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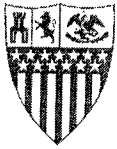
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**CITY BUSINESS & QUALITY OF LIFE
COMMITTEE**

**Market Station at the Railyard
500 Market Station, Suite 200**

**Round House Conference Room
Wednesday, October 8, 2014
11:00 am – 1:00 pm**

- I. PROCEDURES
 - A. Roll Call
 - B. Approval of Minutes – September 10, 2014
 - C. Approval of Agenda
 - D. Approval of Consent Agenda
- III. CONSENT AGENDA
 - A. Request for approval of the 2015 Meeting Calendar. (Fabian Trujillo)
- IV. ACTION ITEMS
 - A. Request for approval of an ordinance amending the Business License Ordinance, Section 18-1 SFCC 1987 and the Business Registration Ordinance, Section 18-2 SFCC 1987 to require businesses that apply for a business license or registration to renew a business license or registration to affirm that such businesses are in compliance with Living Wage Ordinance, Section 28-1 SFCC 1987; and amending Subsection 28-1.8 SFCC 1987 to mandate random audits of businesses to ensure compliance with the Living Wage Ordinance. (Councilor Maestas) (Zachary Shandler).
- IV. UNFINISHED BUSINESS
 - A. Economic Development Strategic Planning Update and Next Steps – (Kate Noble)
- V. INFORMATIONAL ITEMS
 - A. Age Nation Briefing – (George Cappannelli, CEO).
 - B. Business Survey Update - (Fabian Trujillo)
- VI. PUBLIC HEARING (None)
- VII. ITEMS FROM THE PUBLIC
- VIII. ITEMS FROM THE COMMITTEE
 - A. SF Global Trade Initiative Work Group Update (Mayor Pro Tem Ives)
- IX. ITEMS FROM STAFF



Agenda

- X. ITEMS FROM THE CHAIR
 - A. Friends of the Plaza – Creation of a Subcommittee
- XI. NEXT MEETING DATE – **November 12, 2014**

Persons with disabilities in need of accommodation, contact the City Clerk's office at 955-6520, five (5) working days prior to meeting date.

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CITY OF SANTA FE
BUSINESS & QUALITY OF LIFE COMMITTEE**

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XI. NEXT MEETING DATE	November 12, 2014 10 Adjourned 12:50 p.m.	

CITY OF SANTA FE
BUSINESS & QUALITY OF LIFE COMMITTEE

Wednesday, October 8, 2014

I. PROCEDURES

CALL TO ORDER

A regular meeting of the City of Santa Fe Business and Quality of Life Committee was called to order by Councilor Lindell, Chair on the above date at approximately 11:00 a.m. at 500 Market Station, Railyard, Suite 200, Round House Conference Room, City of Santa Fe, New Mexico.

A. Roll Call

Roll call indicated a quorum as follows:

Members Present:

Councilor Signe Lindell, Chair
Councilor Peter Ives, Vice Chair
Miles Dylan Conway
Diane Karp
Kim Kelly
Piper Kapin
Damian Taggart

Members Absent:

Tony Ortiz
Buddy Roybal
Bill Sisneros
Brad Furry
Dr. Almi Abeyta

Staff Present

Fabian Trujillo
Kate Nobel
Ross Chaney
Zach Quintero

Others Present

Charmaine Clair, Stenographer

B. Approval of Minutes- September 10, 2014

Councilor Ives moved to approve the minutes of September, 2014 as presented. Ms. Karp seconded the motion and the motion passed by unanimous voice vote.

C. Approval of Agenda

Councilor Ives moved to approve the agenda as submitted. Ms. Karp seconded the motion and the motion passed by unanimous voice vote.

D. Approval of Consent Agenda-

Councilor Ives moved to approve the consent agenda as submitted. Ms. Karp seconded the motion and it passed by unanimous voice vote.

II. CONSENT AGENDA –

A. Request for approval of the 2015 Meeting Calendar. (Fabian Trujillo)

Ms. Kapin asked that consideration be given to changing either the date or the time of the meeting.

Councilor Ives moved to approve the consent agenda as presented. Mr. Taggart seconded the motion, which passed by unanimous voice vote.

III. ACTION ITEMS

Request for approval of an ordinance amending the Business License Ordinance, Section 18-1 SFCC 1987 and the Business Registration Ordinance, Section 18-2 SFCC 1987 to require businesses that apply for a business license or registration or renew a business license or registration to affirm that such businesses are in compliance with Living Wage Ordinance, Section 28-1 SFCC 1987; and amending Subsection 28-1.8 SFCC 1987 to mandate random audits of businesses to ensure compliance with the Living Wage Ordinance. (Councilor Maestas) (Zachary Shandler).

Chair Lindell said Councilor Maestas was unable to be present. She asked Mr. Zachary Shandler from the City Attorney's office to address the item.

Mr. Shandler said the ordinance does two things: first to amend the Business License Ordinance. A business will have to attest to compliance with the Living Wage Ordinance when applying for or renewing their business license. This is an additional step that will remind businesses that they must comply.

The second proposed change is to the Living Wage Ordinance. The key addition is that random audits will be conducted to verify compliance with the Ordinance. The audits would be similar to the objective and random process used for the Lodgers' Tax and has a similar expense.

Mr. Shandler explained the rationale is that the City Attorney's office has received very few complaints on the living wage and Councilor Maestas heard that is because people fear retaliation. This is a proactive step without a person having to blow the whistle.

Ms. Kapin asked how many complaints have been received since the living wage went into effect.

Mr. Shandler said three complaints were received in the last 18 months and a couple were found to be in violation. Complaints are enforced first by an administrative process; then the Municipal Court and if that fails, the District Court.

Ms. Karp asked if the general labor force knows they need to register complaints and if the complainant has to be named.

Mr. Shandler said he ventured that the public does not know. He said the city has tried putting the information online. That has not resolved the issue because many people do not have a computer. The complainant's name used to be required, but anonymous complaints can now be filed.

Mr. Conway asked the fiscal impact of the proposed changes.

Mr. Shandler said the Lodgers' Tax Audit Contract is for \$9k (thousand) a year. He said Councilor Maestas will meet with the Finance staff and City Manager to discuss where the money could come from. The other costs would probably be absorbed into the current budget.

Mr. Taggart asked how long an audit takes and the number of audits that will be conducted. He asked if Mr. Shandler anticipated any legal challenges with changes.

Mr. Shandler said 10-12 Lodgers' Tax audits are conducted each year and these would be in the same timeframe. He didn't know how long the audits take, but offered to provide the data later. He said he does not anticipate legal challenges; this is an *acknowledgment* and not a new requirement.

Mr. Taggart asked Mr. Shandler to speculate on why the current enforcement mechanism is not working.

Mr. Shandler said Councilor Maestas refers to a proactive and reactive part of the ordinance. The *reactive* is what the City Attorney's office currently does; they wait for a complaint. The proposal is to become more proactive. He said members of the public are present who could speak more to why the current enforcement is not working.

Ms. Kapin asked if businesses are given the requirements of the living wage when they apply for a business license. She asked secondly, if possible to include [in the ordinance] that a business must display proper signage about the living wage to ensure employees have that information.

Mr. Shandler said he understood the posters are already a requirement and are given to a business when they apply/reapply for their business license; although he heard that is not a uniform practice.

The Committee discussed the ordinance. A summary of the discussion follows:

- One concern is that the public is not aware that a vehicle exists to address noncompliance. The businesses know about the ordinance and some choose not to follow it. The city needs a vehicle so employees are aware of the realities and the potential to right a wrong. Santa Fe takes pride in the living wage and should support it.
- The poster could have an anonymous hotline number. That would give an employee the confidence to make a call about a violation. Consideration should be given to being fully anonymous; a disgruntled employee could trigger an audit.
- The process for the random audits is not specific; how many would be conducted a year, etc. There are about 7 thousand business license renewals and 300 new licenses each year. It was not convincing that doing 10 audits out of 7 thousand licenses at a cost about \$9k would accomplish anything or be the best use of the city's funds. The city could find better ways to ensure compliance and should work on compliance issues now.

- Another issue is the ability to remedy noncompliance of minimum wage; but if more people report non-compliance, the \$9k [cost] will become diminimus.
- The city website could be set up to make the system easier for people to report non-compliance. The website could be publicized on the posters and resolve some of the costs. Working on the information side is an easier way to solve the problem than conducting audits.
- There are partnerships in the organization or in the communities that could identify where there are problems. More steps than the business license form could be put in place for awareness.

Mr. Taggart asked if appropriate for him to invite an expert to specifically address the disparity between the reported wage and hour thefts and the low number reported at the city level.

Mr. Trujillo suggested the issue go to one of the other committees and ask that the expert testimony be included. He noted that it could have been included in this discussion if he had known.

Mr. Shandler said the ordinance is scheduled to go next to the Finance Committee on Monday, October 20 and then to the October 29th City Council meeting, Request to Publish. He said if everything went public a 30 day lead time would be required.

Councilor Ives said the ordinance gives the City Manager authorization to conduct audits.

Mr. Shandler said a legal argument could be made without any ordinance change that the City Manager is authorized to take appropriate steps and resources permitting. That could include a proactive audit.

He said a counter legal argument would be that the Lodgers' Tax Ordinance expressly states that audits will occur. He suggested the same language be included in this ordinance to minimize a legal challenge.

Ms. Kelly said a large percentage of the 7 thousand business licenses could be home businesses with no employees. She asked if complaints came generally from businesses with a large number of employees.

Mr. Shandler said the complaints were not from businesses with more than 25 employees within the last year. He said prior to that at least one company did have more than 25 employees.

Councilor Ives said the ordinance states the City Manager is *authorized* to conduct an audit, not that they shall. He suggested the word '*random*' be removed. He said the solution is in public awareness and he would be interested in audits that check to see that signage is up.

Ms. Noble said part of the action of the Committee could be to request the discussion of the BQL be included as the process moves forward.

Chair Lindell said she was uncomfortable having a public hearing since the meeting was not advertised as such. She said she would allow a spokesperson to speak.

Public Comment

Gabriela Ibanez Guzman said she is the Staff Attorney at the United Work Center of New Mexico. She said each week she experiences workers who come to the Center about theft in one form or another. She said fear of retaliation is the main reason people do not submit their complaints and many of the places where these people work are well known. She said random audits might need to occur; possibly profiling a few

bad apples would make other businesses adhere to the law.

Ms. Guzman said many municipalities and cities have done this and the ordinance is a modest step and proactive and another tool for workers. She said Work Force Solutions is creating hurdles and the city process needs to be stronger. She said if City Council approves the ordinances it would provide uniformity, educate the workers and employers about the process and allow necessary due process. No one would feel targeted or that the process is not fair.

Ms. Kapin said this does not address the amount of people being affected. She asked Ms. Guzman to speak to when this is happening and what the focus of that could be.

Ms. Guzman said now the Center sends workers to the US Department of Labor and their process does not require the worker's name. The worker [complaint] could prompt an investigation or an audit.

Councilor Ives asked the number of businesses in the last year that complaints were received for. Ms. Guzman replied at least 10; some well known. The Councilor pointed out with 7k opportunities for a random audit there is about one ten thousandth of a percent that a business that received a complaint would actually be audited.

Ms. Guzman said workers in New Mexico are not inclined to go through the process because their name is required and many still work at the location in violation. She said this does not need to be an *and/or* situation, if there is a way to communicate to the city about offenders. The ordinance is just the first step.

Chair Lindell agreed with Councilor Ives on the word 'random'. She said there is a better way to get where they want to go and to randomly pick a business out of 7k has a relatively small chance of picking one of the 10 offenders.

Ms. Karp moved to pass the bill forward from the Committee with the following recommendations: the word 'random' be stricken from the section on audits, because it is insufficient and there is a better use of funds; that the minutes of this meeting be included so the opinions of the Committee moves forward with the bill; that there be a focus to raise public awareness of the minimum wage requirement for employees, employers and the city in general; that it be required for minimum wage posters to be posted in every place of employment with the required federal posters. Councilor Ives seconded the motion.

A roll call vote was taken with Chair Signe Lindell, Councilor Peter Ives, Miles Conway, Diane Karp, Piper Kapin, Kim Kelly and Damian Taggart voting 'yes'. The motion passed unanimously and none voted against.

IV. UNFINISHED BUSINESS

A. Economic Development Strategic Planning Update and Next Steps –(Kate Noble)

Ms. Noble said staff is working to synthesize the work of the Committee; their ideas and recommendations in areas of target and how that is measured. She hopes to have a concise version in the next few months.

V. INFORMATIONAL ITEMS

A. Age Nation Briefing – (George Cappannelli, CEO)

Mr. Cappannelli said the discussion is about an innovative and cost-saving approach to one of Santa Fe's major challenges in the 21st century. Highlights of the presentation follow:

- In the next several decades, nationally and in every industrialized country in the world, 50% of the population would be age 50 and over. The trend will continue until 2075 with implications on every level: socially, environmentally, politically, culturally and economically.
- Ten thousand people retire daily and only one out of every ten have the resources to live even a modest quality of life. Many will live long after the number of years they were employed.
- Every 68 seconds someone will have some measure of early onset Alzheimer's.
- In New Mexico 48% of the population is over age 50 and New Mexico will rank fourth in the nation relative to the state's population, in the percentage of a population age 65 and over.
- The average individual age 65 or over in New Mexico lives in a rural area on an annual income of less than \$14,000.
- Santa Fe has almost people 50,000 (62%) over 50 and over; 67% of households will have no children in the home by the end of the decade.
- Five centers are serving an average of 128 thousand people a year providing basic and essential skills. The aging generations: Gen X, Boomers and elders all have different requirements and needs.
- The city serves only 22% of the population.
- Age Nation believes the solutions are:
 1. To maximize the current resources and facilities.
 2. Begin a greater investment in new programs and facilities and resources.
 3. Identify and invest in the development of new aging strategies and technologies; and/or form robust private sector partnerships that create new funding models to bring funding to the city and help resolve the issues.
- The Age and Aging Life Learning Center is a stimulator, incubator and generator of innovative new strategies, programs, services and partnerships. They provides a complement to expanding the current city programs and services for older citizens at no direct cost to the city, by bringing new sources of funding and additional expertise from the private and nonprofit sector.
- Age Nation is an early stage multiplatform company committed to social change designed to provide practical solutions that serve individuals and organizations. Their model has been tested over a six year period with an investment of their own of about a half million dollars. They provide news, product, services, education, constituency opportunities, consulting, training and radio and web TV.
- Empower New Mexico is an affiliated 501(C)3 whose purpose is to raise money to support organizations that serve members of the aging population.

Mr. Cappannelli said originally he went through the dialogue with the city. He received a nonbinding letter

from the city that indicated to come back with a final funding proposal once developed. He said if the project is approved, the city would be co-signatories to the project.

He said Age Nation went through a vetting process with National Standards and Finance on the business plan and approach and the city's bond capability and rating. They were given a preapproved preliminary \$5 million to create the Age Nation Life Learning Center.

Mr. Cappannelli said he is talking now with the city about the project that would work as a credit/tenant lease. Age Nation would be the principal tenant and lessee in a 20-25 year arrangement, at which time the property would revert to the city and Age Nation. There is no upfront cost to the city, but the city would guarantee to provide an annual amount of lease on the building. The city is not required to tie up any of its bonding capability.

Age Nation would run the enterprise of a cultural community development center for people in the second half of life and conduct educational certification training and cultural programs. Empower New Mexico would also do programs and there would also be sponsorship grants, memberships and donations, and as part of the business model there would be exhibits, products, services, and exhibitions, etc.

Councilor Ives noted that many of the numbers and statistics were without relevant time references. He said it is helpful to know where the numbers sit currently.

Mr. Cappannelli said he keeps hearing that Santa Fe is challenged financially and he is not sure where to get the dollars to invest in the new programs/facilities. He said effective use of the current resources is within scope. He said the operating divisions of Age Nation; the radio station, the live events, consulting etc., are the result of the \$500k they have invested and results in those areas is available.

Councilor Ives said he would like to look at the metrics to understand them better. He noted that Mayor Gonzales said having metrics is critical for everything the city does.

Mr. Cappannelli said in some degree that is part of the business plan and pro forma. He noted his experience with cities that are way behind the curve and in far greater difficulty. He said Santa Fe is way ahead of the United States in terms of the percentage of their aging population and that puts them behind the curve from the start. He said in some ways Santa Fe is ahead and in some ways they are behind.

Councilor Ives said he would like to see the business plan and pro forma.

He asked about National Standard's funds that are available to construct a facility.

Mr. Cappannelli explained that National Finance would buy a building and provide funds for renovation and over time the credit/tenant lease would provide a return on investment. The building would be owned by Age Nation and the city at the end of the designated period. The bonding rating of the city is used as a

guarantee against the lease and if Age Nation failed its obligations, the city would inherit that responsibility.

Councilor Ives said he would like to see the letter of intent from the city. He asked the number of people that would be touched by the delivery of services.

Mr. Cappannelli said the letter is a nonbinding letter of interest and Mr. Trujillo has copies, as well as the Mayor's office. He said also circulating is a preliminary description of the project and he would submit a full business plan. He said he does not know the number that would receive services, but conceptually he sees the center as having no limit to the number they could serve.

Councilor Ives asked where the revenue and income would come from. Mr. Cappannelli said Age Nation has a world counsel of people; leading experts, speakers and authors. They will conduct programs, lecture series, films, small conferences/symposiums, etc. and all of the programs would have some level of fee structure. Although some programs might be underwritten by grants or sponsorships, etc., the majority of the revenue from the business enterprise would come from the programs etc.

Ms. Kelly confirmed the amount requested was \$5 million. She asked what the monthly operational cost would be and if they had other models to show they could pay for those things.

Mr. Cappannelli said \$5 million is approved, but does not mean that would amount would be spent. An existing facility would be used and the lease would be about a quarter of a million dollars a year. He said they proposed that the program be piloted in Santa Fe, because Santa Fe is their home and they are aware of the issues involved with aging.

He used the City of Albuquerque as an example and said they have seven world-class senior centers. He said several of the centers are experimenting with valuable models. On average the centers provide almost 400k meals a year and deliver almost 200k meals to home-bound seniors and generate 350k volunteer hours among the senior population. Age Nation's goal with them is to get the volunteer hours to one million a year.

Ms. Kelly asked the percentage of the aging population that is low income or without access to facilities.

Mr. Cappannelli said nationally, New Mexico is 37th on the poverty level and even further down on some. He said one out of nine people who reach retirement age have the resources to take care of themselves for the rest of their lives.

Chair Lindell thanked Mr. Cappannelli's and said she appreciated his presentation.

B. Business Survey Update - (Fabian Trujillo)

Mr. Trujillo said the survey was conducted from January 2015 through the first quarter of this year. The

survey was a response from the Santa Fe Global and Trade Initiative, because of the lack of businesses willing to participate in the Mexican Trade Mission to Mexico City.

The survey was expanded to include all businesses and had 21 questions. It was marketed to 7k businesses and advertised by the Santa Fe Chamber of Commerce and Santa Fe Hispanic Chamber of Commerce and e-mail blasts; two write ups in the Santa Fe New Mexico and on City Hall Live and radio shows. The survey was conducted on Survey Monkey. There were 10 questions asked about the company; six on exporting and five asked on the business climate. There were 83 total response results: 75 responses to export questions; 69 to the business climate and 39 to the exporting.

The three largest industries responding were: 29% knowledge-based; 17% healthcare and 17% tourism. Businesses were mostly local; 61% have 0-4 employees and no larger businesses responded. Current business hiring results were 74% stable, but not hiring; 17% are hiring and 9% are downsizing.

Forty percent of businesses have sold to customers outside of the United States. The main barriers to exporting are that the business did not know about exporting, or has no goods or services to export. An exporting workshop was held on June 18, based on the survey results.

Only 3% rated the business climate as excellent; 14% rated above average; 49% fair and 34% rated below average or poor. Barriers to growing a business were: a lack of qualified employee base; business regulations/red tape- permitting, licensing and impact fees. The high living wage and high cost of living were mentioned.

Suggestions to improve the local economy were: more marketing and promotion of Santa Fe tourism; recruitment and economic development programs; cutting the red tape/reducing regulations; a buy-local city program; lower GRT (gross receipts taxes); stabilizing the living wage increases and improving the infrastructure.

In summary: the survey respondents appreciated being asked their opinion and thought it important to get educational assistance on exporting; they want more marketing and less 'red tape'.

Mr. Trujillo said the Santa Fe Global Trade Initiative suggested the survey be conducted annually and combined with more marketing from the Mayor's office, etc. He said the survey could be revised and asked for suggestions from the Committee.

Chair Lindell said the return of 1% on the survey is discouraging for the effort and methods that staff went to. Chair Lindell said the results will not be statistically significant.

Ms. Karp said she would ask how they could incentivize a response. She asked if the survey was only done online on Survey Monkey.

Mr. Trujillo said yes, because of costs. He said mailing a survey would probably get a higher response.

The Committee discussed the survey process:

- Ms. Noble said most effective has been to hire young people to put the paper in front of the businesses; that was done with the People to the Plaza Economic Impact Report. Young people waited for the business owner to fill out the paperwork. Ms. Kapin agreed; she gets stacks of things in the mail and online and thought some did not respond because they were not exporters.
- Mr. Conway suggested there could be a database that could answer some of the usual questions on the business application. He asked if more relevant questions could be added to the business license renewal forms. Mr. Trujillo said not to that level; the industry code has been added in business licensing and they get e-mail addresses. The rest is new information.
- The Committee liked Mr. Conway's idea and discussed having mandatory questions for renewals that would get the basics and then sending people to interview businesses. They could then determine the number to interview in each industry to ensure relevant information.
- Ms. Noble noted that the business licensing form and registration would have to be revised if the action item is passed by City Council.

VI. PUBLIC HEARING- (None)

VII. ITEMS FROM THE PUBLIC- Previously Discussed

Chair Lindell postponed Items from the Committee and Items from the Chair until the next meeting.

VIII. ITEMS FROM THE COMMITTEE- Postponed

A. SF Global Trade Initiative Work Group Update (Mayor Pro Tem Ives)

IX. ITEMS FROM STAFF

Ms. Noble suggested the Committee continue to work through the business licensing details. Chair Lindell said she would bring the topic forward.

Mr. Trujillo said the business license renewal is available online. He said changing the process to register online was discussed, but has not happened yet because of deficiencies in the IT Department. He suggested going through a legislative fix if the Committee tackles the business licensing process. He said it is not happening administratively.

Mr. Conway said the Committee is well suited, especially for the online. He said turning the business survey into a component of the business licensing to get a body of data would be meaningful.

Ms. Kapin said there is a low energy around the business environment and if things were done to make [the process] more cohesive she would like the Committee to tackle that. She said there is a lot that gets done that businesses don't know about and they should know.

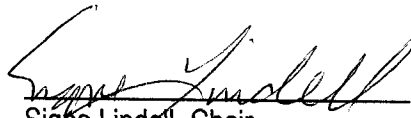
Chair Lindell thanked everyone and said the meeting was productive and they got traction on a topic that was brought to them and made improvements. She acknowledged the amount of work and time from the

Committee and said she appreciated that.

- X. ITEMS FROM THE CHAIR- Postponed**
A. Friends of the Plaza- Creation of a Subcommittee


- XI. NEXT MEETING DATE- November 12, 2014**
Having no further business to discuss the meeting adjourned at 12:50 p.m.

Approved by:



Signe Lindell, Chair

Submitted by:



Charmaine Clair, Stenographer