinating Board shall serve at the pleasure of the Commission."

Language establishing attendance requirements

Page 4, line 5, Section 5.31-3(d), entitled "Organization and Terms of Office," states "Any member who misses three regular meetings of the Coordinating Board without the express approval of the Coordinating Board at or before each missed meeting shall be deemed to have resigned from the Coordinating Board 10 days after the third unapproved absence."

Number of seats and qualifications

Page 2, line 10, Section 5.31-2, entitled "Membership," states "The Coordinating Board shall be comprised of nine members, appointed by the Homelessness Oversight Commission (previously Four members are appointed by the Mayor, four by the Board of Supervisors, and one by the Controller).

- Seat 1 shall be held by a homeless or formerly homeless person.
- Seats 2-9 shall be held by person who represents organizations or projects serving one or more of the following homeless subpopulations in San Francisco: families with children; single adults; veterans; the chronically homeless; unaccompanied youth; persons with HIV/AIDS; persons with substance use disorders; the seriously mentally ill; and victims of domestic violence, dating violence, sexual assault, and stalking.
- Term limits (i.e., commencement date? staggered terms?)

Page 3, line 11, Section 5.31-3(a), entitled "Organization and Terms of Office," states "Each member of the Coordinating Board shall serve at the pleasure of the Commission for a term of four years, except as qualified in subsection (a)(2) and (a)(4). The ordinance does not specify how many successive terms a member may serve.

Administering department

The Department of Homelessness and Supportive Housing (DHSH) would provide administrative support to the Coordinating Board.



Reporting requirements

The Coordinating Board would serve as the Continuum of Care governing body in accordance with applicable U.S. Department of Housing and Urban Development ("HUD") rules and regulations. The Board would advise the Department of Homelessness and Supportive Housing on homeless policy and budget allocations.

On a semi-annual basis, the Coordinating Board provides a written report to the Board of Supervisors consisting of the following information: updates on the implementation of the Continuum of Care Plan and the Ten-Year Plan, the status of the integration and coordination of the Ten-Year Plan with the Continuum of Care Plan, the status of McKinney funding, a report from the Shelter Monitoring Committee and any other policy issues of which the Local Board wishes to inform the Board of Supervisors.

Sunset date

These bodies are established by voter initiative; therefore, a sunset date is not appropriate since it will exist as long as the code authority enacted.



Commission Implementation Update: Streamline Oversight Bodies

Rules Committee | February 13, 2023



Homelessness Oversight Commission

- ► San Francisco voters passed **Prop C (2022)** with **67% of the vote** approving establishment of a Homelessness Oversight Commission.
- **→** Seven members with four mayoral and three Board appointees.
- ► Powers and duties of a standard commission, including: approving budgets, hold hearings, conduct performance audits, provide an annual report.
- **► March 1, 2023:** Deadline for initial appointments.
- ► Pending legislation will further streamline oversight bodies.



Required Changes to Oversight Bodies

- → Prop C (2022) required certain changes to the Administrative Code.
- →Ordinance to implement requirements introduced on Dec. 6, 2022.
- **∽**Impact on LHCB:
 - Makes commission the appointing authority for members.
 - Scopes LHCB's role to Continuum of Care programs and advising Commission on CoC-related issues.
- →Requires Shelter Monitoring Committee & Our City, Our Home Committee to provide information and recommendations to the commission.



Amendments: Additional Changes to Oversight Bodies

- ► Introducing legislative amendments in February to further streamline oversight.
- → Prohibits members from serving on multiple bodies (Commission, LHCB, SMC, SGAC)

Institution	Changes	
LHCB	 Increases number of seats from 9 to 11. Makes member qualifications flexible to align with federal requirements. Ends current terms on Sept. 1, 2023, and staggers terms: 5 seats will have an initial two-year term and 6 seats will have the standard four-year term. Allows LHCB to create subcommittees. Requires LHCB to hold regular meetings; allows LHCB to create subcommittees. 	



Amendments: Additional Changes to Oversight Bodies

Institution	Changes	
Shelter Grievance Advisory Committee	 Commission appoints 12 of the 13 members Committee sends reports to the Commission instead of the LHCB. New requirement for annual written report sent to Commission by March 1. 	
Shelter Monitoring Committee	 Commission has authority to appoint all members, HSH representative is removed; additional DPH representative added, HSH must provide administrative support and staffing. Chair or designee must regularly attend Commission meetings. 	
HSH	Attend commission meetings and provide administrative support.	





Questions?

Thank you.

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