

**CITY-COUNTY COUNCIL
INDIANAPOLIS, MARION COUNTY, INDIANA
REGULAR MEETING
Monday, June 6, 1983**

A Regular Meeting of the City-County Council of Indianapolis, Marion County, Indiana, convened in the Council Chambers of the City-County Building at 7:03 p.m., Monday, June 6, 1983. President SerVaas in the Chair. Councillor George B. Tintera opened the meeting with a prayer, followed by the Pledge of Allegiance.

ROLL CALL

President SerVaas instructed the Clerk to take the roll. Twenty-eight members being present, he announced a quorum.

PRESENT: Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Jones, Journey, McGrath, Miller, Nickell, Page, Rader, Sawyers, Schneider, SerVaas, Stewart, Strader, Tintera, Vollmer, West

ABSENT: Rhodes

CORRECTION OF THE JOURNAL

The Chair called for additions or corrections to the Journal of May 23, 1983. There being no additions or corrections to the Journal, the minutes were approved as distributed.

OFFICIAL COMMUNICATIONS

The Chair called for the reading of Official Communications. The Clerk read the following:

**TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:**

Ladies and Gentlemen:

You are hereby notified that there will be a REGULAR MEETING of the City-County Council held in the City-County Building, in the Council Chambers, on Monday, June 6, 1983, at 7:00 p.m. The purpose of such MEETING being to conduct any and all business that may properly come before the regular meeting of the Council.

Respectfully,

**s/Beurt SerVaas, President
City-County Council**

**TO THE HONORABLE PRESIDENT AND MEMBERS OF THE
CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS
AND MARION COUNTY, INDIANA:**

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the Indianapolis NEWS and the Indianapolis COMMERCIAL on May 26, 1983, and June 2, 1983, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 245 and 246, 1983, to be held on Monday, June 6, 1983, at 7:00 p.m., in the City-County Building.

Respectfully,

s/Beverly S. Rippy
City Clerk

**TO THE HONORABLE PRESIDENT AND MEMBERS OF THE
CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS
AND MARION COUNTY, INDIANA:**

Ladies and Gentlemen:

I have this day approved with my signature and delivered to the Clerk of the City-County Council, Mrs. Beverly S. Rippy, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 41, 1983, authorizing Marion County to borrow on a temporary loan for the use of the County General Fund during the period July 1, 1983 to December 29, 1983, in anticipation of current taxes levied in the year 1982 and collectible in the year 1983, authorizing the issuance of tax anticipation time warrants to evidence such loan; pledging and appropriating the taxes to be received in said fund to the payment of said tax anticipation time warrants including the interest thereon.

FISCAL ORDINANCE NO. 42, 1983, approving temporary tax anticipation borrowing, authorizing the City of Indianapolis to make temporary loans for the use of the Park District Fund and Consolidated County Fund during the period July 1, 1983, to December 31, 1983, in anticipation of current taxes levied in the year 1982 and collectible in the year 1983, authorizing the issuance of tax anticipation time warrants to evidence such loan; pledging and appropriating the taxes to be received in said Funds to the payment of said tax anticipation time warrants including the interest thereon; ratifying, approving, and confirming the proceedings had and action taken by the Police Special Service District Council, the Fire Special Service District Council, and the Solid Waste Special Service District Council in authorizing the making of the temporary loans and the issuance of tax anticipation time warrants to evidence such loans for the Consolidated Fire Force Account, the Firemen's Pension Fund, and the Sanitary Solid Waste General Fund; and fixing a time when this ordinance shall take effect.

FISCAL ORDINANCE NO. 44, 1983, amending the City-County Annual Budget for 1983 (City-County Fiscal Ordinance No. 65, 1982) authorizing changes in the personnel compensation schedule (Section 2.03) of the County Surveyor.

GENERAL ORDINANCE NO. 50, 1983, amending the "Code of Indianapolis and Marion County, Indiana" Section 29-331, Passenger and materials loading zones.

GENERAL ORDINANCE NO. 51, 1983, amending the "Code of Indianapolis and Marion County, Indiana" Section 29-136, Alteration of prima facie speed limit.

GENERAL ORDINANCE NO. 52, 1983, amending the "Code of Indianapolis and Marion County, Indiana" Section 29-331, Passenger and materials loading zones.

GENERAL ORDINANCE NO. 53, 1983, amending the "Code of Indianapolis and Marion County, Indiana" Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 54, 1983, amending the "Code of Indianapolis and Marion County, Indiana" Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 55, 1983, amending the "Code of Indianapolis and Marion County, Indiana" Section 29-267, Parking prohibited at all times on certain streets.

GENERAL ORDINANCE NO. 56, 1983, amending the "Code of Indianapolis and Marion County, Indiana" Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 57, 1983, amending City-County General Ordinance No. 61, 1982, authorizing changes in the personnel schedule of the Lawrence Township Trustee.

GENERAL ORDINANCE NO. 58, 1983, amending the "Code of Indianapolis and Marion County, Indiana" Section 29-92, Schedule of intersection controls.

SPECIAL RESOLUTION NO. 53, 1983, honoring Randy Wittman.

Respectfully submitted,

s/William H. Hudnut, III
Mayor

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 280. 1983. Councillor Howard read the proposal recognizing the 75th Session of the Indiana Conference of the African Methodist Episcopal Zion Church. He moved, seconded by Councillor Hawkins, for adoption. Proposal No. 280, 1983, was adopted by unanimous voice vote, retitled SPECIAL RESOLUTION NO. 54, 1982, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 54, 1983

A SPECIAL RESOLUTION recognizing the 75th Session of the Indiana Conference of the African Methodist Episcopal Zion Church.

WHEREAS, the 75th Session of the Indiana Annual Conference of the African Methodist Episcopal Zion Church will convene at Jones Tabernacle A.M.E. Zion Church from May 31 through June 5; and

WHEREAS, the theme of this year's conference is "Crusading for Christ through Education and Evangelism"; and

WHEREAS, the right Reverend J. Clinton Hoggard is the presiding Bishop; and

WHEREAS, Jones Tabernacle Church is pastored by the Reverend Brownell D. Pagan; and

WHEREAS, the Conference Room will be highlighted by a speech by the Honorable Richard Arrington, Jr., Mayor of Birmingham, Alabama; now, therefore:

**BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. On behalf of the citizens of Indianapolis and Marion County, Indiana, the City-County Council welcomes to the City of Indianapolis the participating members of the 75th Session of the Indiana Conference of the African Methodist Episcopal Zion Church.

SECTION 2. In this welcoming of the conference to Indianapolis, let it be known on behalf of the citizens of Indianapolis that we support education in all phases.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 283, 1983. Councillor Nickell read the proposal to her daughter, Michelle Nickell, honoring the John Marshall High School Girls Softball Team. She moved, seconded by Councillor Clark, for adoption. Proposal No. 283, 1983, was adopted by unanimous voice vote, retitled **SPECIAL RESOLUTION NO. 55, 1983**, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 55, 1983

A SPECIAL RESOLUTION honoring the John Marshall High School Girls Softball Team.

WHEREAS, the 1983 John Marshall High School Girls Softball Team won the Indianapolis Girls High School Softball Championship on May 26, 1983 with a final score of eight (8) to six (6) over the Northwest High School Team; and

WHEREAS, the Team had a season record of fifteen (15) wins and only four (4) losses; and

WHEREAS, six (6) of the thirteen (13) team members ended the season with batting averages of over four hundred (400); and

WHEREAS, Belinda Garza has been credited with thirty-two (32) stolen bases, Dana Nichols had nineteen (19) hits with fifteen (15) for extra bases and eleven (11) being either triples or home runs, and Michelle Nickell had a pitching record of seven (7) and one (1) pitching in over sixty-two (62) innings with sixty-two (62) strike outs, three (3) one-hit games and was named Team Most Valuable Player and outstanding John Marshall High School Female Athlete for 1982-83; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council both congratulates and honors Coaches Judy Schneider and Art Lawrence, and Team Members Dana Nichols, Belinda Garza, Michelle Nickell, Kelly Stocking, Carol Boggs, Cheryl Boggs, Tammy Wolf, Janet Shultz, Patti Kerr, Lisa Royce, Angie Adams, Christine Jenkins and Mary Grider.

SECTION 2. The Mayor is invited to join with the Council by affixing his signature hereto.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

INTRODUCTION OF PROPOSALS

[Clerk's Note: Councillor Miller moved, seconded by Councillor Cottingham, to advance Proposal No. 269, 1983, on the agenda. Consent was given. Councillor

Brinkman moved, seconded by Councillor Coughenour, to advance Proposal Nos. 271 and 272, 1983, on the agenda. Consent was given.]

PROPOSAL NO. 269, 1983. Introduced by Councillor Miller. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE directing the Marion County Auditor to submit a balanced budget for 1984 as was done in 1983"; and the President referred it to the Committee of the Whole to be heard under Special Orders, Final Adoption.

PROPOSAL NO. 270, 1983. Introduced by Councillor McGrath. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$1,550 for the Cooperative Extension Service for increased building maintenance"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 271, 1983. Introduced by Councillor Brinkman. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE for a final bond ordinance authorizing the issuance of \$1,500,000 Economic Development Revenue Bonds, Series 1983 Zimmer Paper Products, Inc."; and the President referred it to the Committee of the Whole to be heard under Special Orders, Final Adoption.

PROPOSAL NO. 272, 1983. Introduced by Councillor Brinkman. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION for an inducement resolution authorizing proceedings with respect to proposed economic development bonds for Greenbriar, Ltd. in an amount not to exceed \$2,400,000"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 273, 1983. Introduced by Councillors Brinkman and Boyd. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION for an inducement resolution authorizing proceedings with respect to proposed economic development bonds for Garry B. Lindboe, Frank K. Regan and Vicent W. Todd and/or any entity(s) designated by one or more of the aforementioned in an amount not to exceed \$5,000,000"; and the President referred it to the Economic Development Committee.

PROPOSAL No. 274, 1983. Introduced by Councillor Durnil. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION authorizing the Mayor to submit a grant application to the Department of Housing and Urban Development"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 275, 1983. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating

\$350,000 for the Administration Division, Department of Parks and Recreation to purchase land adjacent to Eagle Creek Park”; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 276, 1983. Introduced by Councillor Schneider. The Clerk read the proposal entitled: “A Proposal for a GENERAL ORDINANCE changing parking controls on a portion of Morris Street”; and the President referred it to the Transportation Committee.

PROPOSAL NO. 277, 1983. Introduced by Councillor Campbell. The Clerk read the proposal entitled: “A Proposal for a GENERAL ORDINANCE changing controls at Tacoma Avenue and 9th Street”; and the President referred it to the Transportation Committee.

PROPOSAL NO. 278, 1983. Introduced by Councillor Schneider. The Clerk read the proposal entitled: “A Proposal for a GENERAL ORDINANCE establishing a passenger and materials loading zone on a portion of Pennsylvania Street”; and the President referred it to the Transportation Committee.

PROPOSAL NO. 279, 1983. Introduced by Councillor McGrath. The Clerk read the proposal entitled: “A Proposal for a GENERAL ORDINANCE changing intersection controls at Berwyn and Manker Streets”; and the President referred it to the Transportation Committee.

MODIFICATION OF SPECIAL ORDERS

[Clerk’s Note: Council consent was given in order that the Council Rules on Preparation, Initiation, and Introduction of Proposals may be suspended and the following proposals may be introduced, although not timely submitted under the Rules.]

PROPOSAL NO. 281, 1983. Introduced by Councillors Dowden, Page, Jones, and McGrath. The Clerk read the Proposal entitled: “A Proposal for a GENERAL RESOLUTION authorizing the Department of Administration to increase the current vehicle inventory by two automobiles”; and the President referred it to the Administration Committee.

PROPOSAL NO. 282, 1983. Introduced by Councillor McGrath. The Clerk read the proposal entitled: “A Proposal for a FISCAL ORDINANCE appropriating \$201,242 for the Welfare Department for merit raises and salary increases”; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 284-291, 1983. Introduced by Councillor Durnil. The Clerk read the proposals entitled: "REZONING ORDINANCES certified from the Metropolitan Development Commission on June 3, 1983". Council consent was given on the proposals. Proposal Nos. 284-291, 1983, were retitled REZONING ORDINANCE NOS. 86-93, 1983, respectively, and read as follows:

**REZONING ORDINANCE NO. 86, 1983 82-Z-61 PIKE TOWNSHIP
COUNCILMANIC DISTRICT NO. 1**

8902 NORTH MICHIGAN ROAD, INDIANAPOLIS

U.S. 421, an Indiana Limited Partnership, by Raymond Lee, requests rezoning of 97.49 acres, being in D-6 II, C-4 and I-2-S districts, to C-S classification, to permit development of a multi-purpose business complex involving two separate districts and a transitional area between these districts.

**REZONING ORDINANCE NO. 87, 1983 83-Z-74 CENTER TOWNSHIP
COUNCILMANIC DISTRICT NO. 9**

3001 NORTH MERIDIAN STREET, INDIANAPOLIS

Amoco Oil Company, by L.N. Butcher, requests rezoning of 0.32 acres, being in D-9 district, to C-3 classification, for the purpose of removing existing station and replacing it with a modern station with the secondary sale of convenience food items.

**REZONING ORDINANCE NO. 88, 1983 83-Z-75 WASHINGTON TOWNSHIP
COUNCILMANIC DISTRICT NO. 1**

2270 WEST 86TH STREET, INDIANAPOLIS

Township 86 Development Company, by Paul S. Elkin requests rezoning of 3.31 acres, being in HD-2 district, to C-3 classification, to provide for construction of a 4,000 square foot building compatible with the integrated development known as North Willow Mall.

**REZONING ORDINANCE NO. 89, 1983 83-Z-76 WAYNE TOWNSHIP
COUNCILMANIC DISTRICT NO. 1**

3525 NORTH RACEWAY ROAD, INDIANAPOLIS

Carl T. Reis requests rezoning of 3.97 acres, being in I-2-S district, to D-5 classification, to provide for residential use.

**REZONING ORDINANCE NO. 90, 1983 83-Z-78 WAYNE TOWNSHIP
COUNCILMANIC DISTRICT NO. 16**

2601 WEST MICHIGAN STREET, INDIANAPOLIS

Linda Richmond, by Leonidas G. Condos, requests rezoning of 0.22 acre, being in I-3-U district, to C-3 classification, to provide for a beauty shop.

**REZONING ORDINANCE NO. 91, 1983 83-Z-82 WARREN TOWNSHIP
COUNCILMANIC DISTRICT NO. 11**

5811 MASSACHUSETTS AVENUE, INDIANAPOLIS

Darrell W. and Sharon Nealy, by Thomas L. Johnson, requests rezoning of 2.60 acres, being in D-4 district, to C-5 classification, to provide for an automobile body shop.

**REZONING ORDINANCE NO. 92, 1983 83-Z-101 WASHINGTON TOWNSHIP
COUNCILMANIC DISTRICT NO. 6**

4602 NORTH COLLEGE AVENUE, INDIANAPOLIS

Indiana Annual Conference Trustees, African Methodist Episcopal Zion Church, by Larry G. Whitney, requests rezoning of 1.60 acres, being in C-3 district, to SU-1 classification, to provide for church use.

**REZONING ORDINANCE NO. 93, 1983 83-Z-106 FRANKLIN TOWNSHIP
COUNCILMANIC DISTRICT NO. 13**

4723 SOUTH EMERSON AVENUE, INDIANAPOLIS

Joe Cline, by Stephen D. Mears, requests rezoning of 3.09 acres, being in D-4 district, to C-3 classification, to provide for commercial use.

SPECIAL ORDERS, PUBLIC HEARING

PROPOSAL NO. 245, 1983. This proposal appropriates \$120,000 for the Guardian Home to install a fire sprinkler system which is funded by a private donation. Councillor McGrath moved, seconded by Councillor Stewart, to postpone action until June 22, 1983. Council consent was given.

PROPOSAL NO. 246, 1983. This proposal authorizes the issuance and sale of bonds by the Board of County Commissioners for the purpose of making a loan to procure funds necessary to be advanced to Center Township for poor relief purposes. Councillor Tintera reported that the County and Townships Committee had a vote of 3-3 for passage and then voted 4-2 to send Proposal No. 246, 1983, to the full Council without recommendation. The President called for public testimony at 7:36 p.m. After comments from John McLane, Councillor Boyd moved, seconded by Councillor Howard for adoption. Proposal No. 246, 1983, was adopted on the following roll call vote; viz:

19 YEAS: *Borst, Boyd, Campbell, Cottingham, Coughenour, Dowden, Hawkins, Holmes, Howard, Jones, Miller, Nickell, Page, Rader, Schneider, SerVaas, Strader, Vollmer, West*

8 NAYS: *Brinkman, Clark, Durnil, Gilmer, McGrath, Sawyers, Stewart, Tintera*

2 NOT VOTING: *Journey, Rhodes*

Proposal No. 246, 1983, was retitled SPECIAL ORDINANCE NO. 9, 1983, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 9, 1983

A SPECIAL ORDINANCE authorizing the issuance and sale of bonds by the Board of Commissioners of the County of Marion for the purpose of making a loan to procure funds necessary to be advanced by said County to Center Township for poor relief purposes.

WHEREAS, the Board of Commissioners of the County of Marion did, on the 19th day of May, 1983, make and enter of record a finding that the amount of funds necessary to be advanced to Center Township of Marion County for financing the cost of poor relief heretofore incurred in said Township and through the end of the third quarter of 1983, is in excess of the amount that can be reasonably advanced by the County out of any funds now available and the Board of Commissioners has requested the City-County Council of the City of Indianapolis and Marion County to authorize the making of a loan to procure the funds necessary for said purpose; and

WHEREAS, a petition has been filed with the Board and the Council by more than fifty (50) taxpayers of Marion County, addressed to the Board of Commissioners and to the City-County Council of the City of Indianapolis and of Marion County, Indiana, requesting the Board and the Council to issue bonds of Marion County in an amount not to exceed Three Million Dollars (\$3,000,000) for the purpose of procuring funds in an amount sufficient to pay indebtedness heretofore incurred by Center Township of Marion County on account of poor relief and to continue to furnish such poor relief for a period not exceeding six (6) months following the month in which the Board of Commissioners act upon the petition by adopting an Order authorizing the issuance of bonds for the purpose described therein, together with the incidental expenses to be incurred in connection therewith and on account of the issuance of bonds therefor; and

WHEREAS, the City-County Council of the City of Indianapolis and Marion County now finds that the request of the Board of Commissioners of the County of Marion should be granted and that the City-County Council of the City of Indianapolis and Marion County should authorize such loan and the issuance of bonds of Marion County to evidence the same pursuant to the provisions of I.C. 12-2-5; now, therefore:

**BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. That the Board of Commissioners of the County of Marion is hereby authorized to make a loan for and on behalf of said County for the purpose of procuring funds necessary to pay indebtedness heretofore incurred by Center Township on account of poor relief furnished by said Township and for the continued financing of poor relief through the end of the third quarter of 1983, including an amount required for the payment of incidental expenses incurred in the making of such loan, as authorized by law, and to that end to issue and sell bonds of the County in the manner and form provided for by I.C. 12-2-5 and 6-1.1-20.

SECTION 2. The maximum amount of said loan and bonds issued to evidence the same shall not exceed the amount of Three Million Dollars (\$3,000,000) and the bonds shall bear interest at a rate not exceeding twelve percent (12%) per annum. The bonds issued pursuant to this ordinance shall mature and be paid in six (6) semi-annual series.

SECTION 3. As soon as can be done after passage of this ordinance the Board of Commissioners of the County of Marion shall enter an order fixing the exact amount of the proposed loan but in no event exceeding the amount of Three Million Dollars (\$3,000,000) and providing that the interest rate shall be the lowest interest rate bid on said bonds but in no event exceeding the rate of twelve percent (12%) per annum.

Said bonds shall be issued in denominations of Five Thousand Dollars (\$5,000) or any integral multiple thereof. The Board of Commissioners of the County of Marion shall also adopt the form of the bonds and said form shall be substantially followed in the issuance of the same.

SECTION 4. As soon as can be done after adoption of said final order by the Board of Commissioners of the County of Marion, the County Auditor shall give notice to the taxpayers of the filing of the petition for the bonds and of the determination to make the loan and to issue the bonds herein authorized. Said notice shall be published in Marion County and shall also be posted in three public places in the County, all as provided by I.C. 6-1.1-20-4 and 6-1.1-20-5.

In the event a remonstrance shall be filed by the owners of taxable real estate under the provisions of I.C. 6-1.1-20-4, then no further steps towards the issuance of said bonds shall be taken unless and until the Board of Commissioners and the City-County Council shall have determined that such remonstrance is insufficient. In the event an objecting petition shall be filed with the County Auditor by owners of taxable real estate under the provisions of I.C. 6-1.1-20-5, then no further steps toward the issuance of said bonds shall be taken unless and until the State Board of Tax Commissioners shall issue its order approving the issuance of said bonds. In the event it shall be determined by the State Board of Tax Commissioners, or otherwise, that the whole amount of the bonds herein authorized shall not be issued, then the Auditor shall be authorized to advertise and sell a lesser amount of bonds and the bonds not issued and sold shall be the bonds of the longest maturity or maturities.

SECTION 5. The proceeds from the sale of said bonds, in the amount of Three Million Dollars (\$3,000,000) are hereby appropriated in accordance with the finding and order of the Board of Commissioners of the County of Marion dated the 19th day of May, 1983.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

SPECIAL ORDERS, FINAL ADOPTION

PROPOSAL NO. 83, 1983. This proposal amends the personnel schedule of the Washington Township Assessor. Councillor Tintera reported that the County and Townships Committee recommended to amend and pass Proposal No. 83, 1983, by a vote of 4-0 on June 3, 1983. He moved, seconded by Councillor Jones, the following:

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 83, 1983, by deleting the introduced version and substituting therefor the proposal entitled, "Proposal No. 83, 1983, Committee Recommendations".

Councillor Tintera

Council consent was given on the amendment. Councillor Tintera moved, seconded by Councillor Jones, for adoption. Proposal No. 83, 1983, As Amended, was adopted on the following roll call vote; viz:

24 YEAS: *Borst, Boyd, Brinkman, Campbell, Cottingham, Coughenour, Dowden, Gilmer, Hawkins, Holmes, Howard, Jones, Journey, Miller, Nickell, Page, Rader, Sawyers, SerVaas, Stewart, Strader, Tintera, Vollmer, West*

NO NAYS

5 NOT VOTING: *Clark, Durnil, McGrath, Rhodes, Schneider*

Proposal No. 83, 1983, As Amended, was retitled FISCAL ORDINANCE NO. 45, 1983, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 45, 1983

A FISCAL ORDINANCE amending the City-County Annual Budget for 1983 (City-County Fiscal Ordinance No. 65, 1982) transferring and appropriating Six Hundred Fifty Dollars (\$650) in the County General Fund for purposes of the Washington Township Assessor and reducing certain other appropriations for that division.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.03 (d)(8) of the City-County Annual Budget for 1983, be, and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing funds to purchase supplies and adjust the personnel schedule.

SECTION 2. The sum of Six Hundred Fifty Dollars (\$650) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

WASHINGTON TOWNSHIP ASSESSOR	COUNTY GENERAL FUND
2. Supplies	<u>\$650</u>
Total Increase	\$650

SECTION 4. The said increased appropriation is funded by the following reductions:

WASHINGTON TOWNSHIP ASSESSOR	COUNTY GENERAL FUND
3. Other Services & Charges	<u>\$650</u>
Total Reductions	\$650

SECTION 5. The personnel schedule is amended by deleting the crosshatched portions and adding the new amounts as underlined herein:

(d) (8) WASHINGTON TOWNSHIP ASSESSOR

Personnel Classification	Maximum Number	Maximum Salary	Maximum Classification
Assessor	1	31,749	31,749
Chief Deputy	1	23,812	23,812
Secretary	1	11,183	11,183
Personal Prop. Deputies	2	17,576	30,132
Real Estate Deputies	6	19,429	94,251
Technical Clerks	6	12,204	68,163
Draftsman	1	13,702	13,702
Temporary			<i>h/sb/l</i> <u>12,154</u>
<u>Vacancy Factor</u>	—		<i>o</i> <u>(5,300)</u>
TOTAL	18		279,846

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 243, 1983. This proposal creates the Department of Administration. Councillor Dowden reported that the Administration Committee amended and passed Proposal No. 243, 1983, by a vote of 5-0 on June 1, 1983. He stated that this proposal establishes the Department of Administration due to Home Rule Legislation and there were a few minor substitutions made by the Committee to make the ordinance more workable. Councillor Dowden moved, seconded by Councillor Clark, the following:

CITY—COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 243, 1983, by deleting the introduced version and substituting therefor the proposal entitled, "Proposal No. 243, 1983, Committee Recommendations".

Councillor Dowden

Council consent was given. Councillor Dowden moved, seconded by Councillor Clark, for adoption. Proposal No. 243, 1983, As Amended, was adopted on the following roll call vote; viz:

25 YEAS: *Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Jones, Journey, Miller, Nickell, Page, Rader, Sawyers, Schneider, SerVaas, Stewart, Strader, Tintera, Vollmer*

1 NAY: *West*

3 NOT VOTING: *Borst, McGrath, Rhodes*

Proposal No. 243, 1983, As Amended, was retitled GENERAL ORDINANCE NO. 59, 1983, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 59, 1983

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana" by adding a new Chapter 3, dealing with the Department of Administration.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Code of Indianapolis and Marion County, Indiana" is hereby amended by adding a new Chapter 3 to read as follows:

Chapter 3 - ADMINISTRATIVE DEPARTMENTS

ARTICLE I. DEPARTMENT OF ADMINISTRATION

Sec. 3-1. Department created, duties, powers.

(a) There is hereby created a department of administration for the consolidated city as successor to the department of administration established by I.C. 18-4-7 (repealed).

(b) Duties, powers: It shall be the responsibility of the department of administration to carry out the general administrative functions of the consolidated city as stated in this article. In addition the department shall have any other powers and duties assigned by law or by the Mayor. The department shall have all powers prescribed for it as of August 31, 1983 subject to I.C. 36-3-4-23.

Sec. 3-2. Director, duties.

(a) The chief administrative officer of the department shall be a director who shall be appointed by the Mayor with the approval of the city-county council as required by I.C. 36-3-5-2. The director is appointed for a term of one (1) year and until his successor is appointed and qualified, but serves at the pleasure of the mayor.

(b) The director of the department of administration shall have the following powers and duties:

1. To supervise and coordinate the activities of divisions within the department;
2. To oversee the daily operations of the department;
3. To prepare and submit the department's budget to the controller as required by I.C. 36-3-6-4;
4. To appoint an administrator to be the head of each division except the legal division and the finance division subject to the approval of the mayor as provided in I.C. 36-3-5-5;
5. To approve the hiring and dismissal of the personnel of the department subject to the limitations prescribed by law and rules adopted by the mayor as provided in I.C. 36-3-5-5 (c);
6. To manage the personnel of the department;
7. To delegate to the personnel of the department authority to act on his behalf as provided in I.C. 36-3-5-5 (c);
8. To execute contracts subject to the authority of the city-county administrative board, the mayor and any other limitations prescribed by law;
9. Any other powers which may be granted by law or assigned by the mayor.

Sec. 3-3. Divisions.

The department of administration shall be composed of the following divisions:

(A) Office of the Director.

The office of the director shall:

1. Purchase or authorize the purchase of and maintain records of insurance and administer fringe benefits for city officers and employees;
2. Purchase or authorize the purchase of and maintain records of surety bonds for city and county offices and employees and for township assessors if requested to do so by the assessors;
3. Allocate parking spaces in the city-county building parking garage;
4. Provide public relations and citizens complaint services for the department;
5. Be the cable communications office as provided in Sec. 8½-126 of the "Code of Indianapolis and Marion County, Indiana";
6. Develop and manage an energy efficiency program for the city.

(B) Legal Division.

(a) Corporation Counsel - the administrator of the legal division shall be the corporation counsel who shall be appointed by and serve at the pleasure of the mayor as required by I.C. 36-3-5-2 (d). The corporation counsel shall be responsible to the mayor for the functions of the division.

(b) Duties and powers - it shall be the duty of the legal division to furnish all legal services to the mayor, the city-county council, all departments and divisions of the city and all county officials and agencies.

The Legal Division shall:

1. Prepare ordinances for introduction before the city-county council and prepare legislative proposals to be introduced in the general assembly;
2. Prepare leases, deeds, contracts and other legal papers;
3. Institute legal action for the purpose of enforcing the ordinances of the consolidated city;
4. Employ the services of outside legal counsel when in the best interests of the consolidated city with the approval of the mayor;
5. Furnish legal advice and opinions when such legal advice or opinion is requested;
6. Compromise litigation and effect settlement of impending litigation affecting the consolidated city with the approval of the mayor;
7. Enter an appearance as attorney for and represent and defend the consolidated city, the mayor, the members of the city-county council, all departments and divisions of the consolidated city, county agencies, all officers, agents and employees thereof in all causes of action wherein they are parties by reason of their official capacity and to conduct all appellate litigation arising therefrom.

(c) Office of equal opportunity - The office of equal opportunity as described in chapter 16 of the "Code of Indianapolis and Marion County, Indiana" shall be a section of the legal division.

(C) Central Personnel Division.

(a) The chief administrator of the central personnel division shall be the director of personnel. The director of personnel shall have specific authorization:

1. To promulgate and codify personnel policies and procedures provided such actions are not in conflict with any federal, state or local laws;
2. To recommend the hiring, promotion, transfer, layoff and dismissal of any city employee, including salary reviews;
3. To fulfill the duties of wage and salary administrator.

(b) The director of personnel and the central personnel division are specifically authorized and directed to perform the following functions except where otherwise provided by federal, state or local law:

1. To recruit, advertise and post a list of all available city positions unless otherwise exempt from posting as determined by the director of personnel;
2. To approve the creation of all new positions in the city, including the reclassification of any existing position;
3. To promulgate and enforce a uniform system of job descriptions, job classification and salary range schedules for the city;
4. To screen and interview all applicants for employment and to determine whether the applicant meets the minimal qualifications for a city position as provided in the job description;
5. To exclusively refer qualified applicants for interview by the specific city department;
6. To issue written offers of employment and letters of rejection to applicants for employment with the city;
7. To prepare and maintain the master personnel file for each city employee;
8. To develop and administer tests to be used for interviewing and placement purposes;
9. To prepare the wage control for all city employees;
10. To develop, and administer all personnel and management training programs for the city departments;
11. To represent the city in all unemployment compensation and workmen's compensation proceedings and to coordinate the handling of claims processing in these areas;
12. To participate and assist in labor negotiations with any city bargaining representative;
13. To develop, administer and coordinate a comprehensive safety program for the city including completion of any reports necessary for governmental compliance;
14. To identify any safety violation in accordance with federal, state or local laws which exists in any city department and to determine and enforce applicable safety standards;
15. To perform any and all other duties related to personnel management and administration or any other duty or responsibility delegated to it by the mayor, department director or city-county council.

(D) Division of Employment and Training.

The Division of Employment and Training shall:

(a) Administer and, subject to the approval of the director, contract for the administration of federally and state funded employment and training programs, neighborhood health programs and programs for senior citizens.

(E) Purchasing Division.

(a) Purchasing agent. The purchasing agent shall be head of the purchasing division and shall be appointed by the director subject to the approval of the mayor.

(b) Duties and powers - the purchasing division shall:

1. Act as the agent in obtaining materials, supplies, equipment, or contractual services, other than personal services for city departments divisions or county offices. Any such department, division or office shall requisition such materials, supplies, equipment or services from the purchasing agent who shall, upon determining that appropriations are available for such purposes, acquire the items requisitioned in accordance with public purchase law. All contracts of purchase shall be made in the name of the city department or division or county office and be subject to the approval of the department, division or office;
2. Establish such purchasing and contractual procedures as may best be suited to obtain the greatest economic value to the consolidated city and the county;
3. Where bidding and publication of notice are required by law, the purchasing department shall prepare specifications and notice to bidders and see that the required notices are published;
4. Cooperate and consult with the controller or the auditor for the purpose of insuring that adequate funds are available prior to making necessary purchases and acquisitions to assure they are within the limits of the budget appropriations of the department division, office or body in need of the material;

5. Act as the agent of any executive department to sell or exchange any personal property ordered to be sold by a city department or division or county office in accordance with procedures prescribed by law.

(F) Central Equipment Management Division.

The Central Equipment Management Division shall:

1. Maintain and service all vehicular equipment, accessories and other related equipment owned by the city;
2. Operate maintenance garages;
3. Make a determination that it is in the best interest of the city for a department of the city to lease all or a portion of that department's vehicular capital equipment or other automotive maintenance property from Central Equipment management division. Upon such a determination by the administrator of central management division, the affected department and the board of that department shall cease to have the authority to acquire or approve the acquisition of the subject capital equipment or other property other than by lease from central equipment management division. Such authority to acquire or approve the acquisition of capital equipment or other property other than by lease from the central equipment management division may be restored by the administrator of the central equipment management division only by a determination by him that such a restoration of authority is in the best interest of the city.
4. Purchase and dispense fuel for authorized governmental vehicles and charge the cost of the same to the appropriate division or agency.

(G) Records Division.

The Records Division shall:

1. Catalog, store and microfilm records of the consolidated city, its departments and agencies;
2. Catalog, store and microfilm records of the county offices, courts and agencies as shall be requested by the lawful custodians of such records;
3. In addition, the division may acquire, maintain and operate such data processing equipment as may be authorized to effectively automate the processing of the information and statistical material.

(H) Finance Division.

(a) Duties and powers - The finance division shall administer and be responsible for the accounting, budget, payroll, investment and Barrett law assessment and collection functions of the city. In addition the finance division shall have all other duties and powers assigned by law or by the city-county council or the mayor.

(b) Controller appointment - The administrator of the finance division shall be a controller who shall be appointed by and serve at the pleasure of the mayor as required by I.C. 36-3-5-2. The controller shall have an appropriate seal. The controller may appoint deputies for whose acts he shall be responsible.

(c) Duties and powers - The controller or his deputies shall:

1. Prepare estimates of city expenditures pursuant to I.C. 36-3-6-4 (g) and I.C. 36-3-6-5;
2. Prepare, with the assistance of the corporation counsel, proposed appropriations ordinances for the city and special service districts and proposed ordinances fixing the rate of taxation for the taxes to be levied for city departments, offices and agencies;
3. Examine, from time to time, the officers, department and division heads and members of boards of the consolidated city as to their organization, accounting records, personnel and other requirements, to ascertain that their respective budgets are being followed and their functions performed and recommend any improvements or economies which might be made in the administrative practices of all the departments and divisions of the consolidated city;

4. Organize and maintain accounting systems for all of the departments of the consolidated city to be kept in accordance with generally accepted accounting principles for governments;
5. Provide suitable instruction for the use of forms and the methods of keeping all accounting records and preparation of all financial reports of the consolidated city;
6. Examine all contracts, purchase orders and other documents which would result in or involve financial obligations for the consolidated city and approve the same only upon ascertaining that there is an unexpended, unencumbered and unimpounded balance in the account or fund from which money may be drawn for payment;
7. Submit a monthly financial report to the mayor, for his presentation to the city-county council, showing the financial condition of the various accounts and funds of the consolidated city, including estimated revenues, revenues received, appropriations and allotments for such appropriations, and to furnish to all of the departments, monthly financial reports of their fiscal condition;
8. Designate banks and other financial depositories in which the funds of the consolidated city shall be deposited in accordance with applicable law and designate the municipal, state and federal securities which shall constitute proper legal investments for the consolidated city;
9. Prescribe the time and manner in which moneys received by the consolidated city shall be deposited in the designated banks or depositories;
10. Make investments of all city monies, including pension funds, sinking funds and all other funds of the consolidated city except as otherwise provided and subject to the ordinances of the city-county council and be responsible for the preparation and sale of all bonds and securities issued by the consolidated city;
11. Issue all consolidated city licenses upon receipt of the fee established and fixed therefor by ordinance;
12. Direct the administrative procedure for, and the accounting collection and payment of, all Barrett Law assessments within the limits of the consolidated city, attend to the enforcement of said assessments and provide for the issuance and payment of Barrett Law bonds;
13. Sign and issue all orders for money from the various funds of the consolidated city. No money shall be paid out by the treasurer except upon such order;
14. Require a claim form or order to be presented to him from the director or administrator of a department or division of the consolidated city as a requisite to issuing any order for the payment of money from funds of the consolidated city, and incidental thereto, he shall have power to require evidence that amounts claimed are justly due;
15. Keep a register of all bonds of the city and of the transfers thereof, where so provided in any such bond, and an account of all outstanding securities;
16. Audit or provide for the audit of the accounts of the departments of the consolidated city.

In addition each division shall have all powers and duties granted by law, the city-county council or the mayor.

Sec. 3-4. Vehicle inventory.

The department of administration and all appropriate county officials shall file with the city-county council an annual fleet inventory report listing each vehicle's make, model, description, purpose, assigned driver (if a drive-home vehicle) and odometer reading at the time of the report. The report shall be made as of June 30th each year and submitted by July 1st each year.

Sec. 3-5. Vehicle replacement.

The department of administration or any county official may purchase or lease a new or used vehicle to replace a vehicle that is logged on the current inventory pursuant to Sec. 3-4. Any other purchase of vehicles must have prior authorization from the city-county council. This section applied to any licensed, street-operated vehicle.

Sec. 3-6. City-County administrative board.

1. Members: The city-county administrative board (Board) shall consist of the director of the department of administration who shall serve as its presiding officer, the

county auditor, the controller and two (2) members appointed by the city-county council. Each appointed member shall serve a one (1) year term, however, all such appointed members shall serve at the pleasure of the appointing authority. If a vacancy occurs on the Board, the appointing authority shall appoint a replacement for the remainder of the unexpired term.

2. Meetings: Regular meetings of the Board shall be held at least once a month at times and places established by resolution of the Board or incorporated in its rules. No notice need be given any Board member for holding or taking any action at a regular meeting.

Special meetings of the Board shall be held on call of its presiding officer or by 40% of its members. Each member shall be notified of the time and place of such a meeting by a written notice delivered to each member personally or sent by mail or telegram. Such notice shall be delivered to each member or his agent at least seventy-two (72) hours before the meeting. Such notice may be waived by the members, by their presence at the meeting or by written notice executed either before or after the meeting. A majority of the members of the Board constitutes a quorum. Any action taken by the Board must be approved by three (3) members, acting in person and not by representatives.

3. The powers of the Board shall be as follows:

(a) The Board shall approve the following contracts for the department of administration and any other city or county office which does not currently have a board to approve the award of contracts, subject to the authority of the executive:

- i. Contracts for the lease or purchase of capital equipment or other property if such lease or purchase is required to be bid under I.C. 36-1-9;
- ii. Contracts for acquisition of and leases for real estate;
- iii. Any contract for public construction which must be bid under I.C. 36-1-12.

(b) The Board shall act as the "disposing agent" under I.C. 36-1-11 when a city or county board of office has determined that property shall be disposed of under I.C. 36-1-11-6.

(c) The Board shall review insurance and surety bond coverage for all officers, agents, employees, departments and agencies of city and county government.

- i. All officers and agencies of city and county government shall furnish complete information to the Board respecting all insurance and surety bond coverage.
- ii. The Board may hire or contract for the services of a professional insurance advisor, auditor or consultant to assist in compiling records and making recommendations on types, kinds or amounts of coverage.
- iii. The Board shall determine, subject to the approval of the mayor and the city-county council, and subject to I.C. 5-4-1 the appropriate kind, amount, coverage, acquisition and consolidation of the insurance and surety bonds of those governmental departments and officials subject to the Board.
- iv. The Board may designate an ex officio subcommittee composed of the presiding officer of the Board, the president of the Indianapolis Professional Firefighters Union local 416, the president of the Indianapolis Police Department, the president of the FOP 86, the presidents of AFSCME, locals 725, 1831, 1887, and 3131 or their duly appointed representatives. The ex officio subcommittee shall review and make recommendations to the Board as to medical and life insurance for employees, and other such related employee benefits.
- v. In addition the Board may designate any additional ex officio subcommittees as in its judgment will aid the board in effectuating the purposes of subsection (3)(c).

SECTION 2. Sec. 23-3 and Secs. 2-201 through 2-220 of the "Code of Indianapolis and Marion County, Indiana", are hereby repealed.

SECTION 3. (a) The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities.

ities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted. (b) An offense committed before the effective date of this ordinance, under any ordinance expressly or impliedly repealed or amended by this ordinance shall be prosecuted and remains punishable under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 4. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 248, 1983. This proposal creates the Department of Parks and Recreation. Councillor Gilmer reported that the Parks and Recreation Committee recommended passage by a vote of 6-0 on June 2, 1983. He stated that this proposal creates the Parks and Recreation Department due to Home Rule. He moved, seconded by Councillor Rader, for adoption. Proposal No. 248, 1983, was adopted on the following roll call vote; viz:

26 YEAS: *Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Jones, Journey, Miller, Nickell, Page, Rader, Sawyers, Schneider, SerVaas, Stewart, Strader, Tintera, Vollmer, West*
NO NAYS

3 NOT VOTING: *Borst, McGrath, Rhodes*

Proposal No. 248, 1983, was retitled GENERAL ORDINANCE NO. 60, 1983, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 60, 1983

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", by adding a new Article to Chapter 3 establishing a Department of Parks and Recreation.

**BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. Chapter 3 of the "Code of Indianapolis and Marion County, Indiana", is hereby amended by adding a new Article III to Chapter 3 to read as follows:

ARTICLE III. DEPARTMENT OF PARKS AND RECREATION.

Sec. 3-200. Department created; duties, powers.

(a) There is hereby created a department of parks and recreation for the park district as a successor to the department of parks and recreation established by I.C. 18-4-13 (repealed).

(b) Duties: It shall be the responsibility of the department of parks and recreation to operate and maintain parks and sports and recreational facilities owned by the consolidated city or the county of the park district. The department shall have all the powers granted in this chapter and any additional powers granted the department of parks and recreation of a consolidated city in I.C. 36-10-4 or by the city-county council or the mayor. The department shall have all duties and powers prescribed for it as of August 31, 1983 subject to I.C. 36-3-4-23.

Sec. 3-201. Director, duties, powers.

(a) The chief administrative officer of the department of parks and recreation shall be a director who shall be appointed by the mayor with the approval of the city-county council as required by I.C. 36-3-5-2. The director is appointed for a term of one (1) year and until his successor is appointed and qualified, but serves at the pleasure of the mayor.

(b) The director of the department of parks and recreation shall have the following duties and powers:

1. To supervise and coordinate the activities of divisions within the department;
2. To oversee the daily operations of the department;
3. To prepare and submit the department's budget to the fiscal officer as required by I.C. 36-3-6-4;
4. To appoint an administrator to be head of each division of the department subject to the approval of the mayor as provided in I.C. 36-3-5-5;
5. To approve the hiring and dismissal of the personnel of the department subject to limitations prescribed by law and rules adopted by the mayor as provided in I.C. 36-3-5-5;
6. To manage the personnel of the department;
7. To delegate to the personnel employed in the department authority to act in his behalf, as provided in I.C. 36-3-5-5 (c);
8. To execute contracts subject to the powers of the mayor and the board of parks and recreations;
9. Any other powers which may be granted by law, the city-county council or the mayor.

Sec. 3-202. Divisions.

The department of parks and recreation shall be composed of the following divisions:

(A) Division of Administration.

The Division of Administration shall:

1. Provide management and support to the department;
2. Provide guidance to other divisions of the department in the areas of municipal ordinances, State Board of Accounts, planning, labor relations, operating and support policies, and activity priorities;
3. Provide support to other divisions of the department by providing a warehouse and inventory system, data processing, printing, property management, public review, internal review, grant applications, finance, personnel, and citizens services;
4. Manage operation of Major Taylor Velodrome;
5. Construct, design and plan parks for the park district; and
6. Construct and maintain roads within public parks in the park district city except those roads within the public right of way.

(B) Eagle Creek Division.

The Eagle Creek Division shall administer Eagle Creek Park with special emphasis on providing outdoor recreational activities.

(C) Parks Management Division.

The Parks Management Division shall maintain park facilities in a clean, safe and functional manner.

(D) Community Recreation Division.

The Community Recreation Division shall provide recreational and leisure opportunities through parks programs for all residents of the park district regardless of age, race, religion, sex, or national origin.

(E) Sports and Special Facilities Division.

The Sports and Special Facilities Division shall provide planning, development, coordination and supervision of specialized athletic activities.

In addition each division shall have all powers, duties and responsibilities assigned to it by law, by the city-county council, or by the mayor.

Sec. 3-203. The board of parks and recreation.

(a) Established: There is hereby established a Board of Parks and Recreation pursuant to I.C. 36-3-5-6 and I.C. 36-3-4-23.

(b) Members: The Board shall be composed of five (5) members; the department director, who serves as presiding officer of the Board; two (2) members appointed by the mayor, and two (2) members appointed by the city-county council. Each appointed member shall serve a one (1) year term and until his successor is appointed and qualified, but serves at the pleasure of the appointing authority.

In the event of a vacancy prior to the expiration of a term, the appointing authority shall appoint a member for the remainder of the unexpired term.

(c) Meetings: The Board shall hold regular meetings at least once a month, at times and places prescribed by its rules or established by resolution. No notice to members is required for holding or taking any action at a regular meeting. A special meeting of the board may be called by the presiding officer or by 2/5 of the members, at any place in the county designated in the call. Each member shall be notified of the time and place of such a meeting by written notice which must be delivered, mailed or sent by telegram so that each member has at least seventy-two (72) hours notice of the meeting. The notice requirement may be waived as to a member if he attends the meeting or executes a written waiver of notice. The waiver may be executed either before or after the meeting, but if executed after, it must state in general terms the purpose of the meeting.

(d) Board action: A majority of all the members of the board constitutes a quorum. A majority vote of all the board members is required to pass a resolution.

(e) Powers: The Board of Parks and Recreation shall have the following powers:

1. To review all budgets prepared by the department and recommend to the city-county council any revisions the board feels desirable.
2. To hold any hearings to be held following public notice and make findings and determinations required by applicable law;
3. To approve the award and amendment of contracts let by the department for the purchase or lease of capital equipment or other property where the contract is required to be bid under I.C. 36-1-9;
4. To approve the award and amendment of public construction contracts let by the department which are required to be bid under I.C. 36-1-12;
5. To approve the acquisition of and leases for real estate by the department;
6. To approve the employment of persons engaged by the department by contract to render professional or consulting services;
7. To establish a cumulative building and sinking fund pursuant to I.C. 36-10-4-36;
8. To approve the disposal of property by the department as specified in I.C. 36-1-11;
9. In addition, the Board shall have the powers granted to the Board of Parks and Recreation of a consolidated city by I.C. 36-10-4, by ordinance or by the mayor.

SECTION 2. (a) The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted. (b) An offense committed before the effective date of this ordinance, under any ordinance expressly or impliedly repealed or amended by this ordinance shall be prosecuted and remains punishable under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 249, 1983. This proposal creates the Department of Public Safety. Councillor West reported that the Public Safety and Criminal Justice Committee recommended passage by a vote of 5-0 on May 26, 1983. He moved, seconded by Councillor Gilmer, for adoption. Proposal No. 249, 1983, was adopted on the following roll call vote; viz:

28 YEAS: Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Jones, Journey, McGrath, Miller, Nickell, Page, Rader, Sawyers, Schneider, SerVaas, Stewart, Strader, Tintera, Vollmer, West

NO NAYS

1 NOT VOTING: Rhodes

Proposal No. 249, 1983, was retitled **GENERAL ORDINANCE NO. 61, 1983**, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 61, 1983

A **GENERAL ORDINANCE** amending the "Code of Indianapolis and Marion County, Indiana", by adding a new Article IV to Chapter 3 to establish the Department of Public Safety.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", is hereby amended by adding a new Article IV to Chapter 3 to read as follows:

ARTICLE IV. DEPARTMENT OF PUBLIC SAFETY.

Sec. 3-300. Department created; duties.

(a) There is hereby created a department of public safety for the consolidated city as a successor to the department of public safety created by I.C. 18-4-12 (repealed).

(b) Duties. It shall be the responsibility of the department of public safety to provide fire and police protection in the fire and police special service districts, to operate an animal control division, provide civil defense and emergency management planning, operate a division of weights and measures and exercise other powers granted by law, the city-county council or the mayor. The department of public safety shall have all powers and duties prescribed for it as of August 31, 1983, subject to I.C. 36-3-4-23.

Sec. 3-301. Director; duties, powers.

(a) The chief administrative officer of the department shall be a director who shall be appointed by the mayor with the approval of the city-county council as required by I.C. 36-3-5-2. The director is appointed for a term of one (1) year and until his successor is appointed and qualified, but serves at the pleasure of the mayor. The director shall be knowledgeable and experienced in administration or management and have demonstrated an interest in safeguarding the citizens and property of the consolidated city. He shall hold no other lucrative elective or appointive office in city, county or state government during his term of office.

(b) Duties, powers. The director of public safety shall have the following duties and powers with respect to the department of public safety:

1. to exercise control of all matters and property relating to and connected with the police, fire, emergency management planning, weights and measures, and animal control divisions;
2. to coordinate the activities of the department with the sheriff and coroner of the county and any other agencies which can help with the safeguarding of citizens and property throughout the county;
3. to purchase all necessary supplies and equipment and make all repairs necessary in the department subject to and in accordance with applicable law;
4. to make general and special rules and regulations for the government and discipline of the department;
5. to fix the number of members and employees of the various divisions;
6. to determine and implement policies, procedures, methods and means by which operations are to be conducted;
7. to make recommendations to the director of administration relative to civilian employee compensation and benefits;
8. to temporarily appoint additional emergency management and civil defense protection forces on application of any person or corporation in any emergency, riot or insurrection as declared by the mayor. The director may remove persons so appointed at any time without hearing or notice or assigning any cause;
9. to administer the oath or to take depositions of any persons summoned in any proceedings;
10. to adopt rules regulating the giving of a bond of an appointee of any division;
11. to appoint deputy or assistant directors as necessary;
12. to set work schedules and require members and employees of the department to work overtime;
13. to initiate, prepare, submit and administer the department's budget in accordance with applicable law;
14. to purchase, rent or improve any real estate or personal property subject to appropriations therefore by the city-county council and subject to the powers of the mayor and the board of public safety;
15. to enter into contracts with town or township fire-fighting companies or associations for mutual civil aid and assistance programs; for life saving, fire-fighting, emergency services, ambulance services; for mutual communications services coordinating training programs; and central dispatching programs in accordance with applicable law;
16. to appoint, receive, suspend, discipline and transfer members of the department pursuant to applicable rules, regulations and statutes;
17. to supervise and coordinate the activities of divisions within the department;
18. to oversee the daily operation of the department;
19. to appoint an administrator to be the head of each division of the department except the emergency management planning division, subject to the approval of the mayor as provided in I.C. 36-3-5-5;

20. to delegate to the personnel employed in the department authority to act in his behalf as provided in I.C. 36-3-5-5 (c);
21. to procure for the consolidated city a set of the weights and measures provided in I.C. 24-6-2-1; and
22. any other powers which may be granted by law or by the mayor or the city-county council.

Sec. 3-302. Divisions.

The department of public safety shall be composed of the following divisions:

(A) Police Division.

The duties and powers of the Police Division are described in Part IV of Appendix B of the "Code of Indianapolis and Marion County, Indiana".

(B) Fire Division.

The duties and powers of the Fire Division are described in Part IV of Appendix A of the "Code of Indianapolis and Marion County, Indiana".

(C) Weights and Measures Division.

1. Inspector. The administrator of the weights and measures division shall be known as the inspector. No person shall be appointed inspector unless such person shall be approved by the state division of weights and measures. The director of the department of public safety may, with the approval of the state division of weights and measures, remove the inspector for any cause other than politics after a hearing before the director of the department of administration.

2. Removal. The inspector may be removed by the division of weights and measures of the state board of health in accordance with the procedure in I.C. 24-6-3-6.

3. Duties. The duties of the inspector shall include the inspection and testing, to the same extent and in all matters as now prescribed by statute, of all scales, measures, containers and devices used in the city for the sale or disposition of coal, coke, wood, junk, fuel of any kind, hay, grain, seeds, meats, poultry, game, vegetables, liquids of any kind, together with any type of products of any thereof, or of any other thing used for food or other purposes, and all other articles whatsoever sold by weight or measure; all to require and secure of dealers and other persons accurate and honest weights and measures and so to serve the public welfare. The inspector shall keep the records of the division and report to the board as directed by it. The inspector shall also exercise all powers granted by statute, including I.C. 24-6-3-7 through I.C. 24-6-3-9 and all powers granted by the city-county council or by the mayor.

4. Personnel. The director of public safety shall also appoint all assistants, deputies and employees, as authorized by law, who are required for such duties, and shall provide for all necessary equipment, apparatus, supplies and expenses. All appointees shall serve during the pleasure of the director or the division of weights and measures of the state board of health as provided by statute. Any surety bonds required for personnel by statute or this Code shall be provided for by the board. All personnel of the division shall have special police powers. Each inspector shall at all times carry and present to any person, upon demand, a card inscribed with his name and official capacity, and upon such showing of his official authority he shall be permitted, at all reasonable times and hours, to enter any premises for the performance of his duties.

(D) Animal Control Division.

The animal control division shall be established and have all powers and duties described in Chapter 6 of the "Code of Indianapolis and Marion County, Indiana" and any other powers granted by law or by the city-county council or the mayor.

(E) Emergency Management Planning Division.

1. Purpose. Because of the substantial natural, technological, man-caused and national security hazards faced by Marion County and because of the need to establish a continuing program for preventing, preparing for, responding to and recovering from emergencies in an orderly way, this ordinance sets forth a mechanism for emergency management planning. It is intended to supplement the Civil Defense and Disaster law of 1975 (I.C. 10-4-1 et seq.)

2. Definitions.

- a. "Civil Defense" shall mean activities associated with mitigating, preparing for, responding to, and recovering from national security hazards associated with hostile military actions, except when specifically used in connection with programs of the Indiana Department of Civil Defense and Emergency Management or when referring to specific provisions of the Indiana Civil Defense and Disaster Law of 1975; in such instances the definition found in that law shall apply.
- b. "Coordination" shall mean the establishment of effective communications linkages and other actions, both of a routine and emergency nature, necessary for the orderly development of the emergency management program and for the response to and the recovery from emergencies.
- c. "Emergency" shall mean occurrence or imminent threat of loss of life, illness or injury, damage to public property, private property or the environment resulting from any technological, man-caused, natural or national security hazard including, but not limited to, floods, earthquakes, severe wind, fires, storms, tornadoes, mass transportation accidents, releases of hazardous materials and substances, oil spills, explosions, droughts, riots, structural failure, public extortion, hostage taking, strikes by essential workers, attack, military action, infestations, epidemic, fuel or resource shortages.
- d. "Emergency Management" shall mean all measures associated with the prevention and mitigation of the effects of major emergencies, development of plans and preparedness for emergencies, response to the acute effects of emergencies and recovery from emergencies of all kinds.
- e. "Local Disaster Emergency" means a major emergency which has resulted in a formal declaration of local state of emergency by the mayor.
- f. "Major Emergency" shall mean an emergency or threat of emergency which causes loss of life, injury, illness or damage to public or private property or the environment to a degree greater than that which occurs on a regular basis in the county.
- g. "Man-caused Hazards" shall mean threats attributable to intentional disruptive actions by humans, including such episodes as riots, public extortion or strikes by essential workers.
- h. "Mitigation" shall mean the prevention or the lessening of effects of emergencies when and where possible including the adoption of appropriate ordinances and regulations.
- i. "National Security Hazards" shall include threats attributable to acts or threat of acts by another government including such episodes as accidental launch of a nuclear or conventional bomb, limited nuclear or conventional warfare, general nuclear or conventional warfare, or any peacetime emergency which poses a serious threat to the national security.
- j. "Natural Hazards" shall mean threats attributable to forces of nature, including such episodes as floods, earthquakes, tornadoes or epidemics.
- k. "Preparedness" shall mean all of the measures taken preparatory to emergency response and recovery actions including but not limited to, the preparation and distribution of emergency management plans, training programs for citizens and emergency forces workers, and emergency information, warning and communications systems.
- l. "Recovery" shall mean all actions necessary to restore life, limb property and environment to a condition as nearly like that which prevailed prior to an emergency as possible.
- m. "Response" shall mean all of the actions necessary to effectively respond to acute need for protection of life, limb, public property, private property and the environment during an emergency.
- n. "Technological Hazards" shall mean serious threats attributable to inventions or products of humankind, including such episodes as structural failures, mass transportation accidents, releases of hazardous materials, fires in multiple occupancy buildings.

3. Duties, powers. The Emergency Management Planning Division shall:

- a. coordinate and direct the development of a program of emergency management for Marion County. Such program shall involve all sectors of government and the private sector; shall address all threats or emergencies from all hazards, including natural, technological, man-caused and national security hazards; and shall include mitigation, preparedness, response and recovery activities.
- b. prepare, disseminate and maintain in current status a county emergency management plan which addresses in detail the response to and recovery from major emergencies occurring in Marion County. This plan shall be the sole emergency management plan for the county and shall be filed in the office of the Marion County Clerk. No police or private organizations shall develop emergency operating or disaster plans or procedures which are in conflict with the county emergency management plan except where specifically authorized by ordinance, statute or federal law or regulation.
- c. designate and manage an Emergency Operations Center to which senior government officials and chief coordinators designated in the county emergency management plan may respond to formulate and disseminate decisions regarding the management of a major emergency; the Emergency Management Planning Division may also designate such auxiliary emergency operations centers as may be necessary;
- d. coordinate the development and execution of tests, drills and exercises of the emergency management system or any of its parts;
- e. be responsible for monitoring hazardous conditions of any kind in the county, making recommendations to the director of public safety and the mayor concerning emergency measures and activating the county emergency management plan after the declaration of a local disaster emergency by the mayor and for coordinating response and recovery operations associated with a major emergency;
- f. serve as the civil defense agency for Marion County for the purposes of I.C. 10-4-1-1 through I.C. 10-4-1-27 and shall have all the powers and duties of a department of civil defense under said statutes; and
- g. be authorized to seek and apply for grants, contracts and other sources of funding necessary or in support of its duties from the federal government, state government and non-governmental public and private sources.

4. Board of Public Safety.

The Board of Public Safety shall exercise general supervision over the emergency management program of the county.

The Board of Public Safety shall act as the "County Civil Defense Advisory Council" for all of Marion County for the purposes of I.C. 10-4-1 and shall have and exercise all the powers, duties and obligations under the act.

5. Administrator; staff.

The Emergency Management Planning Division shall have an administrator who shall be appointed by the Board of Public Safety and shall serve at the pleasure of the presiding officer of the Board. The administrator shall serve as the county civil defense and disaster director for the purposes of I.C. 10-4-1 and shall have all the powers and duties of a civil defense and disaster director pursuant to said statutes.

The administrator shall be responsible for such paid and voluntary staff members as are necessary to fulfill the duties of the Emergency Management Planning Division. Such staff members shall be subject to any merit system requirements necessary to participate in state and federal funding programs.

The Emergency Management Planning Division may organize such volunteer units, emergency reservist and others as may be necessary to fulfill its duties.

6. Merit system.

The establishment of a merit system of personnel administration for all employees of the division of emergency management planning of the department of public safety to

be serviced by the state personnel division is hereby authorized. The director of emergency management planning is authorized and directed to enter into such arrangements and agreements with the state department of civil defense and state personnel division as may be necessary to provide for a continuing merit program of personnel administration for all emergency management planning division employees. The merit program shall be serviced by the state personnel division pursuant to the authority granted by section 37, chapter 139, Acts of 1941, page 387 of the state personnel act and shall meet federal merit system standards of the U.S. Department of Defense, including the exemption of any position from the merit program as is recognized in these same federal standards. For the purposes of administering the merit program for all employees of the division, the director of emergency management planning is hereby considered and designated as the appointing officer.

7. Emergency communications and warning.

The Emergency Management Planning Division shall coordinate the development of an emergency communications and warning system which will allow for the dissemination of warning to potential responders and the general public, to effect the notification of appropriate response agencies and individuals and to distribute and receive information to and from potential emergency responders and the general public regarding an emergency condition.

The Division shall develop and maintain an integrated system for warning the public which may include the deployment of public warning sirens, the development of voice radio systems, coordination of the mobilization of cable television systems, coordination of the county's participation in the Emergency Broadcast System, and any other appropriate systems which may become available.

8. Emergency powers and procedure.

- a. The mayor shall, via executive order, designate a line of successors which shall establish which government officials may act in his place in the event that both he and the president of the city-county council are incapacitated, absent from the county, deceased or ill.
- b. The mayor may, upon declaring a local disaster emergency, take such actions as are appropriate to assure the public well-being, safety of public and private property and the environment including, but not limited to, the imposition of travel bans on streets and highways; the imposition of curfews; the alteration of normal business working hours; the ordering of evacuation and relocation of civilian populations; all as may be necessary to effect emergency response and recovery.

Sec. 3-303. Board of public safety.

(a) Established. There is hereby established a board of public safety pursuant to I.C. 36-3-5-6 and I.C. 36-3-4-23.

(b) Members. The board shall be composed of five (5) members; the department director who serves as presiding member of the board; two (2) members appointed by the mayor and two (2) members appointed by the city-county council. Each appointed member shall serve a one (1) year term and until his successor is appointed and qualified, but serves at the pleasure of the appointing authority.

In the event of a vacancy prior to the expiration of a term, the appointing authority shall appoint a member for the remainder of the unexpired term.

(c) Meetings. The Board shall hold regular meetings at least once a month, at times and places prescribed by its rules or established by resolution. No notice to members is required for holding or taking any action at a regular meeting. A special meeting of the board may be called by the presiding officer or by 2/5 of the members, at any place in the county designated in the call. Each member shall be notified of the time and place of such a meeting by written notice which must be delivered, mailed or sent by telegram so that each member has at least seventy-two (72) hours notice of the meeting. The notice requirements may be waived as to a member if he attends the

meeting or executes a written waiver of notice. The waiver may be executed either before or after the meeting, but if executed after, it must state in general terms the purpose of the meeting.

(d) Board action. A majority of all members of the board constitutes a quorum. A majority vote of all board members is required to pass a resolution.

(e) Powers. The board of public safety shall have the following powers:

1. To review all budgets prepared by the department and recommend to the director any revisions the board feels desirable;
2. To approve the award and amendment of contracts let by the department for the purchase or lease of capital equipment or other property where the contract is required to be bid under I.C. 36-1-9;
3. To approve the award and amendment of public construction contracts let by the department which are required to be bid under I.C. 36-1-12;
4. To approve the acquisition of and leases for real estate by the department;
5. To approve the employment of persons engaged by the department by contract to render professional or consulting services;
6. To approve the disposal of property by the department as specified in I.C. 36-1-11;
7. To make recommendations and suggestions to the director regarding the fiscal policy and management of the department and assist the director as he requests in the resolution of other issues and problems relating to departmental operations;
8. To act as the county civil defense advisory council pursuant to I.C. 10-4-1-10; and
9. Any other powers given to the board by law or by the mayor or the city-county council.

SECTION 2. Sec. 2-221 and 2-222 of the "Code of Indianapolis and Marion County, Indiana" are hereby repealed.

SECTION 3. (a) The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted. (b) An offense committed before the effective date of this ordinance, under any ordinance expressly or impliedly repealed or amended by this ordinance shall be prosecuted and remains punishable under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 4. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 250, 1983. This proposal creates the Department of Public Works. Councillor Coughenour reported that the Public Works Committee recommended passage by a vote of 7-0 on June 6, 1983. Councillor Coughenour stated that this proposal was a result of Home Rule Legislation. She moved, seconded by Councillor Nickell, for adoption. Proposal No. 250, 1983, was adopted on the following roll call vote; viz:

27 YEAS: Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Jones, Journey, McGrath, Miller, Nickell, Page, Rader, Sawyers, Schneider, SerVaas, Stewart, Strader, Vollmer, West

NO NAYS

2 NOT VOTING: Rhodes, Tintera

Proposal No. 250, 1983, was retitled GENERAL ORDINANCE NO. 62, 1983, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 62, 1983

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", by adding a new Article V, establishing the Department of Public Works.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Chapter 3 of the "Code of Indianapolis and Marion County, Indiana", is hereby amended by adding a new Article V, to read as follows:

ARTICLE V. DEPARTMENT OF PUBLIC WORKS.

Sec. 3-400. Department created; duties, powers.

a. There is hereby created a department of public works for the consolidated city as successor to the department of public works established by I.C. 18-4-9 (repealed).

b. Duties, powers. It shall be the duty of the department of public works to insure the environmental safety of the consolidated city in the areas of liquid waste, solid waste, flood control and air pollution control. The department shall exercise powers granted by this ordinance and any additional powers granted by the mayor, the city-county council or by law. The department of public works shall exercise all powers prescribed by law for it as of August 31, 1983 subject to I.C. 36-3-4-23.

Sec. 3-401. Director, duties.

a. The chief administrative officer of the department shall be a director who shall be appointed by the mayor with the approval of the city-county council as required by I.C. 36-3-5-2. The director is appointed for a term of one (1) year and until his successor is appointed and qualified, but serves at the pleasure of the mayor.

b. The director of the department of public works shall have the following powers and duties with respect to the department:

1. To supervise and coordinate the activities of division within the department;
2. To oversee the daily operation of the department;
3. To prepare and submit the department's budget to the fiscal officer as required by I.C. 36-3-6-4 (b)(1);
4. To appoint an administrator to be the head of each division of the department subject to the approval of the mayor as provided in I.C. 36-3-5-5;
5. To approve the hiring and dismissal of the personnel of the department subject to the limitations prescribed by law and rules adopted by the mayor as provided in I.C. 36-3-5-5;
6. To manage the personnel of the department;
7. To delegate to the personnel employed in the department authority to act in his behalf as provided in I.C. 36-3-5-5 (c);
8. To execute contracts on behalf of the department subject to the powers of the mayor and the board of public works;

9. Any other powers which may be granted by law or by the mayor or the city-county council.

Sec. 3-402. Divisions.

The department of public works shall be composed of the following divisions:

(A) Administrative Division.

The Administrative Division shall have the following powers:

1. To provide management and support to the department in the areas of finance and public relations as well as any other areas designated by the director;
2. To manage surplus property acquired by the city due to non-payment to taxes or any other reason and to dispose of such property pursuant to I.C. 36-1-11;
3. To provide engineering services to the other divisions as necessary.

(B) Air Pollution Control Division.

The Air Pollution Control Division shall initiate and carry out strategies to achieve and maintain acceptable air purity in the county as described in Chapter 4 of the "Code of Indianapolis and Marion County, Indiana".

(C) Liquid Waste Division.

The Liquid Waste Division shall have the following powers:

1. To treat wastewater in the consolidated city;
2. To construct and maintain wastewater treatment facilities;
3. To design, construct and maintain storm and sanitary sewer structures;
4. To monitor industrial discharge into the sewer system;
5. To monitor and regulate septage hauling;
6. To maintain the accounts of sewer user customers;
7. To approve plans and issue permits and perform other duties as described in Chapter 27 of the "Code of Indianapolis and Marion County, Indiana"; and
8. To provide engineering services to other divisions as necessary.

(D) Solid Waste Division.

The Solid Waste Division shall have the following powers:

1. To collect and dispose of household refuse of residents in the Indianapolis Solid Waste District;
2. To pick up and dispose of animal carcasses from consolidated city streets; and
3. To ticket, tow and dispose of abandoned vehicles in the consolidated city.

(E) Flood Control Division.

Flood Control Division shall have the following powers:

1. To be responsible for flood control projects within the flood control district;
2. To approve, design, construct and maintain drains, ditches, rivers, creeks and other watercourses throughout the district as provided by law except as provided in Article VI of Chapter 3 of the "Code of Indianapolis and Marion County, Indiana";
3. To approve, design, construct and maintain levees throughout the district as provided by law;
4. To maintain Eagle Creek Dam and regulate water level of the Eagle Creek Reservoir;
5. To approve plans and issue permits required by Chapter 10½ of the "Code of Indianapolis and Marion County, Indiana";
6. To be responsible for weed abatement on public and private property within the consolidated city; and
7. To provide engineering services to other divisions as necessary.

Sec. 4-404. Board of Public Works.

(a) Established: There is hereby established a board of public works pursuant to I.C. 36-3-5-6 and I.C. 36-3-4-23.

(b) Members: The board of public works shall be composed of five (5) members; the department director, who serves as presiding officer of the board; two (2) members appointed by the mayor and two (2) members appointed by the city-county council. Each appointed member shall serve a one (1) year term and until his successor is appointed and qualified, but serves at the pleasure of the appointing authority.

In the event of a vacancy prior to the expiration of a term, the appointing authority shall appoint a member for the remainder of the unexpired term.

(c) Meetings: The board shall hold regular meetings at least once a month, at times and places prescribed by its rules or established by resolution. No notice to members is required for holding or taking any action at a regular meeting. A special meeting of the board may be called by the presiding officer or by 2/5 of the members, at anyplace in the county designated in the call. Each member shall be notified of the time and place of such a meeting by written notice which must be delivered, mailed or sent by telegram so that each member has at least seventy-two (72) hours notice of the meeting. The notice requirements may be waived as to a member if he attends the meeting or executes a written waiver of notice. The waiver may be executed either before or after the meeting, but if executed after, it must state in general terms the purpose of the meeting.

(d) Board action: A majority of all members of the board constitutes a quorum. A majority vote of all board members is required to pass a resolution.

(e) Powers: The board of public works shall have the following powers:

1. To review all budgets prepared by the department and recommend to the city-county council any revisions the board feels desirable;
2. To hold any hearings to be held following public notice and make findings and determinations required by applicable law;
3. To approve the award and amendment of contracts let by the department for the purchase or lease of capital equipment or other property where the contract is required to be bid under I.C. 36-1-9;
4. To approve the award and amendment of public construction contracts let by the department which are required to be bid under I.C. 36-1-12;
5. To approve the acquisition of and leases for real estate by the department;
6. To approve the employment of persons engaged by the department by contract to render professional or consulting services;
7. To approve the disposal of property by the department as specified in I.C. 36-1-11;
8. To exercise flood control power as described in I.C. 36-9-29.1, drainage power as described in I.C. 36-9-27; and waste collection and disposal powers as described in I.C. 36-9-31;
9. To authorize abutments as stated in Section 7-2 of the "Code of Indianapolis and Marion County, Indiana";
10. To exercise the powers given to the board in chapters 10½, 17½, 19 and 27 of the "Code of Indianapolis and Marion County, Indiana";
11. To contract with any individual or corporation for supplying the city with gas, water, steam, power, heat or electricity or for lighting streets, alleys or public places, but any such contract shall be submitted to the city-county council for approval, and if approved, shall become effective immediately. No such contract shall be for a term of longer than twenty-five (25) years.
12. To enter into a franchise, grant or contract authorizing a telephone, telegraph, electric light, gas, water, steam, railroad, or interurban company or any other person or corporation to erect and use structures in streets, alleys or other public places in the city. Any such franchise, grant or contract must be approved by the city-county council. This power shall not be construed in any way to interfere with the exclusive power of the cable franchise board established in Section 8½-140 of the "Code of Indianapolis and Marion County, Indiana";

13. Any other powers given to the board by law or by the mayor or the city-county council.

SECTION 2. (a) The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted. (b) An offense committed before the effective date of this ordinance, under any ordinance expressly or impliedly repealed or amended by this ordinance shall be prosecuted and remains punishable under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 271, 1983. This proposal, for a final bond ordinance authorizing the issuance of \$1,500,000 Economic Development Revenue Bonds, Series 1983 Zimmer Paper Products, Inc., was recommended for passage by the Economic Development Committee by a vote of 3-0 on June 3, 1983. Councillor Brinkman reported that the costs for the \$1,500,000 project are as follows: \$250,000 for building; \$1,150,000 for equipment and \$100,000 for other contingencies. There are eight additional positions estimated at the end of the first year and eighteen additional positions estimated at the end of three years. Councillor Brinkman moved, seconded by Councillor Vollmer, for adoption. Proposal No. 271, 1983, was adopted on the following roll call vote; viz:

24 YEAS: *Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Sawyers, Schneider, SerVaas, Stewart, Vollmer, West*

NO NAYS

5 NOT VOTING: *Dowden, Jones, Rhodes, Strader, Tintera*

Proposal No. 271, 1983, was retitled SPECIAL ORDINANCE NO. 8, 1983, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 8, 1983

A SPECIAL RESOLUTION authorizing the City of Indianapolis to issue its "Economic Development Revenue Bonds, Series 1983 (Zimmer Paper Products Incorporated Project)" in the aggregate principal amount of One Million Five Hundred Thousand Dollars (\$1,500,000) and authorizing other actions in respect thereto.

WHEREAS, the Indianapolis Economic Development Commission has rendered a report of the Indianapolis Economic Development Commission concerning the proposed

financing of economic development facilities for Zimmer Paper Products Incorporated and the Metropolitan Development Commission of Marion County has commented thereon; and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on June 3, 1983, adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the financing of certain economic development facilities to be developed by Zimmer Paper Products Incorporated (the "Company") consisting of the acquisition, construction and equipping of an approximately 10,000 to 20,000 square foot addition to the Company's current facilities, and the machinery and equipment to be installed therein plus certain site improvements on approximately 4.2 acres of land to be located at 1450 East 20th Street, Indianapolis, Indiana, to be used by the Company for the production of coated and/or laminated paper, film and foil (the "Project"), complies with the purposes and provisions of Indiana Code 36-7-12 and that such financing will be of benefit to the health and welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the Series 1983 Promissory Note, Loan Agreement (such documents being hereinafter collectively referred to as the "Financing Agreement" referred to in Indiana Code 36-7-12) and the City of Indianapolis Economic Development Revenue Bonds, Series 1983 (Zimmer Paper Products Incorporated Project), and the Mortgage and Indenture of Trust by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

**BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement consisting of the acquisition, construction and equipping of an approximately 10,000 to 20,000 square foot addition to the Company's current facilities, and the machinery and equipment to be installed therein plus certain site improvements on approximately 4.2 acres of land to be located at 1450 East 20th Street, Indianapolis, Indiana, to be used by the Company for the production of coated and/or laminated paper, film and foil (the "Project"), previously approved by the Indianapolis Economic Development Commission and presented to this City-County Council, the issuance and sale of revenue bonds, the loan of the net proceeds thereof to Zimmer Paper Products Incorporated for the purposes of financing the economic development facilities under construction or to be constructed in Indianapolis, Indiana, and the repayment of said loan by Zimmer Paper Products Incorporated will be of benefit to the health and welfare of the City of Indianapolis and its citizens and does comply with the purposes and provisions of Indiana Code 36-7-12.

SECTION 2. The forms of the Series 1983 Promissory Note, Loan Agreement (collectively referred to as the "Financing Agreement" referred to in Indiana Code 36-7-12), the Mortgage and Indenture of Trust and the form of the City of Indianapolis Economic Development Revenue Bonds, Series 1983 (Zimmer Paper Products Incorporated Project) approved by the Indianapolis Economic Development Commission are hereby approved and all such documents shall be inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City Controller. Two (2) copies of the Financing Agreement and the form of the City of Indianapolis Economic Development Revenue Bonds, Series 1983 (Zimmer Paper Products Incorporated Project), and the Mortgage and Indenture of Trust are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The City of Indianapolis shall issue its Economic Development Revenue Bonds, Series 1983 (Zimmer Paper Products Incorporated Project) in the aggregate principal amount of One Million Five Hundred Thousand Dollars (\$1,500,000) for the purpose of procuring funds to loan to Zimmer Paper Products Incorporated in order to finance the economic development facilities, heretofore referred to as the Project, which is more particularly set out in the Loan Agreement incorporated herein by reference, which Bonds will be payable as to principal, premium, if any, and interest solely from

the payments made by Zimmer Paper Products Incorporated on its Series 1983 Promissory Note in the principal amount of One Million Five Hundred Thousand Dollars (\$1,500,000) which will be executed and delivered by Zimmer Paper Products Incorporated to evidence and secure said loan, and as otherwise provided in the above described Series 1983 Promissory Note, Loan Agreement, Mortgage and Indenture of Trust and a Letter of Credit of Merchants National Bank & Trust Company of Indianapolis in its capacity as Letter of Credit Bank. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City of Indianapolis.

SECTION 4. The City Clerk or City Controller are authorized and directed to sell such Bonds to the purchaser or purchasers thereof at a price equal to 100% of the aggregate principal amount thereof, plus accrued interest, if any, and at a stated per annum rate of interest not to exceed thirty percent (30%).

SECTION 5. The Mayor and City Clerk are authorized and directed to execute the documents constituting the Financing Agreement and the City of Indianapolis Economic Development Revenue Bonds, Series 1983 (Zimmer Paper Products Incorporated Project), and the Mortgage and Indenture of Trust approved herein and their execution is hereby confirmed on behalf of the City of Indianapolis and any other documents which may be necessary or desirable to consummate the transaction. The signatures of the Mayor and City Clerk on the Bonds may be facsimile signatures. The City Clerk or City Controller are authorized to arrange for the delivery of such Bonds to the Trustee named in the Mortgage and Indenture of Trust payment for which will be made to the Trustee named in the Trust Indenture. The Mayor and City Clerk may by their execution of the Financing Agreement, Mortgage and Indenture of Trust, and imprinting of their facsimile signatures on the Bonds or their manual execution thereof approve changes therein and also in the Letter of Credit without further approval of this City-County Council or the Indianapolis Economic Development Commission if such changes do not affect terms set forth in I.C. 36-7-12-27 (a)(1) through (a)(11).

SECTION 6. The provisions of this ordinance and the Mortgage and Indenture of Trust shall constitute a contract binding between the City of Indianapolis and the holder of the Economic Development Revenue Bonds, Series 1983 (Zimmer Paper Products Incorporated Project), and after the issuance of said Bonds this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder so long as said Bonds or the interest thereon remains unpaid.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 272, 1983. This proposal, for an inducement resolution authorizing proceedings with respect to proposed economic development bonds for Greenbriar, Ltd. in an amount not to exceed \$2,400,000, was recommended by the Economic Development Committee by a vote of 4-0 on June 3, 1983. Councillor Brinkman explained that the project is to construct a 100 bed comprehensive care nursing facility on 2.75 acres of 3518 Shelby Street. The costs for the \$2,400,000 project are as follows: \$80,000 for land; \$1,340,000 for building; \$237,000 for equipment and \$795,000 for other contingencies. Construction has been scheduled to begin in June of 1983 with occupancy by January 15, 1984. There are 79 additional positions at the end of one and three year periods. Councillor Brinkman moved, seconded by Councillor Tintera, for adoption. Proposal No. 272, 1983, was adopted on the following roll call vote; viz:

22 YEAS: *Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Durnil, Gilmer, Holmes, Jones, Journey, McGrath, Miller, Nickell, Rader, Sawyers, SerVaas, Stewart, Strader, Vollmer, West*

NO NAYS

7 NOT VOTING: *Dowden, Hawkins, Howard, Page, Rhodes, Schneider, Tintera*

Proposal No. 272, 1983, was retitled SPECIAL RESOLUTION NO. 56, 1983, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 56, 1983

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana, (the "City") is authorized by I.C. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities either directly owned by or leased or sold to a company; and leased or subleased to users of the facilities; and

WHEREAS, Greenbriar, Ltd. (the "Company") has advised the Indianapolis Economic Development Commission and the City that it proposed that the city either acquire, construct and equip certain economic development facilities and sell or lease the same to the Company or loan the proceeds of an economic development financing to the Company for the same, said economic development facilities to be the acquisition, construction and equipping of an approximately 30,231 square foot, 100 bed health care facility for the aged (nursing home), and the machinery and equipment to be installed therein plus certain site improvements to be located at 3518 Shelby Street, Indianapolis, Indiana, on approximately 2.57 acres of land (the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (approximately 79 additional jobs at the end of one year and 79 additional jobs at the end of three years) to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the City and its citizens; and

WHEREAS, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the City and its citizens; and

WHEREAS, the acquisition, construction and equipping of the facilities will not have an adverse competitive effect in any similar facility already constructed or operating in or about Indianapolis, Indiana; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in or near Indianapolis, Indiana and in Marion County, is desirable to preserve the health, safety and general welfare of the citizens of the City of Indianapolis; and that it is in the public interest that the Indianapolis Economic Development Commission and said City take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said City.

SECTION 2. The City-County Council further finds, determines, ratifies, and confirms that the issuance and sale of revenue bonds of the City ("Issuer") in an approximate amount of \$2,400,000 under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to Greenbriar, Ltd. (the "Company") or the loaning of the proceeds of such financing to the Company for such purposes will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Company to proceed with the acquisition, construction and equipping of the Project, this City-County Council hereby finds, determines, ratifies, and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the City and the Company; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this resolution, including reimbursement or repayment to the Company of moneys expended by the Company for application fees, planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the City will thereafter sell the same to the Company or loan the proceeds of such financing to the Company for the same purpose or sell the same to the Company.

SECTION 5. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 269, 1983. This proposal directs the Marion County Auditor to submit a balanced budget for 1984 as was done in 1983. After some discussion, Councillor Miller moved, seconded by Councillor Cottingham, for adoption. Proposal No. 269, 1983, was adopted on the following roll call vote; viz:

25 YEAS: *Borst, Brinkman, Campbell, Clark, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Holmes, Jones, Journey, McGrath, Miller, Nickell, Page, Rader, Sawyers, Schneider, SerVaas, Stewart, Strader, Vollmer, West*
2 NAYS: *Boyd, Howard*
2 NOT VOTING: *Rhodes, Tintera*

Proposal No. 269, 1983, was retitled GENERAL ORDINANCE NO. 63, 1983, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 63, 1983

A GENERAL ORDINANCE establishing the rules and procedures for the preparation of the 1984 Annual Budget for City and County Government. (Amends Code Sec. 2-403)

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 2, Section 2-403, be, and the same is hereby amended by deleting the cross-hatched portions and adding the portions underlined, to wit:

Sec. 204.

This division shall only apply to the Budget prepared and submitted in ~~1983~~ 1983 for the budget year ~~1983~~ 1984.

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

ANNOUNCEMENTS AND ADJOURNMENT

President SerVaas announced that the next Council would be on Wednesday, June 22, 1983, at 7:00 p.m.

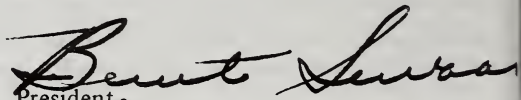
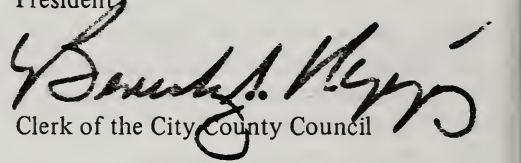
The Council congratulated Councillor Paula M. Sawyers on the birth of her son, Parker Jason Sawyers.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:12 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the City-County Council of Indianapolis-Marion County, Indiana, held at its Regular Meeting on the 6th day of June, 1983.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.

ATTEST:


President

Clerk of the City County Council

(SEAL)