



**Written Public Comments Submitted For:
Harbor Commission Meeting Of
April 21, 2022**



From: William Nash [<mailto:wnash@nashforensic.com>]

Sent: Thursday, April 7, 2022 3:23 PM

To: Santa Barbara City Council <SBCityCouncil@SantaBarbaraCA.gov>; City Clerk <Clerk@SantaBarbaraCA.gov>; Mike Wiltshire <mwiltshire@SantaBarbaraCA.gov>

Subject: Americans with Disabilities Act of 1990 Harbor Commission and Related Meetings 04072022

EXTERNAL

Mayor and City Council,

I requested a reasonable ADA accommodation for my disability (mobility related) of video attendance of Harbor Commission meetings expressly in writing and never heard back from you or the City of Santa Barbara Waterfront Department.

Due to COVID-19 the City of Santa Barbara has held many meetings via video proving the ability to do so is readily feasible, access comes at little cost and it is clear the City of Santa Barbara can easily provide video access for public City meetings to the disabled public.

Additionally, another disabled individual apparently requested a similar accommodation for her disability, a certain Ms. Gott, I do not know her personally, but her correspondence to the City is attached herewith for your reference.

The City of Santa Barbara must provide reasonable ADA accommodations of video attendance to the disabled public going forward.

To be clear, I will bring litigation against the City of Santa Barbara to enforce the Americans with Disabilities Act should you fail to reasonably accommodate me as a disabled individual.

Thank you for your attention to the matters raised herein.

Sincerely,

William Nash

434 East Haley Street
Santa Barbara, California 93101

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From: [Anna Marie Gott](#)
To: [Angela R. Rodriguez](#)
Subject: RE: Public Comment - Harbor Commission
Date: Friday, April 1, 2022 1:01:02 PM

EXTERNAL

Commissioners,

I cannot attend today's meeting in person and had requested a virtual meeting option under the American with Disabilities Act (ADA) and was denied. I am writing to voice my displeasure that there is no option for this meeting to be accessible to someone with a disability who cannot attend this meeting in person.

First, there are no documents available to review online prior to the meeting. So, the instructions I received instructing me on how I could participate in the meeting, which were to email or call **in advance of the meeting** to make a public comment, are to be blunt insane. How can anyone make an intelligent comment on an item when the only thing available to review is what is written on the agenda when they cannot attend the meeting in person?

Second, under the Brown Act a public agency must make reasonable accommodations for someone with a disability related to public meetings. This is a public meeting where a staff presentation and/or materials will be seen by you and anyone at the meeting but they will not be available to anyone who does not attend the meeting in person. How can this meeting then be accessible to someone with a disability that prevents them from attending this meeting? The answer is they can't be.

Third, even though I requested ADA accommodations for a virtual meeting 4 times because I could not attend this meeting in person. I was never given the option to even call into this meeting despite a media release from the City stating otherwise. So, I find it disheartening that even this accommodation was not even offered to me when I said I could not attend in person meetings. - As an aside, anyone calling into a non-local or 1-800 number would have to pay long distance fees or use their cell phone minutes for those without unlimited minutes. This would then make phone meetings further inaccessible in some cases due to the additional costs involved for someone where an online meeting would be fully accessible for anyone with internet access as plans include unlimited access.

Finally, I am making a simple request to have the Harbor Commission agenda an item for its next meeting. That item would be to authorize hybrid meetings moving forward so that everyone, including those with disabilities, could participate in these meetings online. How? I believe the Harbor Commission has the ability to authorize virtual meetings as it is a Legislative Body. (Virtual meetings might need to be re-authorized monthly.)

Thank you,
A

Under Government Code § 54952. a "Legislative body" means:

- (a) The governing body of a local agency or any other local body created by state or federal statute.
- (b) A commission, committee, board, or other body of a local agency, whether

permanent or temporary, decision making or advisory, created by charter, ordinance, resolution, or formal action of a legislative body.

General Written Public Comment #2

From: [Denice Spangler Adams](#)
To: [Angela R. Rodriguez](#); [Randy Rowse](#); [Mike Jordan](#); [Alejandra Gutierrez](#); [Oscar Gutierrez](#); [Eric Friedman](#); [Kristen Sneddon](#); [Meagan Harmon](#)
Subject: Public Comment: support continuation of both remote zoom and in-person access to ALL government meeting
Date: Wednesday, April 20, 2022 7:50:22 AM

EXTERNAL

Resident access to City meetings is essential to all who are impacted by decisions. Zoom access is essential in addition to in-person access to public meetings. Please continue both.

Thank you.
Denice Spangler Adams
CallDSA@gmail.com
805-680-3939

General Written Public Comment #3

From: [Ronda](#)
To: [Angela R. Rodriguez](#)
Subject: Virtual meetings
Date: Wednesday, April 20, 2022 8:21:06 AM

[You don't often get email from foxenhobbs@gmail.com. Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

EXTERNAL

It is vital that virtual participation in meetings be maintained. Virtual participation is supportive of the city's goal to achieve carbon neutrality and allows wider participation by citizens of our city.

Please support the continuance
of virtual meetings.

- Ronda Hobbs

From: [Natalia Govoni](#)
To: [Angela R. Rodriguez](#)
Subject: Re: Virtual Meetings
Date: Wednesday, April 20, 2022 8:21:21 AM

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EXTERNAL

Dear Chair and Commissioners:

Eliminating virtual meetings would be a **TOTAL LOSS** for residents who are unable to attend the in-house meetings due to work schedules, childcare responsibilities, disability issues, and the fears about the coronavirus. Allowing more public participation and transparency on governmental issues is paramount to any city, so please close the inequity gap and permit the virtual meetings to continue.

Thank you,
Natalia Govoni

From: [Richard Closson](#)
To: [Angela R. Rodriguez](#)
Cc: [Rebecca Bjork](#)
Subject: Harbor Commission - Hybrid Meeting Attendance at City Meetings
Date: Wednesday, April 20, 2022 10:50:34 AM

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EXTERNAL

Dear Ms. Rodriguez,

I am writing because I feel the use of virtual attendance techniques at City meetings during the pandemic has provided valuable public access to government workings not fully appreciated by citizens before. The advantages go beyond the population that may have mobility restrictions preventing in-person attendance.

“Convenience” is often denigrated as a volitional choice, overcome simply with greater effort. That may be, but virtual meeting attendance has become an accepted part of our lives and almost all of us have used the pandemic lockdowns to use it comfortably. It has become a part of basic public service that any city should continue to offer even after in-person meeting attendance is deemed safe.

I am disappointed to read in the Director’s Report (April 21, 2022 Meeting, Agenda Item 2), “The City of Santa Barbara does not have adequate staffing or resources to conduct ‘hybrid’ meetings for all of its various boards and commissions.” A version of that should be put to music because we hear it so often.

- When I submit photographs of signage and lighting infractions within *El Pueblo Viejo* to Building Inspection & Code Enforcement, I’m told not to expect a reasonable follow-through due to insufficient staffing.
- Every time a department responds to a City Council request with, “We need to hire an outside consultant,” the subtext is (*we don’t have the staff resources to do that*).
- The herky-jerky progress of the State Street promenade devolving into the Wild West with unsafe and intrusive parklets and unruly bicyclists, gives the unspoken message: “we can’t control this.”
- This all-too-common refrain falls into Scotty’s Star Trek meme, “We donna ha’ the power, Cap’n!” This is a broad problem, not specific to the Harbor Commission.

Whether to continue virtual meeting facilities - or not - should not be a decision made at the board/commission level. With due respect to the Harbor Commission, the decision should be broadly based on expense, public support, and documented use. It should be applied to all public City meetings after public input based on consistent metrics.

The pandemic was out of our control and the institution of virtual meetings was a commendable effort by the City to maintain its commitment to public service. Like many popular programs that - once offered - may be difficult to retract, virtual meetings may be one of those.

I hope the Harbor Commission will defer on any decision to continue “hybrid” meetings until City Administration has studied the issue with public input and can apply standards across all board/commission meetings. The general excuse of “insufficient staffing or resources” cannot become a blanket explanation for curtailing popular public services or failing to sustain established programs.

Regards,
Richard Closson, Pharm.D.
3308 Calle Fresno ([Google Map](#))
Santa Barbara, CA 93105-2605
Cell (voice & text) 805.202.6535

General Written Public Comment #6

From: [Shelley Klein](#)
To: [Angela R. Rodriguez](#)
Subject: Continuance of Virtual Meetings
Date: Wednesday, April 20, 2022 11:06:03 AM

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EXTERNAL

Hello. I am a proponent of all local meetings to continue to be offered via Zoom. Or, at least allow those residents/taxpayers to provide their comments virtually. COVID is not going away despite the population's wish that it is or will. Allowing taxpayers to participate in governance should be considered number one by all local agencies.

Thanks for the opportunity to communicate my opinion.

Shelley Klein
218 E. Yanonali St., #B
Santa Barbara CA 93101
661-599-3344

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From: [MiTmite9](#)
To: [Angela R. Rodriguez](#)
Subject: Cruise Ships Visiting Santa Barbara
Date: Wednesday, April 20, 2022 9:42:19 PM

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EXTERNAL

To The Members of the Harbor Commission:

Please count my family members and I among those who do NOT want cruise ships anchoring offshore from the Santa Barbara Harbor.

My family and I have seen for ourselves the amount of air pollution caused by these ships. The amount of toxic chemicals these ships pump out into our air is easily viewed and is most evident during the daylight hours, when the ships are leaving our area. We do not want or need our air fouled by the enormous volume of particulate matter that spews from these fossil-fuel guzzling ships.

A great many cruise lines have terrible waste management policies. Santa Barbara should be doing its utmost to keep all forms of ocean pollution far from our shores. We shouldn't allow any dumping of gray water or other waste products ——— even if it is in state waters, miles from our beaches.

Santa Barbara is easily accessed by land and air. Cruise ships have no place in our environment. >>>Santa Barbara doesn't allow cigarette smoking at our beaches ———WHY do we allow cruise ships? <<<

Keep our air and ocean clean. Please ban cruise ships from our shore.

Thank you for your time and consideration of our comments herein.

Sincerely,

The Kelly Family
1724 Olive Avenue
Santa Barbara, CA 93101
(805) 569-1714

From: [Teresa C](#)
To: [Angela R. Rodriguez](#)
Cc: [Alelia Parenteau](#); [Ted Morton](#); [Ben Pitterle](#)
Subject: CITY OF SANTA BARBARA HARBOR COMMISSION SPECIAL MEETING Agenda Item 9. Cruise Ship Discussion
Date: Thursday, April 21, 2022 10:12:53 AM
Attachments: [Agenda Item Chruse Ships.pdf](#)
[ATT00001.htm](#)

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EXTERNAL

April 21, 2022 10.06 pm

Dear Harbor Commission,

The following are some of my concerns:

1. Economic and Environmental Impact, Climate Action Plan

While the City considers the economic impact see link below, I do not find assessment or consideration for Environmental Impacts or for the impact on the Climate Action Plan.

Economic Impact (Annual Totals) Figure 1: Economic Impact, Annual 2016
<https://santabarbaraca.com/wp-content/uploads/2017/01/Santa-Barbara-Cruise-Ship-Survey-2016-Report-of-Findings-FINAL.pdf>

"The economic impact of the cruise industry to Santa Barbara is defined here as the sum of total direct visitor spending plus all fees paid by the cruise lines to entities in the destination. Given spending reported in the survey and passenger volumes, we estimate that the cruise industry contributed \$3.9 million to the local economy during 2016, up 61% from 2013. Visitor spending also generates tax revenues and fees for the city of Santa Barbara which are estimated at **\$646,674** for the year."

2. Ethic's Policy and SBC Policy for Business Contracts

I am concerned that the City contracts business with a company convicted twice by the Justice Department (Carnaval owns Princess and most of the ships that enter Santa Barbara). In **January 2022**, the US Justice Department Convicted Princes Cruise again for Violating the Court Ordered Environmental Compliance Program (see link below)

Is it a violation of SB Policy to do business with a company continually convicted by the US Justice Department? What is SB Ethical policy? What is the Climate

Action Plan's Policy for doing business with a company recently convicted by the US Justice Department for violating Environmental Compliance?

Company Convicted of Violating Court Ordered Environmental Compliance Program

<https://www.justice.gov/opa/pr/princess-cruise-lines-pleads-guilty-second-revocation-probation>

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Justice News

Department of Justice
Office of Public Affairs

FOR IMMEDIATE RELEASE

Tuesday, January 11, 2022

Princess Cruise Lines Pleads Guilty to Second Revocation of Probation

Company Convicted of Violating Court Ordered Environmental Compliance Program

Princess Cruise Lines Ltd. (Princess) has pleaded guilty to a second violation of probation imposed as a result of its 2017 criminal conviction for environmental crimes because it failed to establish and maintain an independent internal investigative office. Under the terms of a plea agreement, Princess was ordered to pay an additional \$1 million criminal fine and required to undertake remedial measures to ensure that it and its parent Carnival Cruise Lines & plc establish and maintain the independent internal investigative office known as the Incident Analysis Group (IAG).

Princess was convicted and sentenced in April 2017 and fined \$40 million after pleading guilty to felony charges stemming from its deliberate dumping of oil-contaminated waste from one of its vessels and intentional acts to cover it up. This was and remains the largest-ever criminal fine for intentional pollution from ships. While serving five years of probation, all Carnival-related cruise line vessels trading in U.S. ports were required to comply with a court approved and supervised environmental compliance plan (ECP), including audits by an outside and independent third-party auditor (TPA) and oversight by a Court Appointed Monitor (CAM).

In 2019, Princess was convicted of six violations of probation, fined an additional \$20 million, and required to undertake more remedial measures. In that case, two of the violations involved interfering with the court's supervision of probation by

sending undisclosed teams to ships to prepare them for the independent inspections required during probation. Documents filed in court showed that one purpose of the vessel visit programs was to avoid adverse findings by the independent outside auditors working on behalf of the court.

Beginning with the first year of probation, there have been repeated findings that the Company's internal investigation program was and is inadequate. In November 2021, the Office of Probation issued a petition to revoke probation after adverse findings by the CAM and TPA.

In an October 2021 letter to U.S. District Court Judge Patricia A. Seitz, the CAM and TPA concluded that the continuing failure "reflects a deeper barrier: a culture that seeks to minimize or avoid information that is negative, uncomfortable, or threatening to the company, including to top leadership (i.e., the Board of Directors, C-Suite executives and Brand Presidents/CEOs)."

A joint factual basis for today's guilty plea was submitted to the court in which Princess and Carnival admitted to the failure to establish and maintain an independent investigative office. Princess admitted that internal investigators had not been allowed to determine the scope of their investigations, and that draft internal investigations had been impacted and delayed by management.

Changes required under a plea agreement with the Department of Justice resolving the probation violation include:

- Carnival must restructure so that its investigative office reports directly to a committee of Carnival's Board of Directors;
- Carnival's internal investigative office must be given the authority to initiate investigations on its own and to determine their scope;
- Carnival's management will be restricted in its ability to remove the head of the "Incident Analysis Group" that performs internal investigations;
- Carnival must conduct an assessment to ensure independent investigators have sufficient resources;
- Carnival must assess the effectiveness of required changes and correct deficiencies.
- Failure to meet deadlines in the plea agreement will initially subject the defendant to fines of \$100,000 per day, and \$500,000 per day after 10 days.

"This case shows the importance of addressing issues of corporate culture and structure, and the root causes of environmental non-compliance," said Assistant Attorney General Todd Kim of the Justice Department's Environment and Natural Resources Division. "This was a serious and ongoing violation of probation that reflected Carnival's failure to prioritize compliance with court orders. I thank the court, the Office of Probation, court appointed monitor and third-party auditor for

the close attention that they have devoted to this important matter.”

“Just like individual defendants, corporate defendants must also comply with court orders. They are not above the law”, said U.S. Attorney Juan Antonio Gonzalez for the Southern District of Florida. “The corporate defendant here ignored the court, choosing instead to thwart the compliance plan that was put in place to protect our environment. As this probation violation proceeding demonstrates, the government will not tolerate defendant’s blatant violation of court orders.”

The plea agreement and factual statement were signed by Micky Arison, Chairman of Carnival’s Board of Directors and Arnold Donald, the Chief Executive Officer and a member of the Board of Directors. Both attended the hearing as they have quarterly status hearings pursuant to court order.

The case is being prosecuted by Richard A. Udell, Senior Litigation Counsel with the Environmental Crimes Section of the Department of Justice and Assistant U.S. Attorney Thomas Watts-FitzGerald, Environmental Crimes Coordinator, Economic & Environmental Crimes Section, for the Southern District of Florida.

Federal judge threatens to block Carnival cruise ships from US ports

<https://www.cnn.com/2019/04/12/business/carnival-ships-blocked-judge-threats-trnd/index.html>

Watch a Video showing how pipe modification allowed for 8 years of dumping of highly toxic chemicals into the ocean.

CBS Princess Cruises fined \$40 Million for dumping oily waste into sea

[Princess Cruises fined \\$40M for dumping oily waste into sea](#)

Carnival Corporation & plc

https://en.wikipedia.org/wiki/Carnival_Corporation_%26_plc

3. HFO’s, Environmental Impact and Readiness in event of oil spills or ships running aground

Furthermore, these Cruise ships utilize HFO’s, the cheapest, dirtiest and most difficult oil to clean up during spills. If a disaster were to occur, is the Harbor Commission capable of managing such a disaster? What would be the Environmental and Economic impacts? High winds have caused Cruise Ships to go aground as recent as this year.

We should not forget the disaster which occurred back in 2012 when the Costa Concordia sank, 32 people died and it ended up costing 2 billion dollars.

https://en.wikipedia.org/wiki/Costa_Concordia

<https://phys.org/news/2014-07-italy-cruise-ship-toxins-threaten.html>

March 2022 Cruise ship runs aground during Caribbean voyage

<https://www.cnn.com/travel/article/norwegian-escape-cruise-runs-aground/index.html>

Norwegian Escape, a 2015-built megaship which can accommodate over 4,000 passengers, hit the seabed as it pulled away from Puerto Plata in the Dominican Republic

Cruise ships utilize Heavy Fuel Oils (HFO)/bunker fuel, which, because of its high sulphur content, results in sulphur dioxide emissions worse than those of equivalent road traffic. The international MARPOL IV-14 agreement for Sulphur Emission Control Areas requires less than 0.10% sulphur in the fuel, “contrasting” with Heavy Fuel Oil. Cruise ships may use 60 percent of the fuel energy for propulsion, and 40 percent for hotel functions, but loads and distribution depend highly on conditions.

As per the U.S. Energy of Information Administration, HFOs are extremely viscous, break down slowly and extremely hard to clean up. HFO’s spills are 50 times more toxic to fish and marine life than medium light crude oil spills. HFO’s produce a higher emission of pollutants like Sulfur and Nitrogen Oxides, and Black Carbon(BC). Black Carbon is the 2nd Largest Contributor to Climate Warming following CO2. Inhaling BC particles increases heart and lung disease and premature death.

U.S. Energy of Information Administration, HFO’s

<https://eia-global.org/subinitiatives/heavy-fuel-oil-in-the-arctic/>

https://www.eia.gov/analysis/studies/transportation/marinefuel/pdf/marine_fuel.pdf

One large cruise ship (900–1,100 feet) has between **1 and 2 million gallons of fuel**. One million gallons of oil equals about **23,810 barrels of oil**, 2 million gallons equate to **46,620 barrels of oil**. An average large ship consumes 250 tons of fuel per day, according to the College of Engineering and Applied Science at the University of Colorado Boulder. That’s more than 80,000 gallons of fuel per day, so to put that in perspective, Ships of this size, by contrast, may use up to **150 tons of fuel per day on average**. The engines run 24/7, even while anchored in Santa Barbara or any port.

Ocean Acidification, impact on marine life , the Economy, Climate Change?

"More than 90 per cent of the volume of wastewater dumping from cruise ships involves scrubber discharge"

Rather than use cleaner fuels to meet international emission standards, many ships continue to use dirty heavy fuel oil (HFO) -- but employ exhaust gas cleaning systems, or scrubbers, that use seawater to remove sulphur dioxide, other contaminants, carcinogens and heavy metals before dumping them overboard.

As a result, the discharge messes with ocean acidification, and heavy metals can accumulate in the food web and harm marine life and cause reproductive disorders in endangered marine mammals, such as southern resident killer whales and belugas, according to the International Council on Clean Transportation.

“Scrubber wastewater is acidic and laden with heavy metals and carcinogens,” Barford said.

“Those don't metabolize there. They're essentially forever chemicals in the marine environment.”

<https://vancouverisland.ctvnews.ca/wave-of-cruise-ship-pollution-expected-regardless-of-new-federal-wastewater-rules-1.5865533>

Oceans are our biggest Carbon Sinks, as are Wetlands, and Forests they all feed each other. Destroying them has disastrous impacts.

With climate change, seemingly small shifts have big consequences

<https://phys.org/news/2021-08-climate-seemingly-small-shifts-big.html?mclid=2d8e75e0c0e011ec8b6afe83c64b5aa0>

Climate change has been accumulating slowly but relentlessly for decades. The changes might sound small when you hear about them—[another tenth of a degree warmer](#), another centimeter of sea level rise—but seemingly small changes can have big effects on the world around us, especially regionally.

SBC Climate Action Plan

In 2020, City Council adopted a goal of carbon neutrality by 2035. To reach this

goal, the City is updating the 2012 CAP. The updated CAP will include a new community-wide greenhouse gas emissions inventory and new climate action strategies. More information about this effort can be [found here](#).

Cruise ship schedule

<https://www.santabarbaraca.gov/gov/depts/waterfront/events/cruiseship.asp#:~:t=Spring%202022%20Santa%20Barbara%20Cruise%20Ship%20Schedule%20,%207%3A00%20AM%20%202013%20more%20rows%20>

With Climate Change currently happening, weather has become more severe increasing the chances for ships to run aground. Here is one example but there are many more.

<https://www.bloomberg.com/news/articles/2022-03-16/luxury-cruise-ship-that-ran-aground-cuts-trip-short-on-damage>

Direct Observations Confirm that Humans are Throwing Earth's Energy Budget off Balance

<https://www.nasa.gov/feature/goddard/2021/direct-observations-confirm-that-humans-are-throwing-earth-s-energy-budget-off-balance>

4. Air Monitoring, Needed Action, Solutions and Alternatives

Air monitoring, does this occur while Cruise ships are present? What are the health impacts? What are the Environmental and Economic impacts from pollution released like Sulfur and Nitrogen Oxides, and Black Carbon(BC)? What are the Impacts on droughts, fires, and severe weather?

FINAL REGULATION ORDER
AIRBORNE TOXIC CONTROL MEASURE FOR
AUXILIARY DIESEL ENGINES OPERATED ON
OCEAN-GOING VESSELS AT- BERTH IN A CALIFORNIA PORT
https://ww2.arb.ca.gov/sites/default/files/2020-04/finalregulation_ADA.pdf

Report to the Legislature
Regulation of Large Passenger Vessels
in California
August 2003

CRUISE SHIP ENVIRONMENTAL TASK FORCE

https://www.waterboards.ca.gov/publications_forms/publications/legislative/docs/2003/cruiseshiplegrpt.pdf

Bottom line, CO₂, Sulfur and Nitrogen Oxides, and Black Carbon(BC) pollution are accumulative. If we are going to tackle Climate Change, currently happening, we have to start on multiple fronts. *It is easier to manage a problem when it is small rather than when it is out of control.*

I support the City of Santa Barbara promoting Green Tourism involving the use of EV transportation, EV Bus Tours, Ev Car destinations, EV bikes and tours, Electrified trains, Sailing Boats potentially in conjunction with Sailing Organizations, etc.... However, I do not support the use of Cruise Ships , they have too great of a negative impact on our oceans, our air quality, Climate change and our region.

Thank you for taking my comments into consideration in your decision making.
Teresa Caves

PS. I have included a PDF of my comments