

FROM:

Marie Nelson

Clerk of the Council

ORD.# 87-227

Re: Staff report for
1st Reading -

See Ord.# 87-225
file.

METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE ESTABLISHING A)
METROPOLITAN COMMISSION TO OPERATE)
AND MAINTAIN METROPOLITAN)
CONVENTION, TRADE AND SPECTATOR)
FACILITIES)

ORDINANCE NO. **87-227**
Introduced by Councilors
Kirkpatrick and Van Bergen

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. The purpose of this Ordinance is to establish a metropolitan commission to operate and maintain metropolitan convention, trade and spectator facilities acquired pursuant to ORS 268.395, 268.400, 268.310(6) and by any intergovernmental agreement transferring facilities or the operation of facilities to the District.

Section 2. The following sections are added to the Code of the Metropolitan Service District:

Chapter X.01

METROPOLITAN CONVENTION, TRADE AND SPECTATOR FACILITIES COMMISSION

X.01.010 Definitions:

As used herein;

(a) "Adversely affected or aggrieved" means a person who has suffered or will suffer an injury to some substantial interest of the person caused by a final Commission action, or a person who submitted oral or written testimony to the Commission regarding the final action prior to the Commission's taking the action. Persons who sign petitions are not considered to have submitted oral or written testimony;

(b) "Commission" means the Regional Convention, Trade and Spectator Facilities Commission established hereunder;

(c) "Council" means the Council of the Metropolitan Service District;

(d) "Councilor" means a member of the Council;

(e) "Council District" means a district within the boundaries of the District from which a Councilor is elected;

(f) "District" means the Metropolitan Service District;

(g) "Executive" means the Executive Officer of the Metropolitan Service District.

X.01.020 Commission Created:

These hereby is created the Metropolitan Convention, Trade and Spectator Facilities Commission. The Commission shall consist of six members each of whom shall reside within the boundaries of the commission districts described in Section (a) and a Chairperson who shall reside within the boundaries of the Metropolitan Service District.

(a)

- (1) Commission District A -- Territory included within Council Districts 1 and 2.
- (2) Commission District B -- Territory included within Council Districts 3 and 4.
- (3) Commission District C -- Territory included within Council Districts 5 and 6.
- (4) Commission District D -- Territory included within Council Districts 7 and 10.
- (5) Commission District E -- Territory included within Council Districts 8 and 9.
- (6) Commission District F -- Territory included within Council Districts 11 and 12.

(b) The Metro Executive shall appoint the members of the Commission including the Chairperson of the Commission. The Executive shall consult with the governing body of the City of Portland and of each county with territory within the Commission Districts described in subsection (a) prior to appointing a Commission member from a Commission District. The Executive shall consult with the governing body of the City of Portland, each county with territory within the District prior to appointing the Chairperson of the Commission.

(c) The Executive's appointments shall be subject to approval by the Council.

(d) Of the initial appointments, members from Commission Districts A, B and C and the Chairperson shall be for a two-year term and members from Commission Districts D, E and F shall be for a four-year term. Thereafter appointments shall be for a four-year term.

(e) A vacancy shall occur from the death, resignation, or inability to serve of any member or from the removal of a member by the Executive for any reason, subject to approval of the removal by the Council.

(f) Vacancies shall be filled pursuant to subsection (b) though (d) of this Section.

(g) The members shall serve without salary or compensation of any nature.

(h) The Commission may adopt its own rules of organization and procedure and may elect its own officers other than the Chairperson.

(i) If prior to the effective date of this Ordinance the District enters into an intergovernmental agreement for the transfer of convention, trade or spectator facilities or the operation of such facilities by the District the initial appointments shall be made as follows:

- (1) Commission District A -- From a list of at least two candidates nominated by the Washington County Board of Commissioners.
- (2) Commission Districts B, E and F -- from a list of at least two candidates for each Commission District nominated by the Portland City Council.
- (3) Commission District C -- From a list of at least two candidates nominated by the Clackamas County Board of Commissioners.
- (4) Commission District D -- From a list of at least two candidates nominated by the Multnomah County Board of Commissioners.

(5) The Executive Officer shall appoint the Chairperson of the Commission from a list of at least four candidates at least one of which is nominated by each of the governing bodies of the City of Portland and Clackamas, Multnomah and Washington counties.

(h) The Executive shall appoint the members of the Commission from the lists described in Section (i) and the appointments shall be subject to approval by the Council.

X.01.030 Powers:

The Commission shall have the following power and authority:

- (a) To equip, maintain and repair any District convention, trade and spectator buildings and facilities;
- (b) To operate and market the use of such buildings and facilities;
- (c) To acquire in the name of the District by purchase, devise, gift, grant or otherwise real and personal property or any interest therein as the Commission may find necessary, appropriate, or convenient for its purposes; to acquire property for the purpose of exchange for other property which the Commission deems necessary, convenient or appropriate for its purposes; and to acquire such excess property as the Commission may find necessary, appropriate or convenient for the protection, improvement or access to District buildings and facilities. The Commission may recommend to the Council the condemnation of property for use the Commission but may not itself exercise the condemnation power;
- (d) To purchase, lease or rent equipment, materials and supplies as the Commission may find necessary, appropriate or convenient for its purposes, and to maintain and repair any such equipment, materials and supplies;
- (e) To lease, rent and otherwise authorize the use of its buildings and facilities in accordance with such schedule of charges and methods for determining charges as shall have been approved by the Council at the time of the Council's approval of the Commission's annual budget or at such other time as the Council shall deem appropriate; to establish any other terms and conditions governing use of its buildings and facilities; and to adopt any regulations governing their use. The Commission may recommend to the Council the adoption of ordinances carrying criminal penalties for their violation but may not adopt the ordinance itself;
- (f) To perform planning and feasibility studies for convention, trade and spectator facilities within the District;
- (g) To employ, manage and terminate such personnel as the Commission may find necessary, appropriate or convenient for its purposes under personnel rules adopted by the Council. The Commission shall appoint a general manager to manage the convention, trade and spectator facilities and activities. The Council shall confirm the appointment of the General Manager.
- (h) To employ professional, technical and other assistance as the Commission may find necessary, appropriate or convenient for its purposes;
- (i) To enter into contracts of such types and in such amounts, including intergovernmental agreements, as the Commission

deems necessary, appropriate or convenient for the construction, equipment, maintenance, repair, operation and marketing of the use of its buildings and facilities, under contracting rules adopted by the Council;

(j) To accept gifts and donations and to contract for and receive federal and other aid and assistance;

(k) To use services provided by the District, subject to compensation being provided by the Commission to the District as the District may require; the Commission shall use the Accounting, Personnel and Legal Services of the District in performing the duties and responsibilities for which it was created;

(l) To recommend to the Council such long-term revenue and general obligation measures and other revenue raising measures for the benefit of the Commission's purposes as the Commission may deem appropriate for consideration by the Council or the electors of the District, but the Commission may not adopt such measures itself;

(m) To do all other acts and things necessary, appropriate or convenient to the exercise of the powers of the Commission.

X.010.040 Budget and Accounts:

The District shall keep the Commission accounts in conformity with the accounting practice of the District, and the accounts shall be audited yearly within the regular District audit. The Commission annually shall prepare a proposed budget in accordance with the local budget law and the schedule and requirements of the District and shall submit the budget to the Executive for inclusion in the Executive's budget submission to the Council. The Commission's budget shall be subject to review and approval by the Council. The Commission's proposed budget shall include proposed schedules of charges or methods for determining charges for use of its buildings and facilities during the budget year together with any other proposed revenue raising measures. Any amendment to or deviation from the schedules of charges or methods for determining charges during the budget year must be ratified by the Council.

X.01.050 Form of Action:

All final actions of the Commission shall be by resolution.

X.01.060 Delegation:

The Commission may delegate to its employees any of the power and authority of the Commission subject to those limitations the Commission deems appropriate. Any delegation shall be by resolution of the Commission.

X.01.070 Appeals:

Any person adversely affected or aggrieved by a final action of the Commission may appeal the action. All appeals shall be received

by the Council Clerk, 2000 S.W. First Avenue, Portland, Oregon 97201-5398, within 14 days after adoption of the Commission resolution taking the final action. All appeals shall be in writing and shall include (1) A description of the final action appealed from including the resolution number; (2) The appellant's name, address, telephone number, relationship to the final action and signature; (3) A clear statement of the specific reasons for the appeal including any misapplication of law; and (4) The appeal fee of \$_____. On receipt of an appeal, the Clerk shall immediately notify the Executive who within five working days of notification shall refer the appeal either directly to the Council or to a hearings officer;

(a) If the Executive refers an appeal directly to the Council, the referral shall include the Executive's written recommendation as to the disposition of the appeal. A Council hearing on the appeal shall be scheduled within 30 days of the Executive's referral. At the hearing, the Council shall hold the hearing limited to the points or issues raised in the appeal, and may either hold the hearing on only the record already existing, or admit additional testimony and evidence, or hold a de novo hearing. At the conclusion of the appeal hearing, the Council may uphold, modify or reverse the final action of the Commission;

(b) If the Executive refers an appeal to a Hearings Officer, the appeal shall be conducted as a contested case, in accord with Metro Code Chapter 2.05. A Hearings Officer hearing on the appeal shall be scheduled within 30 days of the Executive's referral.

In the event of an appeal hearing before either the Council or a Hearings Officer, the District at least 10 days prior to the hearing shall provide written notice of the hearing to the appellant, to all persons who have made written requests for notice, and to all other persons whom the District determines should receive notice of the appeal.

X.01.080 Review:

All final actions of the Commission shall be filed with the Council Clerk upon adoption by the Commission. Either the Executive or any two Councilors or the Commission itself may require Council review of any Commission final action. All requirements for review shall be received by the Council Clerk within 14 days after adoption of the Commission resolution taking the final action. All requirements for review shall be in writing and shall include (1) A description of the final action to be reviewed including the resolution number; (2) The names and signatures of the persons requiring review; and (3) A clear statement of the specific reasons for the review and the recommended Council action. The final action to be reviewed shall be placed on the agenda for the next Council meeting. For any Councilor, Executive or Commission required

review, the Executive may submit a recommendation as to the action to be taken by the Council on review.

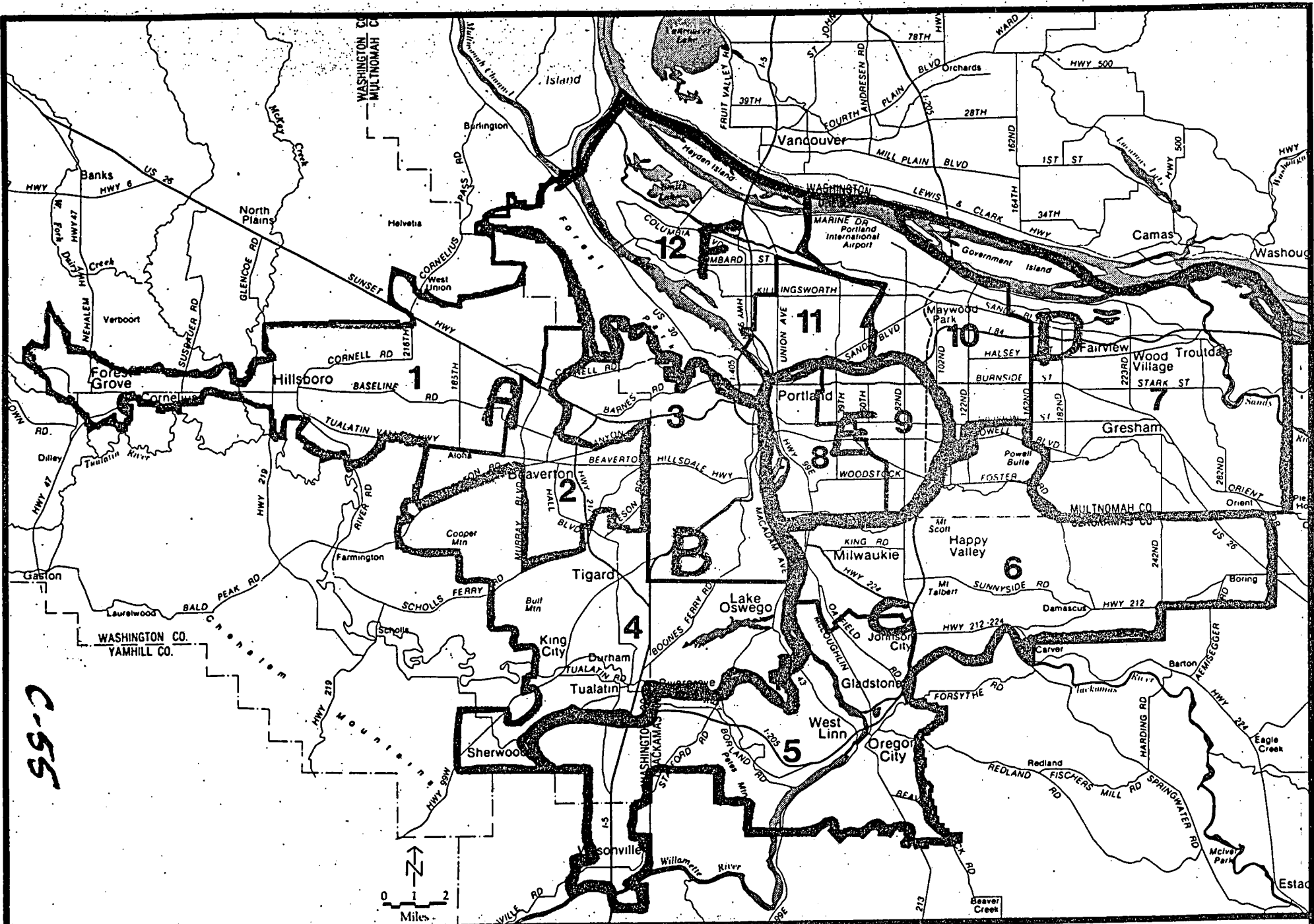
ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1987.

Not Adopted
Richard Waker, Presiding Officer

ATTEST:

Clerk of the Council

DC/gl
7678C/506
08/24/87



C-55



METRO COUNCIL DISTRICTS
NOVEMBER 1981

of discussing real property acquisitions for the Oregon Convention Center. All Councilors except Councilor Ragsdale were in attendance. Executive Officer Cusma, Dan Cooper, Tuck Wilson, Neil McFarlane, Ray Barker, Gloria Logan, Don Carlson and Harry Bodine were also in attendance. Presiding Officer Waker called the meeting back into regular session at 6:35 p.m.

Purchase of Real Property for the Oregon Convention Center

Motion: Councilor Van Bergen moved to recommend the Council accept the Portland Development Commission's recommendation with respect to the Courtemanche and Sears Credit Union properties. Councilor Kelley seconded the motion.

Vote: A vote on the motion resulted in all eleven Councilors present voting aye. Councilor Ragsdale was absent.

The motion carried.

9. CONSIDERATION OF PROPOSED CONVENTION CENTER COMMISSION ORDINANCES (First Reading and Public Hearing)

- a. Consideration of Ordinance No. 87-225, for the Purpose of Establishing a Regional Commission to Construct and Operate a Regional Convention, Trade and Spectator Facility (Introduced by Executive Officer Cusma)
- b. Consideration of Ordinance No. 87-226, Establishing a Regional Commission to Construct and Operate a Regional Convention, Trade and Spectator Facility (Introduced by Presiding Officer Waker at the Request of the Convention, Trade and Spectator Facilities (CTS) Committee)
- c. Consideration of Ordinance No. 87-227, Establishing a Metropolitan Commission to Operate and Maintain Metropolitan Convention, Trade and Spectator Facilities (Introduced by Councilors Kirkpatrick and Van Bergen)

The Clerk read each ordinance by title only for the first time.

Presiding Officer reviewed the origins of each ordinance. He explained Ordinance No. 87-226 had been formally introduced at this meeting because it had been forwarded to the Council for consideration by the CTS Committee. However, as Mr. Wilson of the Convention Center Project staff would explain, the Committee was now supporting Ordinance No. 87-225.

At the Executive Officer's request, Tuck Wilson, Convention Center Project Director, introduced Ordinance No. 87-225, proposed by the Executive Officer. He explained the CTS Committee had forwarded their proposed ordinance to the Executive Officer. The Executive had proposed subsequent changes that were agreeable to both parties.

Councilor Kirkpatrick introduced Ordinance No. 87-227, drafted by herself and Councilor Van Bergen. She read a statement expressing her views on the issue of creating a commission to govern the new convention center. She acknowledged the different viewpoints on how the commission should be created and governed, but emphasized the Council's process for establishing the commission must be open to different viewpoints and new ideas. She said the newly appointed task force assigned to prepare an ordinance for Council approval would try to meld those viewpoints by first evaluating the three proposed ordinances and soliciting other ideas from the public. The Task Force's guiding principle would be the Convention Center Master Plan adopted 15 months ago by the Council.

Councilor Kirkpatrick then discussed Ordinance No. 87-227 and its provisions: 1) members would be appointed to represent specific districts within the region; 2) the commission would have authority to maintain, but not construct, facilities; 3) the commission would rely on central Metro services including personnel, legal and accounting services; and 4) provision for an appeals process to the Council. In conclusion, Councilor Kirkpatrick said she supported one regional commission for all area facilities and was open to the model suggested by the CTS Committee as an initial system if there was assurance that the integration of existing facilities into a regional system would take place and that Metro would have sufficient resources under its direct control to operate the system.

Councilor Van Bergen supported Councilor Kirkpatrick's statements and the necessity of discussing options for a regional commission in an open forum.

Motion: Councilor Knowles moved, seconded by Councilor DeJardin, to introduce Ordinance Nos. 87-225, 87-226 and 87-227 for a first reading.

Presiding Officer Waker opened the public hearing on all three ordinances.

Robert Ridgley, Chair of the CTS Committee, referred to a memo from himself to the Metro Executive Officer and Council, dated July 17, 1987 (page B-22 of staff's report), which explained the rationale for the Committee's recommended legislation. He reminded the Council the CTS Committee had campaigned for the Convention Center effort and had established the cooperative local government and

business network from which approval of the project was borne. He strongly advocated using the Exposition-Recreation (E-R) Commission as a model for the convention center commission. The proposed legislation, now embodied in Ordinance No. 87-225, had been developed through a two-year, participatory, compromise process, he explained.

Councilor Knowles pointed out the Convention Center Master Plan had provided for regional representation on the commission. He asked why the CTS Committee had proposed legislation that would not require regional representation. Mr. Ridgley responded that regional representation could be accomplished after the commission was established as recommended by the CTS Committee and Executive Officer. To do otherwise would be a step back and would harm the goodwill and consensus built by the CTS Committee over the past two years, he said.

Bud Clark, Mayor of the City of Portland, recalled that during the campaign for voter approval of the General Obligation Bond levy, it had been represented that the Convention Center would be operated by a commission similar to the E-R Commission. That proposal had received enthusiastic response from community leaders and the public and had helped win the levy election, he said. The Mayor testified Metro now had true regional support for Ordinance No. 87-225 and he urged the Council to adopt that legislation as soon as possible.

Gladys McCoy, Chair of the Board of Multnomah County Commissioners, testified in support of Ordinance No. 87-225. Any other plan would endanger progress of the Convention Center project, she said. She pointed out that Multnomah County would contribute a sizeable amount to the project in the form of Transient Lodging Taxes. Her perusal of the County Board's minutes made it clear the Board understood the Metro Council would not be involved with the project. Instead, a new commission would be created. She explained that commission was of keen interest to the County and as such, she had taken an active role on the CTS Committee to ensure agreement among the participating governments. Commissioner McCoy concluded that Ordinance No. 87-225 embodied the regional partnership Multnomah County had entered into with Metro for operating the Convention Center. Adoption of Ordinance No. 87-227 would dilute that partnership, she said.

Ed Lindquist, Clackamas County Commissioner, testified he had replaced Bob Schumaker on the CTS Committee and had been involved in campaign efforts for bonding the project. He explained during the campaign it had been represented to voters that the E-R Commission -- because of its respected track record -- would serve as model for operating the Convention Center. He said to adopt another model of governance would be a mistake. Commissioner Lindquist submitted letters from CTS Committee member Edward M. Colbach and Robert L.

Bocci, President of the Sunnyside 205 Corridor Association. Both men supported Ordinance No. 87-225 as endorsed by the CTS Committee.

Sam Allen, owner of Best Western Sunnyside Inn in Clackamas County, urged the Council to adopt the ordinance recommended by the Committee. He said to change the concept of that ordinance at this time would result of loss of credibility, lack of support for the Convention Center project and "another nail in Metro's coffin."

A discussion followed about the Convention Center Master Plan's proposal for regional representation on an operating commission and whether the provisions of Ordinance No. 87-227 were consistent with the Master Plan. Commissioner Lindquist supported Ordinance No. 87-225 because commission members would be selected for Council confirmation by local governments. In response to Councilor Collier's question, Commissioner Lindquist and Mr. Allen thought if the Council adopted Ordinance No. 87-227, the momentum of cooperation established by the CTS Committee would be set back.

Bonnie Hays, Washington County Commissioner, supported the testimony of Mr. Allen and Commissioner Lindquist and adoption of Ordinance No. 87-225.

Lloyd Anderson, Executive Director, Port of Portland, agreed with the testimony of Mayor Bud Clark, Commissioner Lindquist and Mr. Allen. He explained that during the bond measure campaign, strong desire was expressed throughout the region to have an E-R type commission run the Convention Center facility. He urged the Council to vote in favor of the Executive Officer's recommendation.

Don McClave, representing the Portland Chamber of Commerce, said the E-R Commission had operated nearly 30 years, its organizational concept was well understood and the commission was successful. He asked the Council to adopt Ordinance No. 87-225 and to discontinue other options. "A deal was made that we should honor," he said.

In response to Councilor Gardner's question, Mr. McClave said no formal deal was made but it was widely understood the E-R Commission would serve as an administrative model because it could operate with a high degree of independence and provide a regional base. Any other action, he said, would be viewed by local governments as a departure from the understanding represented by the CTS Committee and would make future regional efforts more difficult to accomplish.

Presiding Officer Waker noted the Master Plan had provided for subsequent ordinances or updates which could modify original provisions of the plan.

Ron Cease, State Representative, District 18, testified he was having difficulty containing his anger at the suggestion the Council adopt an important piece of legislation in one evening without due deliberation. Representative Cease said he would not recommend any one proposal. However, because he had played a key role in the Legislature adopting the bill that made it possible for Metro to establish commissions, he wanted to express his views on the approach the Council should take when deliberating its decision on a convention center commission.

Representative Cease urged the Council to dismiss any notion that the Council and Executive Officer of Metro were not the prime, governing body of the commission. The voters had clearly designated Metro as the governing agency for the project, he explained. During the campaign, the commission was discussed in a general sense, he said, and no specific plan was laid out. Now was the time for the CTS Committee and the Council to work out legislative details as full partners. He noted the two ordinance models were not substantially different and cooperation could be reached collectively.

The Representative pointed out because the ordinance would establish Metro's first commission, it was important the Council to be pleased with its product. He also urged the Council to remain the final appointing authority for commission members. Functions should not be delegated to local governments, he said. He stressed that Metro was ultimately responsible for the commission.

Mitzi Scott, member of the Exposition-Recreation Commission, Metro's Advisory Committee on Convention Center Design and Construction, Member of the CTS Committee and Chair of the CTS Governance Subcommittee, noted Ordinance No. 87-225 was modeled after the Master Plan proposal. Metro had held out the E-R Commission form of governance as a model to its constituents, she said, as indicated in a Metro-produced campaign document entitled "Oregon Convention Center Project Fact Sheet" which she read:

"Who will operate the convention center? The existing Portland Exposition-Recreation Commission will be expanded to become a regional commission. The expanded commission will operate the new convention center as well as existing coliseum and stadium facilities. The regional commission, to be established by the Metropolitan Service District, will have seven councilors appointed in coordination with the governments of Washington, Multnomah and Clackamas counties."

She said to change what had been promised was not small issue. She explained that the Governance Subcommittee of the was charged with recommending legislation to the Council consistent with the Master Plan. That process had been open and compromises were reached, she

said. Councilors had been involved in the process from its beginning.

Ms. Scott then discussed why the E-R Commission had been designated as the model of governance. She reported the Commission was established to function with a high degree of independence -- necessary to operate as a competitive business -- separate from the political processes of the City of Portland. She explained that in the last 27 years of successful operation, only two Commission matters had been brought before the City Council. Professional people with top qualifications had been selected to serve as volunteer commissioners, similar to Metro's ACDC Committee model, she explained.

Ms. Scott discussed the appeals process recommended in Ordinance No. 87-225 and pointed out that any move away from the E-R model that would make the commission's job cumbersome or bound to a political process would damage its ability to compete as a business.

Ted Runstein, Chair of the E-R Commission, explained that because the E-R Commission's non-political nature, he had been appointed by former Mayor Frank Ivancie and reappointed by current Mayor Bud Clark. He stressed that the body operating the Convention Center and other regional facilities needed to be organized in a manner to allow it to function as a highly competitive business. He thought it logical the E-R Commission model be used because it was successful and because the new commission would eventually replace the E-R Commission.

Councilor Hansen asked how the transition would take place. Ms. Scott said three E-R Commission members would serve as Convention Center Commission members during a transition period to provide continuity. Upon completion of the transition period, the E-R Commission would be dissolved. Discussion continued about how the E-R Commission currently operated.

Mr. Runstein submitted for the record a letter from City of Portland Commissioner Mike Lindberg. The Commissioner urged adoption of legislation which would adopt the E-R Commission as a model for running the convention center.

Carol Lewis, CTS Committee Member, supported the testimony of Ms. Scott and Mr. Runstein.

Robert Ridgley, responding to a question raised earlier by Councilor Gardner, said Ordinance Nos. 87-225 and 87-227 were different in substance or else Councilor Kirkpatrick would not have proposed changes from 87-225. He thought where 87-227 departed from the legislation proposed by the Executive and the CTS Committee, the

independence and autonomy of the proposed commission would be weakened.

Presiding Officer Waker explained the Council's process for considering the legislation introduced at this first reading. He said the ad hoc task force would meet to deliberate in a public forum on the three ordinances and as a result of that public process, would make changes and recommend one ordinance for Council adoption. Councilor Knowles asked when the task force would complete its work. Presiding Officer Waker said he hoped the task force would deliver recommended legislation to the Council on October 8, 1987. Councilor Knowles thought that schedule too long.

Motion: Councilor Knowles moved, seconded by Councilor Cooper, to require the Ad Hoc Task Force on the CTS Commission to return to the Council on September 22, 1987, with a recommended ordinance for a second reading and final adoption.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, Hansen, Knowles and Waker

Nays: Councilors Bonner, Collier, Gardner, Kelley, Kirkpatrick and Van Bergen

Absent: Councilors DeJardin and Ragsdale

The motion failed.

Motion: Councilor Gardner moved, seconded by Councilor Kirkpatrick, to require the Ad Hoc Task Force on the CTS Commission to return to the Council on or before October 8, 1987, with a recommended ordinance for a second reading and final adoption.

Vote: A vote on the motion resulted in all ten Councilors present voting aye. Councilors DeJardin and Ragsdale were absent.

The motion carried.

10.2 Consideration of a Contract with the Greater Portland Convention and Visitors Association (GPCVA) for Marketing Services for the Oregon Convention Center

Tuck Wilson, Convention Center Project Director, reported GPCVA had been recommended for the contract because of its proven track record in marketing conventions. He introduced principles who would

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be working on the project. Councilor Ragsdale had represented the Council during the contractor selection process.

Presiding Officer Waker said the Council Convention Center Committee unanimously recommended approval of the contract with GPCVA.

Councilor Cooper reported he had met with the new GPCVA director and was very comfortable with that staff and the cost of the services.

Motion: Councilor Knowles moved, seconded by Councilor Collier, to approve the contract with GPCVA.

Vote: A vote on the motion resulted in all nine Councilors present voting aye. Councilors Bonner, DeJardin and Ragsdale were absent.

The motion carried and the contract was approved.

There being no further business, the meeting was adjourned at 9:55 p.m.

Respectfully submitted,



A. Marie Nelson
Clerk of the Council

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