



LAPORTE COUNTY PLAN COMMISSION

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ANNEMARIE POLAN
Building Commissioner

LA PORTE COUNTY PLAN COMMISSION MINUTES May 22, 2018

MEMBERS PRESENT: Anthony Hendricks Gene Matzat
 Rita Beaty Kelly Connie Gramarossa
 Earl Cunningham John Sullivan
 Glen Minich

OTHERS PRESENT: Annemarie Polan, Recording Secretary, Douglas Biege, Attorney,
Darlene Forker, Secretary.

PLEDGE OF ALLEGIANCE

Anthony Hendricks welcomed the new Commissioner, Connie Gramarossa to the Plan Commission.

ROLL CALL

APPROVAL OF THE AGENDA

Rita Beaty Kelly made a Motion to approve. Connie Gramarossa seconded.

Anthony Hendricks asked if there are any changes, additions, or deletions.

All approved. Motion carries 7-0.

APPROVAL OF MINUTES

Anthony Hendricks asked for approval of the meeting minutes from the January 23, 2018 meeting.

Gene Matzat made a Motion to approve the minutes from the January 23, 2018 meeting.
Rita Beaty Kelly seconded.

Anthony Hendricks asked if there are any changes, additions, or deletions.

All approved. Motion carries 7-0.

1. The La Porte County Redevelopment Commission would like to present to the Plan Commission an Amending Declaratory Resolution and an Amended Economic

Development Plan, Approved and Adopted by the La Porte County Redevelopment Commission, conforms to the Comprehensive Plan and Approving said Resolution and Amended Economic Development Plan. RE: I-94/U.S. Route 421 Economic Development Area.

Attorney Biege said Joe Coar, President of the Redevelopment Commission was going to appear and he called him and asked if he should. Attorney Biege said he's been so intimately involved in this and he thought he could just explain to the Commission what we're doing tonight.

Attorney Biege said back in 2006, we formed a Tax Incremental Financing District near I-94. Attorney Biege said it's called the I-94 U.S. Route 421 Economic Development Area.

Attorney Biege said recently within the last few months, they've been approached for future developments south of I-94 on 421. Attorney Biege said what they've done is created --- they're in the process of issuing a four point five (4.5) million dollar bond to run a sewer and water into the Tif area, but it also extends south of the Tif area, to benefit the potential improvement of about twenty (20) million dollars on a project. Attorney Biege said in addition to that, the current property owners, Harley Davidson, the Car Lot, and Waste Management are all interested in tying in and he thinks that they're going to contribute financially.

Attorney Biege said the Plan Commission doesn't have much to do with the Tif District, but the Plan Commission has to do with the Master Plan, so what we have to do in order to make this happen, we have to expand the Tif District, which the Redevelopment Commission has approved and the County Council signed off and the Commissioners have already approved and we have to Amend the Master Plan to allow this.

Attorney Biege said keep in mind, the Master Plan already had a provision to extend sewer and water underneath I-94 to service this area. Attorney Biege said what they're proposing is absolutely consistent with the existing Master Plan. Attorney Biege said this has to go in front of the Plan Commission because it is somewhat of an alteration of what already exist. Attorney Biege said that the Plan Commission has to approve this as a formality in the bonding process.

Anthony Hendricks asked if there are any comments, suggestions or questions from the Commission.

Attorney Biege told the board what they have in front of them is the order from the Plan Commission, but he also provided to you with a recent Resolution from the Redevelopment Commission where they approved the project and the expansion of the Tif.

Attorney Biege said that Commissioner Cender is here if you have any financial questions, however he really doesn't expect any because it's really not the jurisdiction of the Plan Commission because that's already been covered by the Redevelopment.

Earl Cunningham said that he has a financial question. Earl asked what we're paying interest on the bond; what's the pending rate?

Karl Cender said it will depend on the date of the sale of the bond. Karl said right now they're not planning on selling the bonds until probably this fall, October/November, just depending on what the market rates are. Karl said that they're looking at issuing bonds probably between fifteen (15) and twenty (20) years.

Earl Cunningham asked what the current rate is today.

Karl Cender said probably on something like this it would probably be around four and half percent (4 ½%).

Earl Cunningham told Mr. Cender that he knows that he doesn't work for La Porte County, but do you have any idea what interest the county is getting on the money that they have in the bank right now.

Karl Cender said that he doesn't know that, but it would be less than the four and a half percent (4 ½ %).

Rita Beaty Kelly said that it can't be that high.

Earl Cunningham said that it would be less than one-half (½) of a percent.

Karl Cender said that these bonds are going to be paid from tax increments, so it's not from the taxpayers incremental and assessment value.

Attorney Biege said if he could enforce Mr. Cender's comments. Attorney Biege said the point of a Tif, Tax Incremental Financing District, is to create the ability to bond outside of the tax payer's money. In other words, the Tif District itself pays for the bond and the improvement.

Attorney Biege said right now we have five point eight (5.8) million in our emergency fund and they have money in major moves, but there is other money for other projects that may come up outside of the Tif District. Attorney Biege said the point of doing this was to expand the Tif District, allow for the bonding where the District would pay for the bond and it would not come out of other tax dollars from the county.

Earl Cunningham asked attorney Biege if he considers the major moves money tax dollars.

Attorney Biege said it's all tax dollars, no matter what.

Earl Cunningham said that he feels that it's taxpayer dollars. Earl said the taxpayers of La Porte County own the major moves money, but it wasn't derived from the taxpayers of La Porte County. Earl said it's sent to us from the State of Indiana, correct?

Attorney Biege said correct.

Earl Cunningham asked attorney Biege what he thinks the balance is in that fund right now.

Attorney Biege said he's working from memory, but he thinks it's around five (5) million, or six (6) million.

Attorney Biege said that this discussion goes back when we were both with the Council. Attorney Biege said he knows some Council members are opposed to a Tif, but yet one was formed and this is a mechanism -- the Tif is a mechanism to provide financing for certain geographic areas.

Earl Cunningham said that he understands the Tif concept and he understands major moves money is slightly different from our emergency fund, but as he said to Glen just before the meeting started, it's a quandary for him as a taxpayer to go out and borrow money at four and a half percent (4 ½%) when we have money in the bank getting less than one half of one (½ of 1) percent. Earl said Glen wouldn't buy a hundred-thousand dollar piece of equipment if he had a hundred thousand dollars sitting in his savings account drawing one-half (1/2) of a percent; he wouldn't pay five (5%) percent, or four and a half (4 ½%) percent. Earl said that he knows we don't have the authority financially anyway, but it would certainly seem to him we should send this back to the County Council for at least consideration using existing funds.

Attorney Biege said first of all, you don't have that authority and secondly, the County Council has already approved the project. Attorney Biege said we can talk about the theory of Tif, but Tif is created for a reason, that is, for the ability to finance. Attorney Biege said the major moves money can be used in other places in the county, that's the whole point of it.

Attorney Biege said the bond pays for itself by the property contained within the Tif and we don't have to use other taxpayer's money, we can use that money if the Council so chooses on other projects.

Attorney Biege said the theory of a Tif is that area is designated and the tax money earned within the Tif pays off the financing within the Tif, which creates other improvements, which then generates tax dollars within that confined area. Attorney Biege told Earl that he understands his point on the interest rate, but the purpose of the Tif is to hyper accelerate, lack of a better term, specific geographic area.

Earl Cunningham said his question is does Indiana Law currently prohibit a county, or any governmental unit from financing their own project. Earl asked if the law prohibits major moves money being used to finance this Tif District?

Attorney Biege said that he does not prohibit it. Attorney Biege said that we're having a theoretical discussion, but this Council has already made up its mind; it's already decided this issue.

Earl Cunningham said if we vote Nay tonight, will the Council probably reconsider, even if they only took a portion of it. Earl said let's say they took ---

Attorney Biege said that we're half-way. Attorney Biege said that they have hired bond counsel. Everybody has approved this redevelopment – County Council and Commissioners. Attorney

Biege said frankly, if the Plan Commission decides Nay on the basis of financing, it's an arbitrary capricious decision and it will be overturned.

Attorney Biege told Earl that they could talk because you were on the council and he was the council attorney, but it's not an appropriate basis for a decision by the Plan Commission at all.

Earl Cunningham told attorney Biege that he heard him say that we're half-way, and you say that we're not even going to finance until this fall; we're not going to send the bonds out until this fall.

Attorney Biege said that were going to float the bonds this fall, yes, but we've already spent money on engineers, survey work, we're on our way. Attorney Biege said this project has been approved; this is a step in the bonding process.

Attorney Biege said that he understands Earl's point, but it's already been approved.

Connie Gramarossa said regardless of however we vote, it's approved then?

Attorney Biege said that you're voting on an alteration of the Master Plan. Attorney Biege said that's the only jurisdiction the Plan Commission has. Attorney Biege said that the financial presentation has already been given by accountants, as well as bond counsel to the council; we've already had workshops.

Earl Cunningham said that he thinks that he's going to vote no to send it back to the council to at least see how the council votes.

Attorney Biege told Earl that he doesn't have the authority to send it back to the council.

Earl Cunningham said that's fine. Earl said if we vote no ---

Attorney Biege said it's going to go to the Commissioners, who have already voted yes.

Earl Cunningham asked why are you paying us for being here tonight.

Attorney Biege said that the Plan Commission is an advisory body, so whatever decision the Plan Commission makes each time it goes to the Commissioners for final approval. Attorney Biege said that this is a little out of your normal bailiwick, but normally were looking at subdivisions, so it's more in depth. Attorney Biege said that's why the Plan Commission gets it before it goes to the County Commissioners. Attorney Biege said that the County Commissioners have vetoed things before that the Plan Commissions' done.

Attorney Biege said that the only direction it goes is to the County Commissioners.

Glen Minich said that he sees Earl's point. Glen said everything is laid in place and it all makes sense, but there is no reason – voting positively and moving this forward makes sense because

the financing will be there in the end, but he thinks what Earl's one point is that maybe on the side we make a recommendation.

Glen asked if it's possible once the project starts, there is no reason to actually sell the bonds until money is needed either for another project that we were going to fund out of major moves, or some other emergency. Glen said when he's saying it's short term, start the project, fund it, and when you look and see you want to go somewhere else, then we're going to sell the bonds to finance this project and that way you're going to bring the money back into your account.

Glen Minich said all we would be doing and the question is whether the board would want to on the side make a recommendation that the council look at that.

Attorney Biege said that he absolutely disagrees. Attorney Biege said you folks have nothing to do with financing. Attorney Biege said that he and Earl disagreed about Tif Districts for fifteen (15) years. Attorney Biege said that this is not a new discussion with them. Attorney Biege said that the purpose of a Tif District is to capture that assessed value within the District and that District develops itself.

Attorney Biege said later on down the line, we have a lot of economic development activity happening right now. Attorney Biege said that there may be other projects and actually within this Tif District there is an inquiry to extend the sewer to another area; he doesn't think it's going to go anywhere, but if it did occur, that money would have come out of major moves because we can't bond every small project. Attorney Biege said that the theory is you float the bond and Tif pays for the bond, which allows the county to invest in other areas in the county. Attorney Biege said that four and a half percent (4 ½%) is actually covered by the Tif.

Earl Cunningham asked if the taxpayers of La Porte County are in the Tif.

Attorney Biege said that they don't pay the four and a half percent (4 ½%), the Tif pays the four and a half percent (4 ½%).

Earl Cunningham said that everybody that's in the Tif is paying taxes in the county, correct?

Attorney Biege stated yes.

Attorney Biege said if you make any kind of financial recommendation whatsoever, it's going to be invalid because that is not your jurisdiction, and frankly, if we're going to have a financial discussion and you were going to make a decision on finances, he would have had our bond counsel here and bond accountant here. Mr. Cender would have had a presentation worked up for the dollars and cents within the Tif District, but that's not your decision to make tonight.

Attorney Biege said that all that information has been presented to the County Commissioners, County Council, and the Redevelopment Commission and all three bodies have decided this is a good project and should go forward.

Connie Gramarossa said she wasn't a part of it.

Anthony Hendricks asked if there is anything else.

Rita Beaty Kelly asked if the list that they have for the exclusions, she's guessing those are all the residential folks that did not want to be included in the Tif on Exhibit B-4, were not including residential in there, correct?

Attorney Biege said correct.

Anthony Hendricks said that he wants to go on record because he talked to Earl. Anthony said that he understands that we're nine tenths (9/10ths) in the game here and we don't have the jurisdiction, and he believes ours is recommending to the Commissioners to proceed with the Tif District. Anthony said as an official, he does have the same heartache. Anthony said that the President of the Council at the La Porte State of County said that we had seven (7) million major moves, and he understands that major moves is just for this kind of project, sewer, water and construction, and if you're looking at a four point five (4.5) million dollar bond, you're talking one (1) or two (2) million dollars of interest that the Tif District will have to pay – somebody is going to pay it, and we don't have that authority, but he has to go on the record if it is possible for the County to borrow it from ourselves and pay ourselves interest, we can grow the major moves fund just like Rolling Prairie is doing the major moves fund, and it just seems like were willing to bond four point five (4.5) million dollars at interest that we know is going up --- the county is great and the interest rate is just going through the roof right now and it's going to be even higher come fall.

Anthony Hendricks said that we can't borrow from ourselves and he's not a council member, or Commissioner, and he doesn't get that call. Anthony said that the Council already voted for it and they understand and they're elected officials that they voted an extra two (2) million dollars in profit going to some bank, or we could have done it with our own funds and maybe would not have the other projects that the seven (7) million was in the bank for major moves, or the rainy day fund. Anthony said that he sees this in Michigan City and La Porte and he talks to different people and they say this is a necessary evil and we have to pay millions of dollars in interest. Anthony said as an elected official, he doesn't like it one spec if we're paying interest that --- technically we're holding twelve (12) to thirteen (13) million in the bank and we're going to spend another million dollars of interest. Anthony said he understands what Earl is saying as a past council member, he probably would have had the same questions on the council we got this money sitting here, why are we paying somebody a profit for a guaranteed income, whether their local or out of state buying the bonds, because that's a million or two (2) million that could have been used somewhere else that they didn't pay a bond counsel, or bond person.

Anthony Hendricks said he knows that we can't do it and we're a recommending body, but he don't know if Glen is right that we pass it and say go ahead, and we go on record if we so choose to say we don't agree in paying interest and that will go nowhere, but at least we're on record that there is money that's potentially a million, or two (2) million dollars that will not get spent in La Porte infrastructure, that's a guarantee, that bond will go to an interest rate to a financial institution that will not go to La Porte County. Anthony said that he understands Earl one-hundred percent (100%) that this is money that's gone.

Attorney Biege said if everybody wants to make their comments on the record that's great. Attorney Biege said what he's saying is don't amend this, he needs this to be clean to go through, if you're going to pass it or fail it, that's fine, if you amend it he will have to start from scratch because this has to do with the bonding.

Anthony Hendricks said we can pass that and then make a recommending motion outside of that.

Anthony Hendricks said that he will sign this discussion. Anthony asked attorney Biege in his legal opinion, is there anything barring the Commissioners, or the Council from blowing the money to the Redevelopment Commission to do this project.

Attorney Biege said that they've already examined all of this --- that's his point. Attorney Biege said that we've already had this discussion more than once. Attorney Biege said that they have had two workshops, the Council discussed and the Commissioners discussed it as well.

Earl Cunningham asked if anybody brought this up at the workshop? Earl asked if anybody brought up borrowing from themselves from the workshop?

Attorney Biege said yes.

Earl Cunningham and the Council voted against that.

Attorney Biege said yes and the Council voted to do this.

Earl Cunningham asked if the vote was 7-0 on the Council. Earl said that we have a Council member here this evening and he asked John if he remembers what the vote was.

John Sullivan said no.

Anthony Hendricks asked if there are any other comments.

Attorney Biege told the board members if they want to vote he could draft that outside of this.

Anthony Hendricks said as long as we keep it this clean.

Attorney Biege said if you pass this and you make a written recommendation to the Commissioners, they can review that and they can either decide to approve it, or refuse it, but they will make that decision outside of this.

Attorney Biege said that all your deciding is if you're going to amend the 2018 (unintelligible) the Declaratory Resolution from 2018 on the Plan. Attorney Biege said that the Secretary of the Plan Commission is directed to file copies. Attorney Biege said that all we're doing is amending the Plan in this order.

Earl Cunningham asked if there's anything to do with financing in this order.

Attorney Biege stated no.

Attorney Biege said that an independent resolution, whatever you guys want to do is great.

Anthony Hendricks said before we ask for the motion, is there any other comments from the board, or are there any recommendations, or go on the record on comments.

Anthony Hendricks said that we're going to ask legal what the motion should be. Anthony asked if there is a couple of motions they need to make.

Attorney Biege said that if you want to make a motion to approve by title only, make the motion and read the title on the top of the page.

Rita Beaty Kelly made a motion to approve the Order of the La Porte County Plan Commission Determining that an Amending Declaratory Resolution and Amended Economic Development Plan Approved and adopted by the La Porte County Redevelopment Commission conform to the Comprehensive Plan and Approving said Resolution and Amended Economic Development Plan by title only.

Gene Matzat seconded.

Voting Aye: Rita Beaty Kelly, Anthony Hendricks, John Sullivan, Glen Minich, Gene Matzat, and Connie Gramarossa.

Voting Nay: Earl Cunningham.

Motion carries 6-1.

Anthony Hendricks asked if there any other recommendations, or will the Plan Commission ask the legal to do anything from this Commission.

Glen Minich said that he would like to make a motion on the Resolution that the Planning Commission ask the Commissioner's to look at the financing of this Plan and to consider either short term, or longer term funding from funds that are available at this time.

Connie Gramarossa seconded.

Anthony Hendricks asked if there is any discussion on the motion.

Anthony Hendricks said that he wants to go on the record. Anthony said that he thinks that's a very wise move and he's glad Doug told us that we can recommend things, whether it goes there or not, as a taxpayer, he agrees with Earl this is a Tif District and he did do the legal description and the survey work for free to create this as a County Surveyor and that saved us some money. Anthony said we're trying in every way to save money. Anthony said that he's seen council

members in our budgets try to save a one-hundred (\$100.00) dollars, and we're talking about a million or two million dollars.

Connie Gramarossa said that they just said its two-hundred (200) thousand a year we're going to be paying in interest on and she doesn't think we should be doing that when we have money sitting in the bank.

Anthony Hendricks said as somebody from the area, he knows of Speedway, the prior Pilot Gas Station had trouble with their septic system and it failed, so we really need this in this corridor and he thinks that this will really expand this corridor, but to spend one (1) or two (2) million dollars in interest to whatever financial arm that the county is never going to see and some other project development, to him it's beyond the pale why we wouldn't even discuss this.

Anthony Hendricks asked if there are any other comments.

Anthony Hendricks said that there is a motion on the floor with a second.

Motion carries 7-0.

Attorney Biege asked the board since they have a time issue, how do you want him to bring this to the Commissioners.

Anthony Hendricks said that he would think that we would want a Resolution on the agenda, right.

Attorney Biege said that he would suggest that you make a motion to allow the President to sign the Resolution so we can have something signed by the next Commissioner's meeting.

Earl Cunningham made a Motion to allow the president to sign on behalf of the Plan Commission the Resolution to present to the Commissioners.

Rita Beaty Kelly seconded.

Anthony Hendricks if there is anything to discuss.

All approved. Motion carries 7-0.

Anthony Hendricks asked if there is any old business.

Anthony Hendricks asked if there is any new business.

Anthony Hendricks said our Comprehensive Plan is getting old, right? Anthony said he sees other communities are discussing that.

Attorney Biege said that he's fully aware and he's actually brought it up several times, but we have this component of this group that is doing this community study and he believes there is an

upcoming meeting, because he asked the same question. Attorney Biege said part of what this group is doing as part of our Master Plan Revision & Missions, but we have no hurries --- within a couple of years.

Attorney Biege said he knows they formed and discussed about fund raising, but he believes that's as far as they've gone, but he hasn't received an update for a while.

Anthony Hendricks asked if they have an end time --- end game.

Anthony Hendricks said that Mitch will keep us informed, because at some point we have something to up-date.

Attorney Biege said he's on top of it.

Anthony Hendricks asked if there is anything else this evening.

Anthony Hendricks asked if there is a motion to adjourn.

Rita Beaty Kelly made a motion to adjourn.

Glen Minich seconded.

All approved. Motion carries 7-0.

There being no further business before the Plan Commission this evening, meeting adjourned at 6:30 p.m.


ANTHONY HENDRICKS, President


ANNEMARIE POLAN, Rec. Secretary

ORDER OF THE LAPORTE COUNTY PLAN COMMISSION DETERMINING THAT AN AMENDING DECLARATORY RESOLUTION AND AMENDED ECONOMIC DEVELOPMENT PLAN APPROVED AND ADOPTED BY THE LAPORTE COUNTY REDEVELOPMENT COMMISSION CONFORM TO THE COMPREHENSIVE PLAN AND APPROVING SAID RESOLUTION AND AMENDED ECONOMIC DEVELOPMENT PLAN

WHEREAS, the LaPorte County ("County") Redevelopment Commission ("Commission") pursuant to Resolution No. 1-2006, dated February 21, 2006, and Resolution No. 2-2006, dated April 25, 2006, of the Commission designated and created the I-94/U.S. Route 421 Economic Development Area ("Area") and designated a portion of the Area as an allocation area known as the I-94/U.S. Route 421 Allocation Area No. 1 pursuant to the IC 36-7-14 and IC 36-7-25 and all acts supplemental and amendatory thereto ("Act") ("Original Allocation Area"), and adopted an economic development plan for the Area entitled "Economic Development Plan for the I-94/U.S. Route 421 Economic Development Area" ("Original Plan") under the Act; and

WHEREAS, the Commission pursuant to Resolution No. 1-2008, dated June 18, 2008 of the Commission expanded the Original Allocation Area by designating the remainder of the Area as an allocation area ("Expansion Allocation Area") (the Original Allocation Area, together with the Expansion Allocation Area, the "Expanded Allocation Area No. 1"), and thereby made the Expanded Allocation Area No. 1 coterminous with the Area, and amended the Original Plan pursuant to an amendment entitled "2008 Amendment to Economic Development Plan for the I-94/U.S. Route 421 Economic Development Area" ("2008 Plan Amendment," and together with the Original Plan, the "Plan"), which provided for the expansion of the Original Allocation Area to include the Expansion Allocation Area and providing for additional local public improvement projects; and

WHEREAS, the Commission pursuant to Resolution No. 1-2010, dated March 31, 2010 of the Commission designated a separate, sub-allocation area within the Expansion Allocation Area to be designated as the "I-94/U.S. Route 421 Allocation Area No. 2" ("Allocation Area No. 2") to provide for the allocation and distribution of the proceeds of taxes levied on properties situated in Allocation Area No. 2, and to further amend the Plan pursuant to an amendment entitled "2010 Amendment to Economic Development Plan for the I-94/U.S. Route 421 Economic Development Area" ("2010 Plan Amendment"), which provides for the designation of Allocation Area No. 2 and for additional capital improvement projects to be undertaken in Allocation Area No. 2 (the Plan, as further amended by the 2010 Plan Amendment, collectively, the "Amended Plan"); and

WHEREAS, Resolution No. 1-2006, as amended and confirmed to date as set out above, are hereinafter collectively referred to as the "Area Resolution"; and

WHEREAS, on March 28, 2018 the Commission adopted a resolution amending the Area Resolution ("Amending Declaratory Resolution") and the Amended Plan to: (i) expand the Area by adding the real property set forth on the maps attached thereto as Exhibit A ("2018 Expansion Area"); (ii) include in the Amended Plan the identified economic development projects set forth in the Area Resolution and project costs, all in, serving or benefiting the Area, to the list of projects in the Amended Plan (hereinafter, "2018 Plan"); and (iii) designate that portion of the

2018 Expansion Area set forth on the map and in the legal description attached thereto as Exhibit B as a new allocation area to be known as the 2018 Expansion Area Allocation Area; and

WHEREAS, the Act requires approval of the Amending Declaratory Resolution and the 2018 Plan by the LaPorte County Plan Commission ("Plan Commission");

NOW, THEREFORE, BE IT ORDERED BY THE LAPORTE COUNTY PLAN COMMISSION, AS FOLLOWS:

1. The Amending Declaratory Resolution and 2018 Plan for the Area conform to the comprehensive plan of the County.
2. The Amending Declaratory Resolution and 2018 Plan are in all respects approved.
3. The Secretary of the Plan Commission is hereby directed to file a copy of the Amending Declaratory Resolution and 2018 Plan with the permanent minutes of this meeting.

Passed by the LaPorte County Plan Commission this 22nd day of May, 2018.

LAPORTE COUNTY PLAN COMMISSION

President

ATTEST:

Secretary