

AGENDA COVER MEMO

W & C  
04-6-30-4

AGENDA DATE: June 30, 2004

TO: LANE COUNTY BOARD OF COMMISSIONERS

DEPT.: LANE COUNTY OFFICE OF LEGAL COUNSEL

PRESENTED BY: Teresa J. Wilson, County Counsel *Teresa Wilson*

AGENDA ITEM TITLE: In the Matter of Setting a Date for the Final Hearing on the Formation of the Lane Library District

I. MOTION: I MOVE THAT THE ORDER SETTING JULY 28, 2004 AT 1:30 P.M. AS THE DATE FOR THE FINAL HEARING ON THE FORMATION OF THE LANE LIBRARY DISTRICT

II. ISSUE OR PROBLEM:

The Boundary Commission has approved the formation of the Lane Library District; the Board of Commissioners must now set a final hearing date.

III. DISCUSSION:

A. Background. On March 10, 2004, the Board accepted and officially filed the petitions for formation of the Lane Library District, and, as required by statute, referred the matter to the Boundary Commission. On June 3, 2004, the Boundary Commission held a hearing on the formation, and approved it. By statute, the matter comes back to the Board to set a date for the final hearing and order. ORS 198.810, 199.480.

B. Analysis. Because the matter includes a permanent tax rate limit for the proposed district, the Board is required to call an election of the question of forming the district at the time of the final hearing, which must be held at a primary or general election date. ORS 198.810(3), 198.815(2).

Since the Boundary Commission holds all the necessary hearings on the advisability of forming the district and on the appropriate location of the boundaries and adopts findings regarding needs and land use considerations, the statutes do not give the Board of Commissioners much discretion from now through the end of the formation. ORS 199.480(1) prohibits the Board from modifying the boundary set by the Boundary Commission.

Pursuant to the election laws, the candidates for the first members of the district board must file their petitions by August 24, 2004. ORS 255.235(2)(b).

C. Alternatives/Options. The date for the final hearing can be set anywhere between 20 and 50 days from June 30, 2004.

D. Recommendations. I recommend the Board set the hearing as described in the Order.

E. Timing.

July 28 - Final hearing and order calling for election.  
Aug. 24 - Petitions for nominations/declarations of candidacy due.  
Nov. 2 - Election.

IV. IMPLEMENTATION/FOLLOW-UP:

The Chief Deputy County Clerk will file the appropriate notices.

V. ATTACHMENTS:

Board Order with attached Exhibit "1", Lane County Local Government  
Boundary Commission Final Order 1238

IN THE BOARD OF COUNTY COMMISSIONERS  
OF LANE COUNTY, OREGON

ORDER NO. 04-6-30- ) IN THE MATTER OF SETTING A DATE  
 ) FOR THE FINAL HEARING ON THE  
 ) FORMATION OF THE LANE LIBRARY  
 ) DISTRICT

WHEREAS, pursuant to ORS Ch. 198 and Ch. 357, the Lane County Board of Commissioners adopted Order No. 04-3-10-21 on March 10, 2004, regarding the formation of the Lane Library District and forwarded a copy of the same to the Lane County Local Government Boundary Commission pursuant to ORS 199.476, and

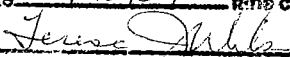
WHEREAS, on June 3, 2004, the Lane County Local Government Boundary Commission approved the formation of the Lane Library District by Final Order No. 1238, a copy of which is attached and incorporated herein as Exhibit "1", now therefore, it is hereby

ORDERED that:

1. The Order initiating formation be approved and ratified.
2. The name of the district shall be the "Lane Library District."
3. The boundary shall be as described in Exhibit "A", attached to the Lane County Local Government Boundary Commission Final Order No. 1238 attached hereto as Exhibit 1.
4. Pursuant to ORS 198.810, a final hearing shall be held on July 28, 2004 at 1:30 p.m. at the Public Services Building, 125 E. 8<sup>th</sup> Ave., Eugene, Oregon.
5. After the final hearing the Board will enter an Order calling for an election on November 2, 2004 on the question of the formation and permanent tax rate limit for the District.
6. Notice of the final hearing shall be published twice pursuant to ORS 198.730 and ORS 198.810 by the Chief Deputy County Clerk.
7. An election will be held on November 2, 2004, for the purpose of electing the first five members of the District Board.
8. The petitions for nominations or declarations of candidacy for the members of the board shall be filed no later than August 24, 2004, pursuant to ORS 255.235.
9. Notice of the election on question of formation and of the election of district board members, and the due date for petitions for nomination or declarations of candidacy shall be published pursuant to ORS 198.815 and 255.075 by the Chief Deputy County Clerk in the Register Guard.

DATED this 30th day of June, 2004.

APPROVED AS TO FORM

Date 6/22/04 Lane county  
  
OFFICE OF LEGAL COUNSEL

\_\_\_\_\_  
Chair, Lane County Board of  
Commissioners

LANE COUNTY LOCAL GOVERNMENT BOUNDARY COMMISSION

FINAL ORDER 1238

( File L LA 04 – 19  
( In the Matter of Forming the  
( Lane Library District

Approved: June 3, 2004

- Legal Description Attached as Exhibit A -

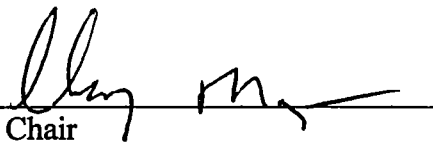
WHEREAS, in accordance with ORS 198.800 and 199.476, the Lane County Board of Commissioners passed Order No. 04-3-10-21 on March 10, 2004, accepting for filing the citizens petition for formation of the Lane Library District, and forwarded it to the Lane County Local Government Boundary Commission where it was deemed a valid filing on March 10, 2004; and,

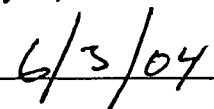
WHEREAS, the commission duly published notice of public hearing in accordance with ORS 199.463 and in accordance with the rules of the commission and ORS 199.452(1), conducted a public hearing on June 3, 2004; and,

WHEREAS, on the basis of the study of the proposal, which considered economic, demographic, and sociological trends and physical development of the land, and of the public hearing, the commission approved the proposal, as described in attached Exhibit A and shown on attached map Exhibit B.

NOW THEREFORE, a majority of the members of the commission at the public hearing approved the proposed formation of the Lane Library District and made the findings and reasons attached as Exhibit C.

ORDERED BY THE LANE COUNTY LOCAL GOVERNMENT BOUNDARY COMMISSION THIS 3<sup>rd</sup> DAY OF JUNE 2004.

  
\_\_\_\_\_  
Clay Myers, Chair

  
\_\_\_\_\_  
Date

## EXHIBIT A

A tract of land located in Lane County, Oregon and more particularly described as follows:

Beginning at the Northeast corner of Township 19 South, Range 3 West, Willamette Meridian; thence Westerly along the Fourth Standard Parallel, a distance of 1,075 feet more or less to the main channel of the Coast Fork of the Willamette River; thence Southerly along said main channel, a distance of 8,875 feet more or less to a point, said point being 1,105 feet more or less Westerly of the Southwest corner of the E. L. Bristow Donation Land Claim No. 51 located in Section 7, Township 19 South, Range 2 West of the Willamette Meridian; thence Easterly, a distance of 1,105 feet more or less to said Southwest Corner; thence continuing Easterly along the south line of said Donation Land Claim No. 51, a distance of 3,010 feet more or less to a point; thence Southerly, a distance of 1,585 feet more or less to a point; thence Easterly 1,495 feet more or less to a point on the East line of the B. Despain Donation Land Claim No. 52, said point being located in Section 8 of said Township and Range and located within Rodgers Road (County Road No. 937); thence Southerly along the east line of said Donation Land Claim No. 52, a distance of 1,105 feet more or less to a point; thence Westerly , a distance of 990 feet more or less to a point; thence Southerly, a distance of 170 feet more or less to a point, said point being on the south line of said Donation Land Claim No. 52 in Section 7 of said Township and Range; thence Westerly along said south line, a distance of 500 feet more or less to a point; thence Southerly , a distance of 60 feet more or less to the centerline of Danstrom Road (County Road No. 518 and 937); thence Easterly along said Danstrom Road, a distance of 1,480 feet more or less to the Northeast corner of Wm. R. Jones Donation Land Claim No. 54, said corner is located in Section 8 of said Township and Range and in the centerline of Rodgers Road (County Road No. 937); thence Southerly along the centerline of said Rodgers Road (County Road No. 272), a distance of 450 feet more or less to a point, said point being located in Section 17 of said Township and Range; thence Southeasterly along the centerline of said Rodgers Road, a distance of 2,580 feet more or less to a point; thence continuing Southeasterly along the centerline of Morton Road (County Road No. 640), a distance of 3,900 feet more or less to a point; thence Southwesterly along an extension of the centerline and centerline of said Morton Road, a distance of 1,380 feet more or less to a point; thence Southeasterly along the centerline of said

Morton Road, a distance of 210 feet more or less to a point, said point being on the section line common to Sections 17 and 20 of said Township and Range; thence Easterly along said section line, a distance of 930 feet more or less to the corner common to Sections 16, 17, 20 and 21 of said Township and Range; thence continuing Easterly along the section line common to said Sections 16 and 21, a distance of 5,280 feet more or less to the corner common to Sections 15, 16, 21 and 22 of said Township and Range; thence continuing Easterly along the section common to said Sections 15 and 22, a distance of 5,310 feet more or less to the corner common to Sections 14, 15, 22 and 23 of said Township and Range; thence Southerly along the section line common to Sections 22 and 23, a distance of 5,280 feet more or less to the corner common to Sections 22, 23, 26 and 27 of said Township and Range; thence Easterly along the section line common to said Sections 23 and 26, a distance of 5,280 feet more or less to the corner common to Sections 23, 24, 25 and 26; thence continuing Easterly along the section line common to said Sections 24 and 25 to the Northeast corner of said Section 25, said corner is on the range line common to Township 19 South, Range 2 West and Range 1 West of the Willamette Meridian; thence Southerly along said range line a distance of 5,280 feet more or less to the southeast corner of said Section 25; thence continuing Southerly along said range line, a distance of 5,280 feet more or less to the Southeast corner of Township 19 South, Range 2 West of the Willamette Meridian; thence Westerly along the township line common to Township 19 South and Township 20 South, Range 2 West of the Willamette Meridian, a distance of 5,280 feet more or less to the corner common to Sections 35 and 36 of Township 19 South, Range 2 West of the Willamette Meridian; thence continuing Westerly along said township line, a distance of 5,280 feet more or less to the corner common to Sections 34 and 35 of said Township and Range; thence continuing Westerly along said township line, a distance of 5,280 feet more or less to the corner common to Sections 33 and 34 of said Township and Range; thence Northerly along the section line common to said Sections 33 and 34, a distance of 2,640 feet more or less to the one-quarter corner common to said Sections 33 and 34; thence Westerly along the east-west center line section of said Section 33, a distance of 5,280 feet more or less to the one-quarter corner common to Sections 32 and 33 of said Township and Range; thence continuing Westerly along the east-west center section line of said Section 32, a distance of 5,305 feet more or less to the one-quarter corner common to Sections 31 and 32 of said Township and Range; thence continuing Westerly along the east-west center section line of said Section 31, a distance of

5,375 feet more or less to the one-quarter corner common to said Section 31 and Section 36, Township 19 South, Range 3 West of the Willamette Meridian; thence continuing Westerly along the center section line of said Section 36, a distance of 5,280 feet more or less to the one-quarter corner common to Sections 35 and 36, Township 19 South, Range 3 West of the Willamette Meridian; thence continuing Westerly along the center section line of said Section 35, a distance of 5,250 feet more or less to the one-quarter corner common to Sections 34 and 35 of said Township and Range; thence continuing Westerly along the center section line of said Section 34 a distance of 520 feet more or less to the Easterly right-of-way line of the Southern Pacific Railroad; thence Southwesterly along said right-of-way line, a distance of 2,850 feet more or less to a point, said point being on the South section line of said Section 34 and on the township line common to Township 19 South and Township 20 South, Range 3 West of the Willamette Meridian; thence Westerly along said township line, a distance of 3,760 feet more or less to the section corner common to Sections 33 and 34, Township 19 South, Range 3 West of the Willamette Meridian; thence continuing Westerly along said township line, a distance of 1,670 feet more or less to the Southwest corner of the G. W. Harper Donation Land Claim No. 65; thence Northerly along the west line of said Donation Land Claim, a distance of 2,670 feet more or less to a point; thence Westerly, a distance of 3,410 feet more or less to the Westerly Southwest Corner of the J. M. Farlow Donation Land Claim No. 66; thence Northerly along the most westerly line of said Donation Land Claim, a distance of 1,760 feet more or less to the Northwest corner of said Donation Land Claim; thence Easterly along the north line of said Donation Land Claim, a distance of 1,120 feet more or less to the Southeast corner of Government Lot 4 of said Section 33; thence Northerly along the east line of said Government Lot, a distance of 890 feet more or less to the Northeast corner of said Government Lot; thence continuing Northerly along the west line of Government Lot 4 of Section 28, Township 19 South, Range 3 West of the Willamette Meridian, a distance of 1,330 feet more or less to the Northwest corner of said Government Lot; thence Westerly along the south sixteenth line of said Section 28, a distance of 1,320 feet more or less to the South sixteenth corner common to Sections 28 and 29 of said Township and Range; thence continuing Westerly along the south sixteenth line of said Section 29, a distance of 5,295 feet more or less to the South sixteenth corner common to Sections 29 and 30 of said Township and Range; thence continuing Westerly along south sixteenth line of said Section 30, a distance of 660 feet more or less to the Southwest

corner of the East one-half of the Northeast one-quarter of the Southeast one-quarter of said Section 30; thence Northerly along the west line of said East one-half and extension thereof, a distance of 3,980 feet more or less to the Northwest corner of the East one-half of the Northeast one-quarter of the Northeast one-quarter of said Section 30; thence Westerly along the section line common to Sections 19 and 30 of said Township and Range, a distance of 1,980 feet more or less to the one-quarter corner common to said Sections 19 and 30; thence Southerly along the north-south center section line, a distance of 1,330 feet more or less to the Northeast corner of the Southeast one-quarter of the Northwest one-quarter of said Section 30; thence Westerly along the north line of said Southeast one-quarter, a distance of 1,320 feet more or less to the Northwest corner of said Southeast one-quarter; thence Southerly along the west line of said Southeast one-quarter, a distance of 1,330 feet more or less to the Southeast corner of the Southwest one-quarter of the Northwest one-quarter of said Section 30; thence Westerly along the south line of said Southwest one-quarter, a distance of 1,450 feet to the one-quarter corner common to said Section 30 and Section 25, Township 19 South, Range 4 West of the Willamette Meridian; thence Northerly along the section line common to said Sections 25 and 30, a distance of 2,670 feet more or less to the section corner common to Sections 19 and 30, Township 19 South, Range 3 West and Sections 24 and 25, Township 19 South, Range 4 West of the Willamette Meridian; thence Westerly along the section line common to said Sections 24 and 25, a distance of 5,285 feet more or less to the section corner common to Sections 23, 24, 25 and 26, Township 19 South, Range 4 West of the Willamette Meridian; thence Southerly along the section line common to said Sections 25 and 26, a distance of 1,330 feet more or less to the Northeast corner of the Southeast one-quarter of the Northeast one-quarter of said Section 26; thence Westerly along the north line of said Southeast one-quarter, a distance of 1,320 feet more or less to the Northwest corner of said Southeast one-quarter; thence Southerly along the west line of said Southeast one-quarter, a distance of 1,320 feet more or less to the Southwest corner of said Southeast one-quarter; thence Westerly along the east-west center section line of said Section 26, a distance of 3,970 feet more or less to the one-quarter corner common to Sections 26 and 27 of said Township and Range; thence Northerly along the section line common to said Sections 26 and 27, a distance of 2,640 feet more or less to the corner common to Sections 22, 23, 26 and 27 of said Township and Range; thence Westerly along the section line common to Sections 22 and 27, a distance of 5,280 feet more or less to the corner common to Sections 21,



22, 27 and 28 of said Township and Range; thence continuing Westerly along the section line common to said Sections 21 and 28, a distance of 5,330 feet more or less to the corner common to Sections 20, 21, 28 and 29 of said Township and Range; thence Northerly along the section line common to said Sections 20 and 21, a distance of 5,290 feet more or less to the corner common Sections 16, 17, 20 and 21 of said Township and Range; thence continuing Northerly along the section line common to said Sections 16 and 17, a distance of 5,280 feet more or less to the corner common to Sections 8, 9, 16 and 17 of said Township and Range; thence continuing Northerly along the section line common to said Sections 8 and 9, a distance of 2,640 feet more or less to the one-quarter corner common to said Sections 8 and 9; thence Easterly along the east-west center section line of said Section 9, a distance of 5,280 feet more or less to the one-quarter corner common to Sections 9 and 10 of said Township and Range; thence continuing Easterly along the east-west center section line of said Section 10, a distance of 5,300 feet more or less to the one-quarter corner common to Sections 10 and 11 of said Township and Range; thence continuing Easterly along the east-west center section line of said Section 11, a distance of 5,300 feet more or less to the one-quarter corner common to Sections 11 and 12 of said Township and Range; thence continuing Easterly along the east-west center section line of said Section 12, a distance of 5,250 feet more or less to the one-quarter corner common to said Section 12 and Section 7, Township 19 South, Range 3 West of the Willamette Meridian; thence Northerly along the section line of said Sections 7 and 12, a distance of 2,650 feet more or less to the corner common to Sections 1 and 12, Township 19 South, Range 4 West and Sections 6 and 7, Township 19 South, Range 3 West of the Willamette Meridian; thence continuing Northerly along the section line common to said Sections 1 and 6, a distance of 5,280 feet more or less to the Southwest corner of Township 18 South, Range 3 West of the Willamette Meridian; thence Easterly along the Fourth Standard Parallel South, a distance of 5,280 feet more or less to the south section corner common to Sections 31 and 32, Township 18 South, Range 3 West of the Willamette Meridian; thence continuing Easterly along said Standard Parallel, a distance of 4,550 feet more or less to the westerly right-of-way line of Beymer Road (County Road No. 269); thence Northerly along said westerly right-of-way line, a distance of 5,660 feet more or less to a point, said point being the intersection of said right-of-way line and the section line common to Sections 29 and 32 of said Township and Range; thence Northeasterly along said right-of-way line, a distance of 1,280 feet more or less to a point, said point being the

intersection of said right-of-way line and the section line common to Sections 28 and 29 of said Township and Range; thence continuing Northeasterly along said right-of-way line, a distance of 2,760 feet more or less to a point, said point being the intersection of said right-of-way line and the westerly right-of-way line of Dillard Road (County Road No. 1014); thence Northerly along said Dillard Road right-of-way line, a distance of 2,660 feet more or less to a point, said point being the intersection of said right-of-way and the section line common to Sections 21 and 28 of said Township and Range; thence Easterly along the section line common to said Sections 21 and 28, a distance of 3,385 feet more or less to the corner common to Sections 21, 22, 27 and 28 of said Township and Range; thence continuing Easterly along the section line common to said Sections 22 and 27, a distance of 3,985 feet more or less to the Northwest corner of Government Lot 4 of said Section 27; thence Southerly along the west line of said Government Lot and extension thereof, a distance of 5,330 feet more or less to a point, said point being on the section line common to Sections 27 and 34 of said Township and Range and being within Dillard Road (County Road No. 630); thence Easterly along said section line, a distance of 1,310 feet more or less to the corner common to Sections 26, 27, 34 and 35 of said Township and Range; thence continuing Easterly along the section line common to Sections 26 and 35, a distance of 3,710 feet more or less to a point, said point being the intersection of said section line and the westerly right-of-way line of the Southern Pacific Railroad; thence Southwesterly along said right-of-way line, a distance of 5,300 feet more or less to a point, said point being on the south section line of said Section 35 and on the Fourth Standard Parallel South; thence Easterly along said Standard Parallel, a distance 1,970 feet more or less to the corner common to Sections 35 and 36 of said Township and Range; thence continuing Easterly along said Standard Parallel, a distance of 5,340 feet to the Point of Beginning.

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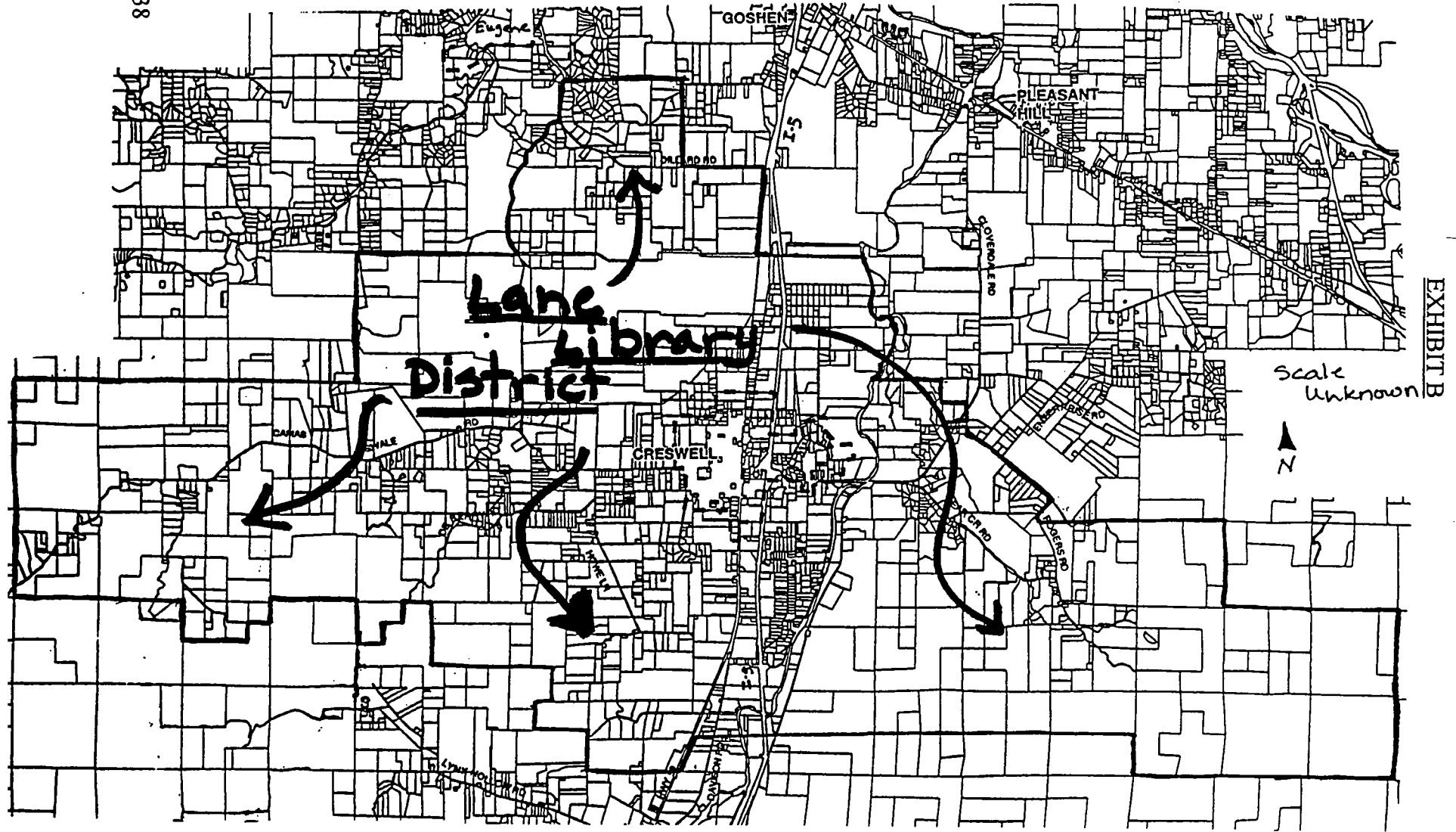


EXHIBIT B

## EXHIBIT C

### Findings:

1. This proposal was initiated with the boundary commission on March 11, 2004, via Lane County Board of County Commissioners' Order No. 04-3-10-21, accepting for filing the citizens petition for formation of the Lane Library District and referring it to the Lane County Local Government Boundary Commission, in accordance with provisions of ORS Chapters 198, 199, and 357. The proposal was determined to be a valid filing under OAR 191-006 on March 11, 2004.
2. The proposal is to form a special library district to be known as the Lane Library District. It includes a total land area of about 63 square miles with an estimated population of 7,577. There are approximately 3,137 housing units in the proposed district.
3. An estimated permanent tax rate of \$0.59 per \$1,000 of assessed valuation is proposed. The estimated assessed valuation for the proposed district is \$348,352,217.
4. The Lane Library District boundary includes roughly the same geographic area as the Creswell School District.
5. Land uses within the proposal are varied, including, rural residential, commercial, agricultural, and forest, and city residential, commercial and industrial. The City of Creswell is included within the proposal area.
6. Approval of this proposed district will allow the formation and permanent tax rate vote to be set for the November 2, 2004, general election ballot.

***Provide an impartial forum for resolution of local jurisdictional questions. Consider the effects of the boundary change on other units of government. ORS 199.410(1)(b) and 199.410(3)(c)***

7. The boundary commission held a public hearing on June 3, 2004. Notice of the public hearing was given in accordance with ORS 199 provisions. All interested parties were given a reasonable opportunity to be heard.
8. Referrals were sent to the following affected units of governments: Lane County, City of Creswell, South Lane County Fire & Rescue, Goshen Rural Fire Protection District, Eugene Rural Fire Protection District #1, Port of Siuslaw, and Emerald People's Utility District.
9. A written statement of support for the proposed library district was submitted by the Oregon State Librarian.

10. The general government combined tax rates for all affected units of local governments within the proposed district boundary range from \$1.27 and \$4.98. These ranges of combined rates are not at nor over the \$10.00 tax limit specified in the Oregon Constitution and ORS 310. The proposed district tax rate of \$0.59/\$1,000 of assessed value would result in a combined rate below the \$10.00 cap.
11. The proposed Lane Library District is consistent with this boundary commission standard.

***Consider the orderly determination and adjustment of local government boundaries to best meet the needs of Lane County and Oregon. Consider alternative solutions where intergovernmental options are identified and make decisions based on the most effective long-range option among identified alternatives. ORS 199.410(1), 199.410(2), and 199.410(3)(a) and (e)***

12. The boundaries of the proposal include the City of Creswell and rural properties roughly in the same geographic boundary as the Creswell School District.
13. Formation of the library district will provide a reliable revenue source to provide library services to an area currently underserved.
14. Commission implementing policy 7 recognizes formation of new districts when other options are not feasible. In this case, there is no other provider of library services.
15. The proposal is consistent with boundary commission policies and this standard.

***Make boundary commission determinations which are consistent with acknowledged local comprehensive plans. Assure an adequate quality and quantity of public services required in the comprehensive plan to meet existing and future growth. For major boundary changes, there must be assurance that the proposed unit of government is financially viable. ORS 199.410(1)(d), 199.410(3)(b), and (d)***

16. The proposal includes territory within the acknowledged Creswell Comprehensive Land Use Plan (acknowledged by LCDC in December 1982 and has been subsequently amended). The proposed district is consistent with the applicable policies in the comprehensive plan.
17. The library district proposal is consistent with the Lane County Rural Comprehensive Plan (acknowledged by LCDC in September 1984 and has been subsequently amended) which supports the provision of cultural services to rural residents.
18. The estimated permanent tax rate of approximately \$0.59 per \$1,000 of assessed valuation will generate approximately \$189,086 in annual revenues. Additional income of \$8,500 is estimated for a total income total of \$197,586. The projected revenues appear sufficient to meet the estimated operating expenditures of \$197,300.

19. The existing non-education taxing authorities include combined ranges of \$1.27 to \$4.96 per \$1,000 of assessed value. The proposed library district rate of \$0.59/\$1,000 of assessed value would not bring the proposal area near the \$10.00 constitutional taxing cap.
20. The proposed district is consistent with this standard.

***Consider the comprehensive plan's economic, demographic, and sociological trends and projections and its environmental policies, pertinent to the proposal. ORS 199.410(3)(d) and 199.462(1)***

21. The provision of library service is consistent with the applicable comprehensive plans. Library service will not promote development but will respond to the needs of existing development.
22. The proposal is consistent with this standard.

**Reasons:**

1. The proposal is consistent with the Creswell Comprehensive Land Use Plan and the Lane County Rural Comprehensive Plan.
2. Library service will provide cultural opportunities to rural residents, which is consistent with the Lane County Rural Comprehensive Plan.
3. The annual operating budget proposed appears adequate to provide the level of services desired.
4. The formation is logical and is consistent with the boundary commission statute and standards.

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