

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, DECEMBER 18, 1989**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:15 p.m. on Monday, December 18, 1989, with Councillor SerVaas presiding.

Councillor SerVaas lead the opening prayer and invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

The President instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

28 PRESENT: Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Durnil, Giffin, Gilmer, Golc, Hawkins, Holmes, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, Schneider, SerVaas, Shaw, Solenberg, Strader, West, Williams
1 ABSENT: Howard

A quorum of twenty-eight members being present, the President called the meeting to order.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Golc introduced Jeff Modisett who is the Governor's Executive Assistant for Public Safety.

OFFICIAL COMMUNICATIONS

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

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION
SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA.

Journal of City-County Council

Ladies and Gentlemen:

You are hereby notified that REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils, will be held in the City-County Building, in the Council Chambers, on Monday, December 18, 1989, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

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

December 5, 1990

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 Thursday, December 7, 1989, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 640 and 643, 1989 to be held on Monday, December 18, 1989, at 7:00 p.m., in the City-County Building.

Respectfully,
s/Beverly S. Rippy
Beverly S. Rippy, City Clerk

November 22, 1990

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. 119, 1989, amending the City-County Annual Budget for 1990 (City-County Fiscal Ordinance No. 93, 1988) transferring and appropriating an additional Four Thousand Six Hundred Dollars (\$4,600) in the County General Fund for purposes of the Center Township Assessor and reducing certain other appropriations for that office.

FISCAL ORDINANCE NO. 120, 1989, amending the City-County Annual Budget for 1990 (City-County Fiscal Ordinance No. 93, 1988) transferring and appropriating an additional One Hundred Ten Thousand Dollars (\$110,000) in the Consolidated County Fund for purposes of the Department of Administration, Central Equipment Management, and reducing certain other appropriations for that Division.

FISCAL ORDINANCE NO. 121, 1989, amending the City-County Annual Budget for 1990 (City-County Fiscal Ordinance No. 93, 1988) transferring and appropriating an additional Five Thousand Dollars (\$5,000) in the

December 18, 1989

Consolidated County Fund for purposes of the Department of Administration, Purchasing Division, and reducing certain other appropriations for that Division.

FISCAL ORDINANCE NO. 122, 1989, amending the City-County Annual Budget for 1990 (City-County Fiscal Ordinance No. 93, 1988) transferring and appropriating an additional Sixteen Thousand Five Hundred Dollars (\$16,500) in the Property Reassessment Fund for purposes of the Warren Township Assessor and reducing certain other appropriations for that office.

FISCAL ORDINANCE NO. 123, 1989, amending the City-County Annual Budget for 1990 (City-County Fiscal Ordinance No. 93, 1988) transferring and appropriating an additional Seven Thousand Three Hundred Sixty-eight Dollars (\$7,368) in the County Grant Fund for purposes of the Domestic Relations Counseling Bureau and reducing certain other appropriations for that Bureau.

FISCAL ORDINANCE NO. 124, 1989, amending the City-County Annual Budget for 1990 (City-County Fiscal Ordinance No. 93, 1988) transferring and appropriating an additional One Thousand Five Hundred Dollars (\$1,500) in the County General Fund for purposes of the Superior Court, Civil Division, Room Seven, and reducing certain other appropriations for that Bureau.

FISCAL ORDINANCE NO. 129, 1989, amending the City-County Annual Budget for 1990 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional Eight Hundred Thousand Dollars (\$800,000) in the Property Reassessment Fund for purposes of the Decatur Township Assessor and reducing the unappropriated and unencumbered balance in the Property Reassessment Fund.

FISCAL ORDINANCE NO. 130, 1989, amending the City-County Annual Budget for 1990 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional Fifty Thousand Dollars (\$50,000) in the State and Federal Grant Fund for purposes of the Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the State and Federal Grant Fund.

GENERAL ORDINANCE NO. 101, 1989, amending Chapter 2, Administration, of the "Code of Indianapolis and Marion County, Indiana".

GENERAL ORDINANCE NO. 102, 1989, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection control changes.

SPECIAL ORDINANCE NO. 18, 1989, authorizing the City of Indianapolis to issue its "Economic Development Revenue Bonds, Series 1989 (Shepard Poorman Communications Corporation Project)" in the aggregate principal amount of \$4,000,000 and approving and authorizing other actions in respect thereto.

SPECIAL ORDINANCE NO. 19, 1989, authorizing the City of Indianapolis to issue its "Economic Development Revenue Bonds, Series 1989 (K & F Industries, Inc. Project)" in an aggregate principal amount not to exceed \$3,500,000 approving and authorizing other actions in respect thereto.

SPECIAL RESOLUTION NO. 72, 1989, congratulating Wishard's state EMS Governor's Cup winners.

SPECIAL RESOLUTION NO. 73, 1989, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

SPECIAL RESOLUTION NO. 74, 1989, designating Boulevard Place from 24th Street to 38th Street "Rev. Richard T. Andrews Memorial Area".

SPECIAL RESOLUTION NO. 75, 1989, amending a necessity for the construction of firestations in Garfield Park and in the vicinity of Morris Street and Kentucky Avenue for the use and benefit of the Indianapolis Fire Department ("IFD"), and a Special Units facility in Babe Denny Park and a Traffic Branch/Quadrant IV

Journal of City-County Council

headquarters at 500 North King Avenue for the use and benefit of the Indianapolis Police Department ("IPD"), and a Public Safety Answering Point Wishard Memorial Hospital ("Wishard"), and authorizing the Indianapolis-Marion County Building Authority ("Building Authority") to proceed with plans, specifications, cost estimates, and all measures necessary to finance and construct these public-safety buildings.

Respectfully,
s/William H. Hudnut, III
William H. Hudnut, III

December 7, 1990

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. 125, 1989, amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional Twelve Thousand Nine Hundred Nine Dollars (\$12,909) in the State and Federal Grant Fund for purposes of the Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the State and Federal Grant Fund.

FISCAL ORDINANCE NO. 126, 1989, amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) transferring and appropriating an additional Three Thousand Dollars (\$3,000) in the Law Enforcement Fund for purposes of the Prosecuting Attorney's Settlement Account and reducing certain other appropriations for that office.

FISCAL ORDINANCE NO. 127, 1989, amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) transferring and appropriating an additional Three Thousand Five Hundred Dollars (\$3,500) in the Supplemental Adult Probation Services fund for purposes of the Presiding Judge of the Municipal Court and reducing certain other appropriations for that office.

FISCAL ORDINANCE NO. 128, 1989, amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) transferring and appropriating an additional Seventeen Thousand Five Hundred Dollars (\$17,500) in the County General Fund for purposes of the Presiding Judge of the Municipal Court and reducing certain other appropriations for that office.

GENERAL ORDINANCE NO. 103, 1989, expanding the Solid Waste Disposal Special Service District to include the City of Southport.

SPECIAL RESOLUTION NO. 76, 1989, recognizing the Indianapolis/Koln Partnership Committee.

SPECIAL RESOLUTION NO. 77, 1989, concerning Monument Circle.

SPECIAL RESOLUTION NO. 78, 1989, declaring December 3-9, 1989, as "Cities Fight Back Against Drugs Week".

Respectfully submitted,
s/ William H. Hudnut, III
William H. Hudnut, III

December 18, 1989

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

APPROVAL OF JOURNALS

President SerVaas called for additions or corrections to the Journal of December 4, 1989. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 618, 1989. This proposal appoints Louis Lopez to the Community Centers of Indianapolis Board. Councillor Rhodes reported that the Administration Committee heard Proposal No. 618, 1989, on December 11, 1989. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Rhodes moved, seconded by Councillor Holmes, for adoption. Proposal No. 618, 1989, was adopted by unanimous voice vote.

Proposal No. 618, 1989, was retitled COUNCIL RESOLUTION NO. 52, 1989, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 52, 1989

A COUNCIL RESOLUTION appointing Louis Lopez to the Community Centers of Indianapolis Board.

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

SECTION 1. As a member of the Community Centers of Indianapolis Board, the Council appoints:

Louis Lopez

SECTION 2. The appointment made by this resolution is for two terms: first term ending December 31, 1989 and the second term ending December 31, 1990. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

PROPOSAL NO. 674, 1989. This proposal honors W. Wayne Burking. Councillor Gilmer read the resolution, and he and Councillor Curry presented a framed document to Mr. Burking, who was accompanied by his brother, Wilbur. Mr. Burking was a member of the Transportation Board for twelve years. He expressed his appreciation for the recognition. Councillor Gilmer moved, seconded by Councillor Curry, for adoption. Proposal No. 674, 1989, was adopted by unanimous voice vote.

Proposal No. 674, 1989, was retitled SPECIAL RESOLUTION NO. 79, 1989, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 79, 1989

A SPECIAL RESOLUTION honoring W. Wayne Burking.

WHEREAS, Mr. W. Wayne Burking has served as a member of the Transportation Board from January, 1977 through December, 1989; and

WHEREAS, during these many years of service on the Transportation Board, Mr. Burking has earned a high level of respect for his deliberative judgement; and

WHEREAS, Wayne Burking is a living role model for citizens of this city, having been an employee of Eli Lilly and Company for forty-one years, an armed forces veteran, a member of the American Legion, an active member in the Methodist Church, a Sunday School teacher, and a thirteen year perfect attendance member of the Pike Township Lions Club; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and thanks W. Wayne Burking for his thirteen years service on the Indianapolis Transportation Board, including five years as the Board's Vice Chairman.

SECTION 2. The Council, representing the people of this city, expresses its gratitude that Mr. Burking has been willing to share his insights and leadership to help make Indianapolis a more safe and better city in which to live.

SECTION 3. The Council additional wishes him happiness and good health in the years ahead.

SECTION 4. The Mayor is invited to join in this resolution by affixing his signature hereto.

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

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 653, 1989. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION approving the Mayor's appointment of Donald R. McPherson as Director of the Department of Administration for a term ending December 31, 1990"; and the President referred it to the Administration Committee.

PROPOSAL NO. 654, 1989. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$2,600,551 for the Department of Administration, CEMD, to purchase vehicles for the Police Department"; and the President referred it to the Administration Committee.

PROPOSAL NO. 655, 1989. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION authorizing the lease of 4,236 square feet of office space at 129 E Market St for the Administration Dept and other city departments"; and the President referred it to the Administration Committee.

PROPOSAL NO. 656, 1989. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code to provide for the establishment of an ordinance violations bureau and the appointment and duties of a violations clerk "; and the President referred it to the Administration Committee.

PROPOSAL NO. 657, 1989. Introduced by Councillor McGrath. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code to change the date in which the auditor and controller shall file financial reports with the Council from January 15 to February 1, and to change the date in which the hearing on financial reports shall be held from February 10 to February 15 "; and the President referred it to the Rules and Policy Committee.

PROPOSAL NO. 658, 1989. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION approving the Mayor's appointment of M. D. Higbee as Director of the Department of Metropolitan

Development for a term ending December 31, 1990"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 659, 1989. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION approving the Mayor's appointment of F. Arthur Strong as Director of the Department of Parks and Recreation for a term ending December 31, 1990"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 660, 1989. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION approving the Mayor's appointment of Joseph J. Shelton as Director of the Department of Public Safety for a term ending December 31, 1990"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 661, 1989. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$321,750 for the Community Corrections Agency to operate the Community Corrections Center which is to be located at 102 S Delaware St"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 662, 1989. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$57,577 for the Community Corrections Agency to relocate their Center from the City-County Building to 102 S Delaware St"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 663, 1989. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$27,000 for the Community Corrections Agency to assist in funding the operation of the Community Corrections Center"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 664, 1989. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$1,616,142 for the Department of Public Safety, Police Division, to purchase new vehicles in accordance with the current level of services per the five-year fleet plan"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 665, 1989. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION approving the Mayor's appointment of Patrick L. Stevens as Director of the Department of Public Works for a term ending December 31, 1990"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 666, 1989. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION approving the Mayor's appointment of certain persons as Deputy Mayors for a term ending December 31, 1990"; and the President referred it to the Rules and Policy Committee.

PROPOSAL NO. 667, 1989. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION approving the Mayor's appointment of Joseph C. Staehler as Director of the Department of Transpor-

tation for a term ending December 31, 1990 "; and the President referred it to the Transportation Committee.

PROPOSAL NO. 668, 1989. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by changing intersection controls at various locations"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 669, 1989. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection controls in Willowbrook Park"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 670, 1989. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by changing the intersection controls at the intersection of Biscayne Road and 35th Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 671, 1989. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection controls in the Pyramid Pointe Subdivision"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 672, 1989. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection controls in the Lockerbie Square area"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 673, 1989. Introduced by Councillor Williams. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by prohibiting parking during specified hours on certain days on portions of East Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 684, 1989. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Martin D. Carpenter to the Citizens Police Complaint Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 685, 1989. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Margo A. Lyon to the Citizens Police Complaint Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 686, 1989. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Larna K. Spearman to the Citizens Police Complaint Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 650, 1989. Councillor Schneider reported that the Economic Development Committee heard Proposal No. 650, 1989, on December 6, 1989. The proposal authorizes the issuance of Indianapolis Economic Development Revenue

December 18, 1989

Bonds, Series 1989 (Design Printing Company, Inc. Project) in an aggregate principal amount not to exceed \$2,855,000, with \$1,835,000 of such issue being used to currently refund all of the outstanding City of Indianapolis Economic Development Revenue Bonds, Series 1985 (Design Printing Company, Inc. Project) and approving and authorizing other actions in respect thereto. By a 4-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Schneider moved, seconded by Councillor Gilmer, for adoption. Proposal No. 650, 1989, was adopted on the following roll call vote; viz:

24 YEAS: Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Durnil, Giffin, Gilmer, Golc, Hawkins, Holmes, Irvin, Jones, McGrath, Moriarty, Ruhmkorff, Schneider, Ser-Vaas, Solenberg, Strader, West, Williams

0 NAYS

5 NOT VOTING: Borst, Howard, Mukes-Gaither, Rhodes, Shaw

Proposal No. 650, 1989, was retitled SPECIAL ORDINANCE NO. 20, 1989, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 20, 1989

A SPECIAL ORDINANCE authorizing the issuance of Indianapolis Economic Development Revenue Bonds, Series 1989 (Design Printing Company, Inc. Project) in an aggregate principal amount not to exceed \$2,855,000, with \$1,835,000 of such issue being used to finance the acquisition and installation of machinery, equipment and furnishings for use in an existing facility located at 626 North Illinois Street, Indianapolis, Indiana, such machinery, equipment and furnishings to be owned and operated by Design Printing Company, Inc. for commercial printing and related services and \$1,020,000 of such issue being used to currently refund all of the outstanding City of Indianapolis Economic Development Revenue Bonds, Series 1985 (Design Printing Company, Inc. Project) and approving and authorizing other actions in respect thereto.

WHEREAS, Indiana Code, Title 36, Article 7, Chapters 11.9 and 12, and Indiana Code, Title 5, Article 1, Chapter 5 (collectively, the "Act"), have been enacted by the General Assembly of Indiana; and

WHEREAS, the Act declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, the Act provides that an issuer may, pursuant to the Act, issue revenue bonds and lend the proceeds thereof to a corporation for the purposes of financing the acquisition, construction, renovation, installation and equipping of economic development facilities and refunding bonds issued for the purpose of financing costs of acquisition, construction, renovation, installation and equipping of economic development facilities, including real and personal property, for diversification of economic development and promotion of job opportunities in or near such issuer; and

WHEREAS, the Act provides that such bonds may be secured by a trust indenture between the Issuer and a corporate trustee; and

WHEREAS, City of Indianapolis, Indiana (the "issuer") intends to issue its Economic Development Revenue Bonds, Series 1989 (Design Printing Company, Inc. Project) in an aggregate principal amount not to exceed \$2,855,000 (the "Series 1989 Bonds"), in order to obtain funds to lend to Design Printing Company, Inc., an Indiana corporation (the "Company"), pursuant to the Trust Indenture dated as of December 1, 1989 (the "Indenture") between the Issuer and Peoples Bank & Trust Company, as Trustee (the "Trustee"), and pursuant to the Loan Agreement, Mortgage and Security Agreement dated as of December 1, 1989 (the "Loan Agreement") between the Issuer and the Company; and pursuant to the Note issued by the Company to the Issuer in a principal amount equal to the aggregate principal amount of the Series 1989 Bonds and dated the same date as the date of the Series 1989 Bonds (the "Note"); and pursuant to a Bond Guaranty Agreement of Gregory J. King and Frances T. King to the Issuer, dated as of December 1, 1989 (the "Guaranty"); and pursuant to a Mortgage between Frances T. King and the Issuer, dated as of December 1, 1989 (the "Mortgage"), for the acquisition and installation of machinery, equipment and furnishings for use in an existing facility located at 626 North Illinois Street, Indianapolis, Indiana and for the purpose of affecting a current refunding of the outstanding principal amount of the City of Indianapolis Economic Development Revenue Bonds, Series 1985 (Design Printing Company, Inc. Project) (the "Original Bonds") dated December 20, 1985 and issued in the aggregate principal amount of \$1,500,000, which were issued for the purpose of financing the cost of acquisition, renovation, construction, installation and equipping of a 19 X 25 five-color Heidelberg printing press including the approximately 19,000 square feet addition to the Applicant's existing building in which the machine is now housed and other machinery and equipment now installed and located at 626 North Illinois Street in Indianapolis, Indiana;

Journal of City-County Council

the acquisition, construction, installation and equipping various site improvement at the facilities; and the acquisition and installation of machinery, equipment and furnishings for use in the facilities (the "Project"); and

WHEREAS, the Loan Agreement provides for the repayment by the Company of the loan of the proceeds of the Series 1989 Bonds and further provides (i) for the Company's repayment obligation to be evidenced by the Note and (ii) such loan and the Note to be secured by the lien and security interest therein provided for, (iii) for the issuance of the Letter of Credit (as defined in the Loan Agreement) under the Credit Agreement to be dated as of the date of closing of this transaction (the "Credit Agreement") among the Company and Bank One Indianapolis, National Association; and

WHEREAS, pursuant to the Indenture, the Issuer will endorse the Note without recourse and assign certain of its rights under the Loan Agreement as security for the Series 1989 Bonds which are payable solely and only out of the payments to be made by the Company with respect to the Note, and any other Notes issued under the Loan Agreement except to the extent paid out of Bond proceeds and proceeds of condemnation and insurance and the Letter of Credit issued pursuant to the Credit Agreement; and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted pursuant to IC 36-7-12-24 and Section 147(f) of the Internal Revenue Code of 1986, as amended, on December 6, 1989 adopted a Resolution, which Resolution has been previously transmitted hereto, finding that the financing of the Project complies with the purposes and provisions of the Act and that such financing will be of benefit to the health or general welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the 1) Indenture; 2) Loan Agreement; 3) Note; 4) Preliminary Official Statement; 5) Credit Agreement (and the form of the Letter of Credit); and 6) the form of the Series 1989 Bonds (hereinafter referred to collectively as the "Financing Documents") 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 Project under the terms set forth in the Financing Documents as previously approved by the Indianapolis Economic Development Commission now presented to this City-County Council, the issuance and sale of the Series 1989 Bonds, the loan of the net proceeds thereof to the Company for the purposes of affecting the financing of the Project, and the repayment of said loan by the Company will be of benefit to the health or general welfare of the City of Indianapolis and its citizens and does comply with the purposes and provisions of the Act.

SECTION 2. The forms of the Financing Documents 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 Documents are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The City of Indianapolis shall issue its Series 1989 Bonds in an aggregate principal amount not to exceed Two Million Eight Hundred Fifty-Five Thousand Dollars (\$2,855,000) for the purpose of procuring funds to loan to the Company in order to finance the Project, which Series 1989 Bonds will be payable as to principal, premium, if any, and interest solely from the payments made by the Company on its Series 1989 Note in the principal amount equal to the aggregate principal amount of the Series 1989 Bonds which Note will be executed and delivered by the Company to evidence and secure said loan and as otherwise provided in the above described Financing Documents. The Series 1989 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 and City Controller are authorized and directed to sell such Series 1989 Bonds to the purchaser or purchasers thereof at a price equal to 100% of the principal amount thereof, plus accrued interest, if any, and at a stated per annum rate of interest not to exceed 10%. The use of an Official Statement in substantially the same form as the Preliminary Official Statement approved herein is approved for use and distribution in connection with the marketing of the Series 1989 Bonds.

SECTION 5. The Mayor and City Clerk are authorized and directed to execute those Financing Documents which require the signature of the Mayor and City Clerk approved herein and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the City of Indianapolis. The signatures of the Mayor and City Clerk on the Series 1989 Bonds may be facsimile signatures. The City Clerk and City Controller are authorized to arrange for the delivery of such Series 1989 Bonds to the purchaser or purchasers thereof payment for which will be made in the manner set forth in the Financing Documents. The Mayor and City Clerk may by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures on the Series 1989 Bonds or their manual signatures thereof, approve changes therein and also in those Financing Documents which do not require the signature of the Mayor and/or City Clerk without

December 18, 1989

further approval of this City-County Council or the Indianapolis Economic Development Commission if such changes do not affect terms set forth in IC 36-7-12-27(a)(1) through (a)(10).

SECTION 6. The provisions of this ordinance and the Financing Documents shall constitute a contract binding between the City of Indianapolis and the holder of the Series 1989 Bonds, and after the issuance of said Series 1989 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 Series 1989 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. 651, 1989. Councillor Schneider reported that the Economic Development Committee heard Proposal No. 651, 1989, on December 6, 1989. The proposal authorizes the issuance of the City of Indianapolis Economic Development Refunding Revenue Bonds (Rand McNally and Company Project), Series 1989, in an aggregate principal amount not to exceed \$8,000,000 to currently refund all of the outstanding City of Indianapolis Economic Development Revenue Bonds, Series 1985 (Rand McNally and Company Project) and approving and authorizing other actions in respect thereto. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Schneider moved, seconded by Councillor Brooks, for adoption. Proposal No. 651, 1989, was adopted on the following roll call vote; viz:

27 YEAS: Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Dumil, Giffin, Gilmer, Golc, Hawkins, Holmes, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, Schneider, SerVaas, Shaw, Solenberg, Strader, West

0 NAYS

2 NOT VOTING: Howard, Williams

Proposal No. 651, 1989, was retitled SPECIAL ORDINANCE NO. 21, 1989, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 21, 1989

A SPECIAL ORDINANCE authorizing the issuance of the City of Indianapolis Economic Development Refunding Revenue Bonds (Rand McNally and Company Project), Series 1989, in an aggregate principal amount not to exceed \$8,000,000 to currently refund all of the outstanding City of Indianapolis Economic Development Revenue Bonds, Series 1985 (Rand McNally and Company Project) (the "Original Bonds") and approving and authorizing other actions in respect thereto.

WHEREAS, Indiana Code, Title 36, Article 7, Chapters 11.9 and 12, and Indiana Code, Title 5, Article 1, Chapter 5 (collectively, the "Act"), have been enacted by the General Assembly of Indiana; and

WHEREAS, the Act declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, the Act provides that an issuer may, pursuant to the Act, issue revenue bonds and lend the proceeds thereof to a corporation for the purpose of refunding bonds issued for the purpose of financing costs of acquisition or construction of facilities, including real and personal property, for diversification of economic development and promotion of job opportunities in or near such issuer; and

WHEREAS, the Act provides that such bonds may be secured by a trust indenture between the Issuer and a corporate trustee; and

WHEREAS, City of Indianapolis, Indiana (the "Issuer") intends to issue its Economic Development Refunding Revenue Bonds (Rand McNally and Company Project), Series 1989, in order to obtain funds to lend to Rand McNally and Company, a Delaware corporation (the "Company"), in an aggregate principal amount not to exceed \$8,000,000 (the "Series 1989 Bonds") pursuant to the Trust Indenture dated as of December 1, 1989 (the "Indenture") between the Issuer and INB National Bank, as Trustee (the "Trustee"), and pursuant to the Loan Agreement dated as of December 1, 1989 (the "Loan Agreement") between the Issuer and the Company; and pursuant to the Tax Exemption Certificate and Agreement among the Issuer, the Company, and the Trustee to be dated of closing (the "Tax Exemption Agreement"); and pursuant to the Purchase Contract among the Issuer, the Company and Bond Purchaser named therein to be dated the date of closing (the "Purchase Contract"); and pursuant to the Placement

Agreement from First Union National Bank of North Carolina (the "Placement Agent") to the Issuer to be dated the date of closing (the "Placement Agreement"); and pursuant to the Security Agreement between the Company and First Union National Bank of North Carolina (the "Bank") dated as of December 1, 1989; and pursuant to the Promissory Note from the Company to the Issuer, dated the date of closing (the "Note"); and pursuant to the Letter of Credit and Reimbursement Agreement (and the form of the Letter of Credit attached thereto) dated as of December 1, 1989 (the "Reimbursement Agreement") for the purpose of affecting a current refunding of the outstanding principal amount of the City of Indianapolis Economic Development First Mortgage Revenue Bonds, Series 1985 (Rand McNally and Company Project) (the "Original Bonds"), which were issued for the purpose of financing the cost of acquisition and installation of two major printing presses and other supplementary equipment; the acquisition, construction, installation and equipping various site improvements at the facilities; and the acquisition and installation of machinery, equipment and furnishings for use in the facilities located at 3131 North Franklin Road in Indianapolis, Indiana (the "Project"); and

WHEREAS, the Loan Agreement provides for the repayment by the Company of the loan of the proceeds of the Series 1989 Bonds and further provides (i) for the Company's repayment obligation to be evidenced by the Company's Note, (ii) such loan and the Note to be secured by the lien and security interest therein provided for, (iii) for the issuance of the Letter of Credit (as defined in the Loan Agreement) under the Reimbursement Agreement; and

WHEREAS, pursuant to the Indenture, the Issuer will endorse the Note without recourse and assign certain of its rights under the Loan Agreement as security for the Bonds which are payable solely and only out of the payments to be made by the Company with respect to the Note, and any other Notes issued under the Loan Agreement except to the extent paid out of Bond proceeds and proceeds of condemnation and insurance and the Letter of Credit issued pursuant to the Reimbursement Agreement; and

WHEREAS, the Indianapolis Economic Development Commission after a public hearing conducted pursuant to IC 36-7-12-24 and Section 147(f) of the Internal Revenue Code of 1986, as amended, on December 6, 1989 adopted a Resolution which Resolution has been previously transmitted hereto, finding that the current refunding of the Original Bonds which were issued to finance the Project which will continue to be owned by Rand McNally and Company complies with the purposes and provision of the Act and that such financing will be of benefit to the health or general welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the 1) Indenture; 2) Loan Agreement; 3) Tax Exemption Certificate and Agreement; 4) Purchase Contract; 5) Note; 6) Placement Agreement among the Issuer, the Company, and Bank One, Indianapolis, N.A., as Placement Agent; 7) Private Placement Memorandum; 8) the Reimbursement Agreement (and the form of the Letter of Credit attached thereto), and 9) the form of the Series 1989 Bonds (hereinafter referred to collectively as the "Financing Documents") by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

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

SECTION 1. It is hereby found that the current refunding of the financing of the economic development facilities referred to in the Financing Documents consisting of the Project previously approved by the Indianapolis Economic Development Commission now presented to this City-County Council, the issuance and sale of the Series 1989 Bonds, the loan of the net proceeds thereof to the Company for the purposes of affecting the current refunding of the Project, and the repayment of said loan by the company will be of benefit to the health or general welfare of the City of Indianapolis and its citizens and does comply with the purposes and provisions of the Act.

SECTION 2. The forms of the Financing Documents 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 Documents are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The City of Indianapolis shall issue its Series 1989 Bonds in an aggregate principal amount not to exceed \$8,000,000 for the purpose of procuring funds to loan to the Company in order to affect a current refunding of the Original Bonds which Series 1989 Bonds will be payable as to principal, premium, if any, and interest solely from the payments made by the Company on its Note in the principal amount of equal to the aggregate principal amount of the Series 1989 Bonds which will be executed and delivered by the Company to evidence and secure said loan and as otherwise provided in the above described Financing Documents. The Series 1989 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 and City Controller are authorized and directed to sell such Series 1989 Bonds to the purchaser or purchasers thereof at a price equal to 100% of the principal amount thereof, plus accrued interest, if any, and at a stated per annum rate of interest not to exceed 15%.

SECTION 5. The Mayor and City Clerk are authorized and directed to execute those Financing Documents which require the signature of the Mayor and City Clerk approved herein and any other document which may be necessary

December 18, 1989

or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the City of Indianapolis. The signatures of the Mayor and City Clerk on the Series 1989 Bonds may be facsimile signatures. The City Clerk and City Controller are authorized to arrange for the delivery of such Series 1989 Bonds to the purchaser or purchasers thereof payment for which will be made in the manner set forth in the Financing Documents. The Series 1989 Bonds shall be dated the date of closing this transaction. The Mayor and City Clerk may by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures on the Series 1989 Bonds or their manual signatures thereof, approve changes therein and also in those Financing Documents which do not require the signature of the Mayor and/or City Clerk without further approval of this City-County Council or the Indianapolis Economic Development Commission if such changes do not affect terms set forth in IC 36-7-12-27(a) through (a)(10).

SECTION 6. The provisions of this Special Ordinance and the Financing Documents shall constitute a contract binding between the City of Indianapolis and the holder of the Series 1989 Bonds and after the issuance of said Series 1989 Bonds, this Special Ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder so long as said Series 1989 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. 675, 1989. Introduced by Councillor Borst. The Clerk read the proposal entitled "REZONING ORDINANCE certified by the Metropolitan Development Commission on December 15, 1989". The Council did not schedule Proposal No. 675, 1989, for hearing pursuant to IC 36-7-4-608. Proposal No. 675, 1989, was retitled REZONING ORDINANCE NO. 218, 1989, and is identified as follows:

REZONING ORDINANCE NO. 218, 1989. 89-Z-144 WARREN TOWNSHIP
COUNCILMANIC DISTRICT NO. 14
405 SOUTH SHORTRIDGE ROAD, INDIANAPOLIS.
CAPITOL DEVELOPMENT CORPORATION, by Michael J. Kias, requests the rezoning of 5.545 acres, being in the A-2 district, to the D-11 classification to provide for the expansion of an existing mobile home park.

PROPOSAL NOS. 676 - 683, 1989. Introduced by Councillor Borst. The Clerk read the proposals entitled "REZONING ORDINANCES certified by the Metropolitan Development Commission on December 15, 1989". The Council did not schedule Proposal Nos. 676 - 683, 1989, for hearing pursuant to IC 36-7-4-608. Proposal Nos. 676 - 683, 1989, were retitled REZONING ORDINANCE NOS. 219 - 226, 1989, and are identified as follows:

REZONING ORDINANCE NO. 219, 1989. 89-Z-169 89-DP-8 PIKE TOWNSHIP
COUNCILMANIC DISTRICT NO. 1
7523 MARSH ROAD, INDIANAPOLIS.
LUMBERMAN'S LIFE INSURANCE COMPANY, by William F. LeMond, requests the rezoning of 81.50 acres, being in the A-2 district, to the D-P classification to provide for the single family housing and two-family condominium-type housing.

REZONING ORDINANCE NO. 220, 1989. 89-Z-189 PIKE TOWNSHIP
COUNCILMANIC DISTRICT NO. 1
5710 GEORGETOWN ROAD, INDIANAPOLIS.
TIMBER PARK DEVELOPMENT CORPORATION, by John W. Van Buskirk, requests the rezoning of 23.5 acres, being in the SU-3 and D-6 II districts, to the C-S classification to provide for a mixed use commercial development including all C-2 uses, retail convenience/service establishments, personal service establishments, post office, professional service establishments, mini-warehouses, miniature golf and an indoor commercial amusement/recreation facility.

REZONING ORDINANCE NO. 221, 1989. 89-Z-203 WARREN TOWNSHIP
COUNCILMANIC DISTRICT NO. 14.
5804 BROOKVILLE ROAD, INDIANAPOLIS.
DAVID A. COMSTOCK, by Stephen D. Mears, requests the rezoning of 1.03 acres, being in the C-5 and D-5 districts, to the C-5 classification to provide for commercial development.

REZONING ORDINANCE NO. 222, 1989. 89-Z-211 WASHINGTON TOWNSHIP
COUNCILMANIC DISTRICT NO. 4.
2501 EAST 86TH STREET, INDIANAPOLIS.
JAMES D. DORA, by Mary E. Solada, requests the rezoning of 4.87 acres, being in the A-2 district, to the C-S classification to provide for the development of a residential hotel.

REZONING ORDINANCE NO. 223, 1989. 89-Z-212 FRANKLIN TOWNSHIP
COUNCILMANIC DISTRICT NO. 13.
7638 ACTON ROAD, INDIANAPOLIS.

MICHAEL F. AND SHEILA D. WALKER, by David A. Retherford, request the rezoning of 1 acre, being in the A-2 and D-5 districts, to the C-S classification to provide for the construction of two buildings and bulk storage tanks for the expansion of a service station and oil company.

REZONING ORDINANCE NO. 224, 1989. 89-Z-216 PERRY TOWNSHIP
COUNCILMANIC DISTRICT NO. 25.

4951 SOUTH HARDING STREET (REAR), INDIANAPOLIS.

LAFARGE CORPORATION, by Thomas Michael Quinn, requests the rezoning of 7.80 acres, being in the C-7 district, to the I-3-S classification to permit the development of eight-nine foot tall cement storage bins with warehousing and without public street frontage.

REZONING ORDINANCE NO. 225, 1989. 89-Z-223 WARREN TOWNSHIP
COUNCILMANIC DISTRICT NO. 13.

116 SOUTH MUESSING STREET, INDIANAPOLIS.

FIRST BAPTIST CHURCH OF CUMBERLAND requests the rezoning of 6 acres, being in the D-5 district, to the SU-1 classification to provide for an addition to a legally established non-conforming church.

REZONING ORDINANCE NO. 226, 1989. 89-Z-236 WAYNE TOWNSHIP
COUNCILMANIC DISTRICT NO. 18.

6231 WEST WASHINGTON STREET, INDIANAPOLIS.

CARL W. RITCHIE, by Stephen D. Mears, requests the rezoning of 3.41 acres, being in the C-S district, to the C-S classification to provide for the development of a motel and restaurant.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 540, 1989. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 540, 1989, on October 11, 1989. The proposal appropriates \$27,005 for the Marion County Community Corrections Agency to establish the Law Enforcement Restitution Program. By a 4-3-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. On the advice of Deputy Auditor Rob Wilkes, Councillor Dowden moved, seconded by Councillor Holmes, to strike Proposal No. 540, 1989. Proposal No. 540, 1989, was stricken by unanimous voice vote.

PROPOSAL NO. 652, 1989. Councillor Schneider reported that the Economic Development Committee heard Proposal No. 652, 1989, on December 6, 1989. The proposal authorizes the issuance of City of Indianapolis Economic Development Revenue Bonds, Series 1989 (Altec Industries, Inc. Project) in an aggregate principal amount not to exceed \$2,000,000 and approving and authorizing other actions in respect thereto. By a 4-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 7:47 p.m. There being no one present to testify, Councillor Schneider moved, seconded by Councillor Brooks, for adoption. Proposal No. 652, 1989, was adopted on the following roll call vote; viz:

25 YEAS: Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Irvin, Jones, McGrath, Moriarty, Rhodes, Ruhmkorff, Schneider, SerVaas, Shaw, Solenberg, Strader, West

0 NAYS

4 NOT VOTING: Golc, Howard, Mukes-Gaither, Williams

Proposal No. 652, 1989, was retitled SPECIAL ORDINANCE NO. 22, 1989, and reads as follows:

December 18, 1989

CITY-COUNTY SPECIAL ORDINANCE NO. 22, 1989

A SPECIAL ORDINANCE authorizing the issuance of City of Indianapolis Variable Rate Industrial Development Revenue Bonds (Altec Industries, Inc. Project) Series 1989 in an aggregate principal amount not to exceed \$2,000,000 and approving and authorizing other actions in respect thereto under revenue bond authorization of IC 36-7-11.9 and IC 36-7-12 of the Economic Development Commission.

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 Altec Industries, Inc., and the Metropolitan Development Commission of Marion County has commented thereon; and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted pursuant to IC 36-7-12-24 on December 13, 1989, 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 Altec Industries, Inc. (the "Company") consisting of the acquisition, construction, installation and equipping of a facility for the manufacturing, rebuilding, remounting and repair of mobile utility equipment located adjacent to a current facility of the company at 5201 West 84th Street, Indianapolis, Indiana, the acquisition, construction, installation and equipping of various site improvements at the facilities and the acquisition of machinery equipment and furnishings for use in the facilities (the "Project"); which will be initially owned and operated by Altec Industries, Inc. complies with the purposes and provisions of Indiana Code 36-7-11.9 and Indiana Code 36-7-12 (collectively the "Act") and that such financing will be of benefit to the health or general welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the Indenture of Trust between the City of Indianapolis (the "Issuer") and Bank One, Indianapolis, National Association, as Trustee (the "Trustee"), dated as of December 1, 1989 (the "Indenture"); the Loan Agreement between the Issuer and the Company, dated as of December 1, 1989 (the "Loan Agreement"); the Mortgage and Security Agreement between the Company and the Trustee, dated as of December 1, 1989 (the "Mortgage"); the Reimbursement Agreement (and the form of the Letter of Credit attached thereto) between the Company and the First National Bank of Atlanta (the "Letter of Credit Bank"), dated as of December 1, 1989 (the "Reimbursement Agreement"); the Note from the Company to the Issuer, dated December 1, 1989 (the "Note"); the Bond Guaranty Agreement between the Company and the Issuer, dated as of December 1, 1989 (the "Guaranty"); the Preliminary Official Statement; and the form of the City of Indianapolis, Indiana Variable Rate Industrial Development Revenue Bonds (Altec Industries, Inc. Project) Series 1989 (the "Bonds") (hereinafter referred to collectively as the "Financing Documents") 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 Financing Documents consisting of the Project previously approved by the Indianapolis Economic Development Commission now presented to this City-County Council, the issuance and sale of its revenue bonds, the loan of the net proceeds thereof to the Company for the purposes of financing the Project, and the repayment of said loan by the Company will be of benefit to the health or general welfare of the City of Indianapolis and its citizens and does comply with the purposes and provisions of the Act.

SECTION 2. The forms of the Financing Documents 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 Documents are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The City of Indianapolis shall issue its Bonds in an aggregate principal amount not to exceed \$2,000,000 for the purpose of procuring funds to loan to the Company in order to finance the economic development facilities, heretofore referred to as the Project, which is more particularly set out in the Financing Documents incorporated herein by reference, which Bonds will be payable as to principal, premium, if any, and interest solely from the payments made by the Company on its Note in the principal amount equal to the aggregate principal amount of the Bonds issued, which Note will be executed and delivered by Altec Industries, Inc. to evidence and secure said loan and as otherwise provided in the above described Financing Documents. 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 and City Controller are authorized and directed to sell such Bonds to Porter, White & Yardley, Inc. (the "Underwriter") at a price of 100% of the aggregate principal amount thereof, plus accrued interest, if any, and at a stated per annum rate of interest not to exceed 12%.

SECTION 5. The Mayor and City Clerk are authorized and directed to execute those Financing Documents which require the signature of the Mayor and City Clerk approved herein, and any other document which may be necessary

or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the City of Indianapolis. The signatures of the Mayor and City Clerk on the Bonds may be facsimile signatures. The City Clerk and City Controller are authorized to arrange for the delivery of such Bonds to the purchaser or purchasers thereof, payment for which will be made in the manner set forth in the Financing Documents. The Mayor and City Clerk may, by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures on the Bonds or their manual signatures thereof, approve changes therein and also in those Financing Documents which do not require the signature of the Mayor and/or City Clerk without further approval of the City-County Council or the Indianapolis Economic Development Commission if such changes do not affect terms set forth in IC 36-7-12-27(a)(1) through (a)(10).

SECTION 6. The provisions of this ordinance and the Financing Documents shall constitute a contract binding between the City of Indianapolis and the holder or holders of the Bonds, 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 or holders 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. 619, 1989. Councillor Rhodes reported that the Administration Committee heard Proposal No. 619, 1989, on December 11, 1989. The proposal appropriates \$204,000 for the Department of Administration, Office of the Director, to cover a projected shortage in the Workmen's Compensation Fund financed from the respective departments. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 7:49 p.m. There being no one present to testify, Councillor Rhodes moved, seconded by Councillor Giffin, for adoption. Proposal No. 619, 1989, was adopted on the following roll call vote; viz:

26 YEAS: *Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Durnil, Giffin, Gilmer, Golc, Hawkins, Holmes, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, SerVaas, Shaw, Solenberg, Strader, West, Williams*
0 NAYS
3 NOT VOTING: *Dowden, Howard, Schneider*

Proposal No. 619, 1989, was retitled FISCAL ORDINANCE NO. 131, 1989, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 131, 1989

A FISCAL ORDINANCE amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) appropriating an additional Two Hundred Four Thousand Dollars (\$204,000) in the City General Fund for purposes of the Department of Administration, Office of the Director, and reducing the unappropriated and unencumbered balance in the City General Fund.

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 1.01 of the City-County Annual Budget for 1989, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Administration, Office of the Director, to receive money that has been appropriated from other departments to cover a projected shortage in the Workmen's Compensation Fund.

SECTION 2. The sum of Two Hundred Four Thousand Dollars (\$204,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

DEPARTMENT OF ADMINISTRATION,
OFFICE OF THE DIRECTOR
3. Other Services and Charges
TOTAL INCREASE

CITY GENERAL FUND
\$204,000
\$204,000

December 18, 1989

SECTION 4. The said additional appropriations are funded by the following reductions:

	<u>CITY GENERAL FUND</u>
Unappropriated and Unencumbered	
City General Fund	<u>\$204,000</u>
TOTAL REDUCTION	\$204,000

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

PROPOSAL NO. 640, 1989. Councillor Rhodes reported that the Administration Committee heard Proposal No. 640, 1989, on December 11, 1989. The proposal approves the issuance of warrants for the City of Indianapolis during the period of January 1, 1990 to December 31, 1990. Councillor Rhodes stated that these are the normal tax anticipation warrants that are done annually. There is a slight difference this year in that it does include potential tax anticipation borrowing for the sinking funds. Because of the fact that the reassessment may not be done in time, the tax bills may not go out in time. Therefore the property tax money may not be in the hands of the County Treasurer by the time the payments are due. By a 4-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillors Brooks and Schneider both stated that the local financial institutions should have the opportunity to bid on these warrants. It was their opinion that the Council should look into the matter. President SerVaas suggested to Councillor Rhodes that the Administration Committee should review the bidding system next year.

The President called for public testimony at 8:00 p.m. There being no one present to testify, Councillor Rhodes moved, seconded by Councillor Coughenour, for adoption. Proposal No. 640, 1989, was adopted on the following roll call vote; viz:

22 YEAS: Borst, Boyd, Clark, Cottingham, Coughenour, Curry, Dowden, Durnil, Giffin, Gilmer, Golc, Hawkins, Holmes, Irvin, McGrath, Moriarty, Rhodes, Ruhmkorff, Schneider, SerVaas, Strader, West

3 NAYS: Brooks, Shaw, Williams

4 NOT VOTING: Howard, Jones, Mukes-Gaither, Solenberg

Proposal No. 640, 1989, was retitled FISCAL ORDINANCE NO. 132, 1989, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 132, 1989

A FISCAL ORDINANCE approving temporary tax anticipation borrowing, authorizing the City of Indianapolis ("City") to make temporary loans for the use of the Consolidated County Fund, the Park District Fund, the Flood Control General Fund, the Consolidated City Police Force Account, the Police Pension Fund, the Consolidated City Fire Force Account, the Firemen's Pension Fund, the Sanitary Solid Waste General Fund, the City General Sinking Fund, the Redevelopment District Sinking Fund, the Sanitary District Sinking Fund, the Flood Control District Sinking Fund, the Metropolitan Thoroughfare District Sinking Fund and the Park District Sinking Fund during the period January 1, 1990, through December 31, 1990, in anticipation of current taxes levied in the year 1989 and collectible in the year 1990 ("Taxes"), authorizing the issuance of tax anticipation time warrants ("Warrants") to evidence such loans; pledging and appropriating the taxes to be received in said Funds to the payment of said Warrants, including the interest thereon; and fixing a time when this ordinance shall take effect.

WHEREAS, the Controller has represented and the City-County Council now finds:

(a) that there will be insufficient funds in the Consolidated County Fund to meet the current expenses of the Consolidated County Fund, payable from said Fund prior to the 1990 distributions of Taxes levied for such account and the 1990 distributions of Taxes to be collected for the Consolidated County Fund will collectively amount to more than Seven Million Seven Hundred Thousand Dollars (\$7,700,000) and the interest cost of making temporary loans for the Consolidated County Fund;

Journal of City-County Council

(b) that there will be insufficient funds in the Park District Fund to meet the current expenses of the Park District Fund prior to the 1990 distributions of Taxes to be levied for said Fund and the 1990 distributions of Taxes to be collected for the Park District Fund will collectively amount to more than Eight Million One Hundred Thousand Dollars (\$8,100,000) and the interest cost of making temporary loans for the Park District Fund;

(c) that there will be insufficient funds in the Flood Control General Fund to meet the current expenses of the Flood Control General Fund payable from said Fund prior to the 1990 distributions of Taxes levied for said Fund, and that the Board of Public Works of the City has requested the City to obtain temporary loans and issue Warrants to evidence such loans for the Flood Control General Fund in the maximum principal amount of One Million Three Hundred Fifty Thousand Dollars (\$1,350,000) payable from the 1990 distributions of Taxes levied for said Fund;

(d) that there will be insufficient funds in the Consolidated City Police Force Account to meet the current expenses payable from Consolidated City Police Force Account prior to the 1990 distributions of Taxes levied for said Account, and the 1990 distributions of Taxes to be collected for the Consolidated Police Force Account will collectively amount to more than Twenty-four Million Four Hundred Thousand Dollars (\$24,400,000) and the interest cost of making temporary loans for the Consolidated City Police Force Account;

(e) that there will be insufficient funds in the Police Pension Fund to meet the current expenses for the payment of pensions and benefits to retired members and dependents of deceased members and other death benefits payable from said Fund prior to the 1990 distributions of Taxes levied for said Fund, and the 1990 distributions of Taxes collected for the Police Pension Fund will collectively amount to more than Three Million Five Hundred Fifty Thousand Dollars (\$3,550,000) and the interest cost of making temporary loans for the Police Pension Fund;

(f) that there will be insufficient funds in the Consolidated City Fire Force Account to meet the current expenses payable from said Account prior to the 1990 distributions of Taxes levied for said Account, and the 1990 distributions of Taxes to be collected for the Consolidated City Fire Force Account will collectively amount to more than Twenty One Million One Hundred Fifty Thousand Dollars (\$21,150,000) and the interest cost of making temporary loans for the Consolidated City Fire Force Account;

(g) that there will be insufficient funds in the Firemen's Pension Fund to meet the current expenses for the payment of pensions and benefits to retired members and dependents of deceased members and other death benefits payable from said Fund prior to the 1990 distributions of Taxes levied for said Fund, and the 1990 distributions of Taxes to be collected for the Firemen's Pension Fund will collectively amount to more than Five Million Dollars (\$5,000,000) and the interest cost of making temporary loans for the Firemen's Pension Fund;

(h) that there will be insufficient funds in the Sanitary Solid Waste General Fund to meet the current expenses of the Sanitary Solid Waste General Fund prior to the 1990 distributions of Taxes levied for said Fund, and that the Board of Public Works of the City has requested the City to obtain temporary loans and issue Warrants to evidence such loans, and the 1990 distributions will collectively amount to more than Ten Million Seven Hundred Thousand Dollars (\$10,700,000) and the interest cost of making temporary loans for the Sanitary Solid Waste General Fund; and

(i) that there will be insufficient funds in the City General Sinking Fund to meet the current expenses of the City General Sinking Fund, payable from said Fund prior to the 1990 distributions of Taxes levied for such account and the 1990 distributions of Taxes to be collected for the City General Sinking Fund will collectively amount to more than Two Million Dollars (\$2,000,000) and the interest cost of making temporary loans for the City General Sinking Fund;

(j) that there will be insufficient funds in the Redevelopment District Sinking Fund to meet the current expenses of the Redevelopment District Sinking Fund, payable from said Fund prior to the 1990 distributions of Taxes levied for such account and the 1990 distributions of Taxes to be collected for the Redevelopment District Sinking Fund will collectively amount to more than Five Hundred Fifty Thousand Dollars (\$550,000) and the interest cost of making temporary loans for the Redevelopment District Sinking Fund;

(k) that there will be insufficient funds in the Sanitary District Sinking Fund to meet the current expenses of the Sanitary District Sinking Fund, payable from said Fund prior to the 1990 distributions of Taxes levied for such account and the 1990 distributions of Taxes to be collected for the Sanitary District Sinking Fund will collectively amount to more than Ten Million Three Hundred Thousand Dollars (\$10,300,000) and the interest cost of making temporary loans for the Sanitary District Sinking Fund;

(l) that there will be insufficient funds in the Flood Control District Sinking Fund to meet the current expenses of the Flood Control District Sinking Fund, payable from said Fund prior to the 1990 distributions of Taxes levied for such account and the 1990 distributions of Taxes to be collected for the Flood Control District Sinking Fund will collectively amount to more than Two Million One Hundred Thousand Dollars (\$2,100,000) and the interest cost of making temporary loans for the Flood Control District Sinking Fund;

December 18, 1989

(m) that there will be insufficient funds in the Metropolitan Thoroughfare District Sinking Fund to meet the current expenses of the Metropolitan Thoroughfare District Sinking Fund, payable from said Fund prior to the 1990 distributions of Taxes levied for such account and the 1990 distributions of Taxes to be collected for the Metropolitan Thoroughfare District Sinking Fund will collectively amount to more than Six Million One Hundred Fifty Thousand Dollars (\$6,150,000) and the interest cost of making temporary loans for the Metropolitan Thoroughfare District Sinking Fund;

(n) that there will be insufficient funds in the Park District Sinking Fund to meet the current expenses of the Park District Sinking Fund, payable from said Fund prior to the 1990 distributions of Taxes levied for such account and the 1990 distributions of Taxes to be collected for the Park District Sinking Fund will collectively amount to more than One Million Seven Hundred Thousand Dollars (\$1,700,000) and the interest cost of making temporary loans for the Park District Sinking Fund;

WHEREAS, a necessity exists for the making of temporary loans for said Funds and Accounts in anticipation of Taxes for said Funds and Accounts actually levied for the year 1989 and in course of collection for the year 1990; now, therefore:

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

SECTION 1. The City is authorized to borrow on temporary loans for the use and benefit of the Consolidated County Fund of the City in the maximum principal amount of Seven Million Seven Hundred Thousand Dollars (\$7,700,000) in anticipation of Taxes for the Fund for the year 1990, which loans shall be evidenced by the Warrants. The Warrants, including interest, shall be payable from the Consolidated County Fund, and there is hereby appropriated and pledged to the payment of the Warrants, including interest, a sufficient amount of the Taxes to be received in the Consolidated County Fund from the 1990 distributions of Taxes for the Consolidated County Fund, to the Consolidated County Fund, the 1990 Budget Payments of Loans (hereby created) for the payment of the principal of the Warrants evidencing such temporary loans, and the Consolidated County Fund, 1990 Budget Fund No. 102, Character 3, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 2. The City is authorized to borrow on temporary loans for the use and benefit of the Park District Fund of the City in the maximum principal amount of Eight Million One Hundred Thousand Dollars (\$8,100,000) in anticipation of Taxes for the Fund for the year 1990, which loans shall be evidenced by the Warrants. The Warrants, including interest, shall be payable from the Park District Fund, and there is hereby appropriated and pledged to the payment of the Warrants, including interest, a sufficient amount of the Taxes to be received in the Park District Fund, to the Park District Fund, the 1990 Budget Payments of Loans (hereby created) for the payment of the principal of the Warrants evidencing such temporary loans, and the Park District Fund, 1990 Budget Fund No. 170, Character 3, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 3. The City is authorized to borrow on temporary loans for the use and benefit of the Flood Control General Fund of the City in the maximum principal amount of One Million Three Hundred Fifty Thousand Dollars (\$1,350,000) in anticipation of Taxes for the Fund for the year 1990, which loans shall be evidenced by the Warrants. The Warrants, including interest, shall be payable from the Flood Control General Fund, and there is hereby appropriated and pledged to the payment of the Warrants, including interest, a sufficient amount of the Taxes to be received in the Flood Control General Fund, to the Flood Control General Fund, the 1990 Budget Payments of Loans (hereby created) for the payment of the principal of the Warrants evidencing such temporary loans, and the Flood Control General Fund, 1990 Budget Fund No. 140, Character 3, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 4. The City is authorized to borrow on temporary loans for the use and benefit of the Consolidated City Police Force Account of the City in the maximum principal amount of Twenty-four Million Four Hundred Thousand Dollars (\$24,400,000) in anticipation of Taxes for the Fund for the year 1990, which loans shall be evidenced by the Warrants. The Warrants, including interest, shall be payable from the Consolidated City Police Force Account, and there is hereby appropriated and pledged to the payment of the Warrants, including interest, a sufficient amount of the Taxes to be received in the Consolidated City Police Force Account, to the Consolidated City Police Force Account, the 1990 Budget Payments of Loans (hereby created) for the payment of the principal of the Warrants evidencing such temporary loans, and the Consolidated City Police Force Account, 1990 Budget Fund No. 160, Character 3, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 5. The City is authorized to borrow on temporary loans for the use and benefit of the Police Pension Fund of the City in the maximum principal amount of Three Million Five Hundred Fifty Thousand Dollars (\$3,550,000) in anticipation of Taxes for the Fund for the year 1990, which loans shall be evidenced by the Warrants. The Warrants, including interest, shall be payable from the Police Pension Fund, and there is hereby appropriated

and pledged to the payment of the Warrants, including interest, a sufficient amount of the Taxes to be received in the Police Pension Fund, to the Police Pension Fund, the 1990 Budget Payments of Loans (hereby created) for the payment of the principal of the Warrants evidencing such temporary loans, and the Police Pension Fund, 1990 Budget Fund No. 810, Character 3, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 6. The City is authorized to borrow on temporary loans for the use and benefit of the Consolidated City Fire Force Account of the City in the maximum principal amount of Twenty One Million One Hundred Fifty Thousand Dollars (\$21,150,000) in anticipation of Taxes for the Fund for the year 1990, which loans shall be evidenced by the Warrants. The Warrants, including interest, shall be payable from the Consolidated City Fire Force Account, and there is hereby appropriated and pledged to the payment of the Warrants, including interest, a sufficient amount of the Taxes to be received in the Consolidated City Fire Force Account, to the Consolidated City Fire Force Account, the 1990 Budget Payments of Loans (hereby created) for the payment of the principal of the Warrants evidencing such temporary loans, and the Consolidated City Fire Force Account, 1990 Budget Fund No. 161, Character 3, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 7. The City is authorized to borrow on temporary loans for the use and benefit of the Firemen's Pension Fund of the City in the maximum principal amount of Five Million Dollars (\$5,000,000) in anticipation of Taxes for the Fund for the year 1990, which loans shall be evidenced by the Warrants. The Warrants, including interest, shall be payable from the Firemen's Pension Fund, and there is hereby appropriated and pledged to the payment of the Warrants, including interest, a sufficient amount of the Taxes to be received in the Firemen's Pension Fund, to the Firemen's Pension Fund, the 1990 Budget Payments of Loans (hereby created) for the payment of the principal of the Warrants evidencing such temporary loans, and the Firemen's Pension Fund, 1990 Budget Fund No. 811, Character 3, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 8. The City is authorized to borrow on temporary loans for the use and benefit of the Sanitary Solid Waste General Fund of the City in the maximum principal amount of Ten Million Seven Hundred Thousand Dollars (\$10,700,000) in anticipation of Taxes for the Fund for the year 1990, which loans shall be evidenced by the Warrants. The Warrants, including interest, shall be payable from the Sanitary Solid Waste General Fund, and there is hereby appropriated and pledged to the payment of the Warrants, including interest, a sufficient amount of the Taxes to be received in the Sanitary Solid Waste General Fund, to the Sanitary Solid Waste General Fund, the 1990 Budget Payments of Loans (hereby created) for the payment of the principal of the Warrants evidencing such temporary loans, and the Sanitary Solid Waste General Fund, 1990 Budget Fund No. 130, Character 3, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 9. The City is authorized to borrow on temporary loans for the use and benefit of the City General Sinking Fund of the City in the maximum principal amount of Two Million Dollars (\$2,000,000) in anticipation of Taxes for the Fund for the year 1990, which loans shall be evidenced by the Warrants. The Warrants, including interest, shall be payable from the City General Sinking Fund, and there is hereby appropriated and pledged to the payment of the Warrants, including interest, a sufficient amount of the Taxes to be received in the City General Sinking Fund from the 1990 distributions of Taxes for the City General Sinking Fund, to the City General Sinking Fund, the 1990 Budget Payments of Loans (hereby created) for the payment of the principal of the Warrants evidencing such temporary loans, and the City General Sinking Fund, 1990 Budget Fund No. 310, Character 3, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 10. The City is authorized to borrow on temporary loans for the use and benefit of the Redevelopment District Sinking Fund of the City in the maximum principal amount of Five Hundred Fifty Thousand Dollars (\$550,000) in anticipation of Taxes for the Fund for the year 1990, which loans shall be evidenced by the Warrants. The Warrants, including interest, shall be payable from the Redevelopment District Sinking Fund, and there is hereby appropriated and pledged to the payment of the Warrants, including interest, a sufficient amount of the Taxes to be received in the Redevelopment District Sinking Fund from the 1990 distributions of Taxes for the Redevelopment District Sinking Fund, to the Redevelopment District Sinking Fund, the 1990 Budget Payments of Loans (hereby created) for the payment of the principal of the Warrants evidencing such temporary loans, and the Redevelopment District Sinking Fund, 1990 Budget Fund No. 320 Character 3, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 11. The City is authorized to borrow on temporary loans for the use and benefit of the Sanitary District Sinking Fund of the City in the maximum principal amount of Ten Million Three Hundred Thousand Dollars (\$10,300,000) in anticipation of Taxes for the Fund for the year 1990, which loans shall be evidenced by the Warrants. The Warrants, including interest, shall be payable from the Sanitary District Sinking Fund, and there is hereby appropriated and pledged to the payment of the Warrants, including interest, a sufficient amount of the Taxes to be received in the Sanitary District Sinking Fund from the 1990 distributions of Taxes for the Sanitary District Sinking

December 18, 1989

Fund, to the Sanitary District Sinking Fund, the 1990 Budget Payments of Loans (hereby created) for the payment of the principal of the Warrants evidencing such temporary loans, and the Sanitary District Sinking Fund, 1990 Budget Fund No. 330, Character 3, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 12. The City is authorized to borrow on temporary loans for the use and benefit of the Flood Control District Sinking Fund of the City in the maximum principal amount of Two Million One Hundred Thousand Dollars (\$2,100,000) in anticipation of Taxes for the Fund for the year 1990, which loans shall be evidenced by the Warrants. The Warrants, including interest, shall be payable from the Flood Control District Sinking Fund, and there is hereby appropriated and pledged to the payment of the Warrants, including interest, a sufficient amount of the Taxes to be received in the Flood Control District Sinking Fund from the 1990 distributions of Taxes for the Flood Control District Sinking Fund, to the Flood Control District Sinking Fund, the 1990 Budget Payments of Loans (hereby created) for the payment of the principal of the Warrants evidencing such temporary loans, and the Flood Control District Sinking Fund, 1990 Budget Fund No. 340, Character 3, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 13. The City is authorized to borrow on temporary loans for the use and benefit of the Metropolitan Thoroughfare District Sinking Fund of the City in the maximum principal amount of Six Million One Hundred Fifty Thousand Dollars (\$6,150,000) in anticipation of Taxes for the Fund for the year 1990, which loans shall be evidenced by the Warrants. The Warrants, including interest, shall be payable from the Metropolitan Thoroughfare District Sinking Fund, and there is hereby appropriated and pledged to the payment of the Warrants, including interest, a sufficient amount of the Taxes to be received in the Metropolitan Thoroughfare District Sinking Fund from the 1990 distributions of Taxes for the Metropolitan Thoroughfare District Sinking Fund, to the Metropolitan Thoroughfare District Sinking Fund, the 1990 Budget Payments of Loans (hereby created) for the payment of the principal of the Warrants evidencing such temporary loans, and the Metropolitan Thoroughfare District Sinking Fund, 1990 Budget Fund No. 350, Character 3, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 14. The City is authorized to borrow on temporary loans for the use and benefit of the Park District Sinking Fund of the City in the maximum principal amount of One Million Seven Hundred Thousand Dollars (\$1,700,000) in anticipation of Taxes for the Fund for the year 1990, which loans shall be evidenced by the Warrants. The Warrants, including interest, shall be payable from the Park District Sinking Fund, and there is hereby appropriated and pledged to the payment of the Warrants, including interest, a sufficient amount of the Taxes to be received in the Park District Sinking Fund from the 1990 distributions of Taxes for the Park District Sinking Fund, to the Park District Sinking Fund, the 1990 Budget Payments of Loans (hereby created) for the payment of the principal of the Warrants evidencing such temporary loans, and the Park District Sinking Fund, 1990 Budget Fund No. 370, Character 3, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 15. (a) All Warrants issued pursuant to this ordinance shall bear interest at the rate or rates not to exceed a maximum rate of ten percent per annum, to be determined as hereinafter provided in Section 16 and subsection

(b). The Warrants for each Fund or Account may be issued in one series, designated Series 1990 Warrants ("Series 1990 Warrants") or in two series, designated Series A and Series B ("Series A Warrants" and "Series B Warrants", respectively). The Series A Warrants for each Fund or Account may be issued in an amount not to exceed the amount of the distribution of Taxes scheduled for June 1990 for that Fund or Account. The Series B Warrants for each Fund or Account may be issued in an amount not to exceed the amount of the December 1990 distribution of Taxes for that Fund or Account. The 1990 Warrants for each Fund or Account may be issued in an amount not to exceed the respective amounts set forth herein with interest thereon. All Series A Warrants shall mature and be payable not later than December 31, 1990 but shall be subject to mandatory redemption on two business days' notice to the owners of the Series A Warrants on June 30, 1990 if Taxes have been received from a distribution or advance from the Marion County Auditor, or after June 30, 1990 within one business day of the receipt of Taxes for the Fund for which the Warrant was issued in an amount sufficient to repay that Warrant, either from the distribution of Taxes from first installment payable in 1990 or from an advance from the County Auditor. All Series B Warrants and 1990 Warrants shall mature and be payable not later than December 31, 1990. The Warrants shall be dated as of the date or dates of actual delivery of the respective Warrants.

(c) With regard to the Series A Warrants, the interest rate on the Series A Warrants will be determined as provided in Section 16 unless the Series A Warrants are owned by the Bond Bank and are not redeemed on or before July 31, 1990. If the Series A Warrants have not been redeemed and paid in full on or before July 31, 1990, and the Series A Warrants are owned by the Bond Bank (as defined below), the interest rate will be adjusted to a rate no greater than the rate necessary to enable the Bond Bank (as defined below) to sell its obligations issued to refinance its investment in the Series A Warrants at par. The interest rate on the Series A Warrants shall be adjusted on August 1, 1990 and on the first day of each month thereafter until the Series A Warrants are paid.

Journal of City-County Council

SECTION 16. (a) The Controller may sell the Warrants in one or more series as set forth in Section 15, pursuant to either subsection (b) or (c) of this section. The Controller is hereby authorized and directed to have said Warrants prepared, and the Mayor, Controller and Clerk are hereby authorized and directed to execute and attest the Warrants in the manner substantially set out in the form hereinafter provided.

(b) The Controller may sell any or all the Warrants to The Indianapolis Local Public Improvement Bond Bank ("Bond Bank") pursuant to I.C. 5-1.4 on such terms and conditions as are consistent with this ordinance and mutually agreed to between the Controller and the Bond Bank. In the event of a sale of such Warrants to the Bond Bank, the Mayor, Controller and Clerk are authorized to execute a purchase agreement with the Bond Bank in an acceptable form and to do such other actions and execute such documents as may be required by the Bond Bank as a condition to the purchase of such Warrants.

(c) The Controller may sell any or all the Warrants at public sale. Prior to the sale of the Warrants at public sale, the Controller shall cause to be published to notice of sale twice, with first publication at least fifteen days before the date of sale and the second publication at least three days before the sale date, in two newspapers of general circulation, printed in the English language and published in the City, as provided by I.C. 5-3-1. All bids at public sale for said Warrants shall be sealed and shall be presented to the Controller at his office, and all bids shall name the rate or rates of interest for said Warrants, or portion thereof bid for. If sold at public sale, said Warrants, or portion thereof bid for, shall be awarded to the bidder or bidders offering the lowest net interest cost to the City determined by computing the total interest on all Warrants and deducting any premium. Any premium shall be used solely for the repayment of the principal of and interest on the Warrants. No bid at public sale for less than par shall be considered, and the Controller shall have the right to reject any and all bids at public sale. The proper officers of the City are authorized to deliver the Warrants in one or more series to the purchaser or purchasers of said Warrants at public sale in exchange for the agreed purchase price in immediately available funds. The Warrants may all be delivered in one or more series at one time or in parcels from time to time, pursuant to any agreements or understanding with respect to said delivery by and between the Controller and the purchaser of the Warrants at public sale.

SECTION 17. The Warrants shall be issued in substantially the following form (all blanks, including the appropriate amount, dates, statutory citation, and other data, to be properly completed prior to the execution and delivery thereof):

No. _____ Principal \$ _____

CITY OF INDIANAPOLIS
TAX ANTICIPATION TIME WARRANT, SERIES _____
_____(FUND)(ACCOUNT)

On the _____ date of _____, 1990 (unless redeemed prior to maturity as set forth below), the City of Indianapolis ("City"), Marion County, Indiana promises to pay (to the bearer) (to The Indianapolis Local Public Improvement Bond Bank), at the office of the Marion County Treasurer, ex officio Treasurer of the City, or _____, the sum of _____ (\$ _____), or so much of the principal amount of this Warrant (set forth below) as shall have been advanced as shown in Exhibit A plus interest at the rate of _____% per annum on the amount advanced for the period of the advance [through June 30, 1990], except that any advance in excess of the Maximum Cumulative Monthly Advance as shown on Exhibit B shall bear interest at a rate of _____% per annum. [Insert for Series A - the interest rate on this Warrant shall be adjusted on August 1, 1990 and on the first day of each month thereafter as provided in the ordinance authorizing the issuance of this Warrant.] This Warrant shall be payable solely out of and from ad valorem property taxes levied in the year of 1989, and payable in (the first installment) (the second installment) for the year 1990 ("Taxes"), which Taxes are now in course of collection for the _____ of the City, with which to pay general, current operating expenses of the _____.

[Insert for Series A Warrant - This Warrant is subject to mandatory redemption upon two business days' notice to the Owner of this Warrant prior to maturity on June 30, 1990 if Taxes have been received from a distribution or an advance from the Marion County Auditor, or after June 30, 1990 within one business day of the receipt of Taxes for the _____ Fund [Account] in an amount sufficient to repay this Warrant, either from the distribution of Taxes from the first installment payable in 1990 or from an advance from the Marion County Auditor, at a price equal to the principal amount of this Warrant that has been advanced plus interest accrued to the date of redemption.]

This Warrant is in the principal amount of _____ (\$ _____), evidencing a temporary loan in anticipation of the Taxes for the _____ (Fund)(Account).

The temporary loan was authorized by ordinance duly adopted by the City-County Council at a meeting thereof duly and legally convened and held on the _____ day of _____, 1989, for the purpose of providing funds for the _____ (Fund)(Account) in compliance with I.C. 36-3-4-22.

December 18, 1989

The consideration for the Warrant is a loan made to the City in anticipation of Taxes levied for the _____ (Fund)(Account) of the City for the year of 1989, payable in (the first installment) (the second installment) for the year 1990, and the Taxes so levied are hereby specifically appropriated and pledged to the payment of this Warrant.

It is hereby certified and recited that all acts, conditions, and things required to be done precedent to the authorization, preparation, complete execution and delivery of said Warrants have been done and performed as provided by law.

IN WITNESS WHEREOF, the City of Indianapolis has caused the Warrant to be signed in its corporate name by the facsimile signatures of the Mayor, and countersigned by the Controller of the City of Indianapolis, the corporate seal of said City to be hereunto affixed, and attested by the Clerk of the City of Indianapolis.

Dated this _____ day of _____, 1990.

CITY OF INDIANAPOLIS

BY: _____
Mayor, City of Indianapolis
William H. Hudnut, III

COUNTERSIGNED:

BY: _____
Controller, City of Indianapolis
Fred L. Armstrong

ATTEST:

BY: _____
Clerk, City of Indianapolis
Beverly S. Rippy

EXHIBIT A

(Advances)

EXHIBIT

(Maximum Monthly Cumulative Advance)

SECTION 17. Said Warrants shall be executed in the name of the City by the facsimile signature of the Mayor, countersigned by the Controller of the City, the corporate seal of said City to be affixed thereto and attested by the Clerk of the City. The Warrants shall be payable at the office of the Marion County Treasurer, the ex officio City Treasurer or the paying agent of the City. The Controller may pay costs of issuance of the Warrants from the proceeds thereof.

SECTION 18. In order to preserve the exclusion of interest on the Warrants from gross income for federal tax purposes under Section 103 of the Internal Revenue Code of 1986 as amended and in existence on the date of issuance of the Warrants ("Code") and as an inducement to purchasers of the Warrants, the County represents, covenants and agrees that:

(a) No person or entity other than the City or another state or local governmental unit will use proceeds of the Warrants other than as a member of the general public. Warrant proceeds will be used exclusively for the purposes of the respective Funds or Accounts.

(b) No portion of the payment of the principal of or interest on the Warrants will (under the terms of the Warrant, this ordinance or any underlying arrangement), directly or indirectly, be (i) secured by an interest in property used or to be used for a private business use or payments in respect of such property or (ii) derived from payments in respect of such property or borrowed money used or to be used for a private business use.

(c) No Warrant proceeds will be loaned to any person or entity other than another state or local governmental unit. No Warrant proceeds will be transferred, directly or indirectly, or deemed transferred to a nongovernmental person in any manner that would in substantially constitute a loan of the Warrant proceeds.

(d) The City will not take any action nor fail to take any action with respect to the Warrants that would result in the loss of the exclusion from gross income for federal tax purposes on the Warrants pursuant to Section 103 of the Code, nor will the County act in any other manner which would adversely affect such exclusion.

Journal of City-County Council

(e) The City represents that it intends to qualify for the exception to the rebate requirement of Section 148(f) of the Code set forth in Section 148(f)(4)(B) of the Code. However, if the City does not qualify for such exception with regard to any of the Warrants the County will comply with the rebate requirement of Section 148(f) of the Code to the extent necessary to preserve the exclusion from gross income of interest on the Warrants and the Bond Bank obligations issued to purchase the Warrants for federal tax purposes.

(f) It shall be not an event of default under this ordinance, including without limitation subsections (a) through (d) of this Section, if the interest on any Warrants is not excludable from gross income for federal tax purposes or otherwise pursuant to any provision of the Code which is not currently in effect and in existence on the date of issuance of the Warrants.

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

PROPOSAL NO. 643, 1989. Councillor Cottingham reported that the County and Townships Committee heard Proposal No. 643, 1989, on December 5, 1989. The proposal approves the issuance of warrants for the County General Fund, the County Welfare Fund, and the County Sinking Funds during the period of January 1, 1990 to December 31, 1990. By a 3-0-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Williams asked if the \$831,000 that is owed the State is included in Proposal No. 643, 1989. Deputy Auditor Rob Wilkes replied that it was not.

Councillor Brooks stated that the local financial institutions should have the opportunity to bid on these warrants.

The President called for public testimony at 8:03 p.m. There being no one present to testify, Councillor Cottingham moved, seconded by Councillor Rhodes, for adoption. Proposal No. 643, 1989, was adopted on the following roll call vote; viz:

23 YEAS: Borst, Boyd, Clark, Cottingham, Coughenour, Curry, Durnil, Giffin, Gilmer, Golc, Holmes, Irvin, Jones, McGrath, Moriarty, Rhodes, Ruhmkorff, Schneider, SerVaas, Shaw, Solenberg, Strader, West

0 NAYS

6 NOT VOTING: Brooks, Dowden, Hawkins, Howard, Mukes-Gaither, Williams

Proposal No. 643, 1989, was retitled FISCAL ORDINANCE NO. 133, 1989, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 133, 1989

A FISCAL ORDINANCE approving temporary tax anticipation borrowing, authorizing Marion County, Indiana ("County") to make temporary loans for the use of the County General Fund, the County Welfare Fund, the County Sinking Fund, the Welfare Sinking Fund and the Advancement Series Sinking Fund ("Funds") during the period January 1, 1990, to December 31, 1990, in anticipation of current taxes levied in the year 1989 and collectible in the year 1990 ("Taxes"), authorizing the issuance of tax anticipation time warrants ("Warrants") to evidence such loans; pledging and appropriating the Taxes to be received in the Funds to the payment of the Warrants, including the interest thereon; and fixing a time when this ordinance shall take effect.

WHEREAS, the Auditor of the County has filed with the Mayor of the City of Indianapolis ("City") an estimate and statement showing the amount of money needed to pay current expenses from the County General Fund, the County Welfare Fund, the County Sinking Fund, the Welfare Sinking Fund and the Advancement Sinking Fund pending the receipt of Taxes actually levied in 1989 and in the process of collection in 1990, and the Mayor did make and enter of record a finding and the Auditor and Mayor have requested the City-County Council to authorize temporary borrowing to procure funds necessary for use by the Funds and to pay the incidental expenses necessary to be incurred in connection with the issuance and sale of Warrants;

WHEREAS, the City-County Council now finds that the request should be granted and:

A. that there will be insufficient funds in the County General Fund to meet the current expenses payable from the County Welfare Fund prior to the distributions of Taxes levied for such Fund, and the distributions of Taxes

December 18, 1989

to be collected for the County Welfare Fund will collectively amount to more than Fifty Million Five Hundred Seventy-five Thousand Nine Hundred Eighty-six Dollars (\$50,575,986) and the interest cost of making temporary loans for the County Welfare Fund; and

B. that there will be insufficient funds in the County Welfare Fund to meet the current expenses payable from the County Welfare Fund prior to the distributions of Taxes levied for such Fund, and the distributions of Taxes to be collected for the County Welfare Fund will collectively amount to more than Twelve Million Four Hundred Seventy-four Thousand One Hundred Sixty-seven Dollars (\$12,474,167) and the interest cost of making temporary loans for the County Welfare Fund; and

C. that there will be insufficient funds in the County Sinking Fund to meet the current expenses payable from the County Sinking Fund prior to the distributions of Taxes levied for such Fund, and the distributions of Taxes to be collected for the County Sinking Fund will collectively amount to more than Six Hundred Sixty-four Thousand Five Hundred Three Dollars (\$664,503) and the interest cost of making temporary loans for the County Sinking Fund; and

D. that there will be insufficient funds in the Welfare Sinking Fund to meet the current expenses payable from the County General Fund prior to the distributions of Taxes levied for such Fund, and the distributions of Taxes to be collected for the Welfare Sinking Fund will collectively amount to more than One Million One Hundred Seventy-one Thousand Four Hundred Fifty-nine Dollars (\$1,171,459) and the interest cost of making temporary loans for the Welfare Sinking Fund; and

E. that there will be insufficient funds in the Advancement Series Sinking Fund to meet the current expenses payable from the Advancement Series Sinking Fund prior to the distributions of Taxes levied for such Fund, and the distributions of Taxes to be collected for the Advancement Series Sinking Fund will collectively amount to more than One Million Forty-one Thousand Two Hundred Twenty-two Dollars (\$1,041,222) and the interest cost of making temporary loans for the Advancement Series Sinking Fund; and

WHEREAS, a necessity exists for the making of temporary loans for these Funds in anticipation of Taxes actually levied for the year 1989 and in course of collection for the year 1990; now, therefore,

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

SECTION 1. The Auditor of the County and the Mayor of the City are authorized to borrow in the name of the County on temporary loans for the use and benefit of the County General Fund in the maximum principal amount of Fifty Million Five Hundred Seventy-five Thousand Nine Hundred Eighty-six Dollars (\$50,575,986) in anticipation of Taxes for the Fund to be collected for the year 1990, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the County General Fund, and there is hereby appropriated and pledged to the payment of the Warrants, including interest, a sufficient amount of the Taxes to be received in the County General Fund from the June and December 1990 distributions of Taxes for the County General Fund, for the payment of the principal of the Warrants evidencing such temporary loan and the amount of interest on such principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 2. The Auditor of the County and the Mayor of the City are authorized to borrow in the name of the County on temporary loans for the use and benefit of the County Welfare Fund of the County in the maximum principal amount of Twelve Million Four Hundred Seventy-four Thousand One Hundred Sixty-seven Dollars (\$12,474,167) in anticipation of Taxes for the Fund to be collected for the year 1990, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the County Welfare Fund, and there is hereby appropriated and pledged to the payment of the Warrants, including interest, a sufficient amount of the Taxes to be received in the County Welfare Fund from the June and December 1990 distributions of Taxes for the County Welfare Fund, for the payment of the principal of the Warrants evidencing such temporary loan and the amount of interest on such principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 3. The Auditor of the County and the Mayor of the City are authorized to borrow in the name of the County on temporary loans for the use and benefit of the County Sinking Fund of the County in the maximum principal amount of Six Hundred Sixty-four Thousand Five Hundred Three Dollars (\$664,503) in anticipation of Taxes for the Fund to be collected for the year 1990, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the County Sinking Fund, and there is hereby appropriated and pledged to the payment of the Warrants, including interest, a sufficient amount of the Taxes to be received in the County Sinking Fund from the June and December 1990 distributions of Taxes for the County Sinking Fund, for the payment of the principal of the Warrants evidencing such temporary loan and the amount of interest on such principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 4. The Auditor of the County and the Mayor of the City are authorized to borrow in the name of the County on temporary loans for the use and benefit of the Welfare Sinking Fund of the County in the maximum principal amount of One Million One Hundred Seventy-one Thousand Four Hundred Fifty-nine Dollars (\$1,171,459) in anticipation of Taxes for the Fund to be collected for the year 1990, which loans shall be evidenced by Warrants.

The Warrants, including interest, shall be payable from the Welfare Sinking Fund, and there is hereby appropriated and pledged to the payment of the Warrants, including interest, a sufficient amount of the Taxes to be received in the Welfare Sinking Fund from the June and December 1990 distributions of Taxes for the Welfare Sinking Fund, for the payment of the principal of the Warrants evidencing such temporary loan and the amount of interest on such principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 5. The Auditor of the County and the Mayor of the City are authorized to borrow in the name of the County on temporary loans for the use and benefit of the Advancement Series Sinking Fund of the County in the maximum principal amount of One Million Forty-one Thousand Two Hundred Twenty-two Dollars (\$1,041,222) in anticipation of Taxes for the Fund to be collected for the year 1990, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the Advancement Series Sinking Fund, and there is hereby appropriated and pledged to the payment of the Warrants, including interest, a sufficient amount of the Taxes to be received in the Advancement Series Sinking Fund from the June and December 1990 distributions of Taxes for the Advancement Series Sinking Fund, for the payment of the principal of the Warrants evidencing such temporary loan and the amount of interest on such principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 6. (a) All Warrants issued pursuant to this ordinance shall bear interest at the rate or rates, not to exceed a maximum rate of ten percent per annum, to be determined as provided in Section 7 and subsection (b). The Warrants for each Fund may be issued in one series, designated Series 1990 Warrants ("Series 1990 Warrants") or in two series, designated Series A and Series B ("Series A Warrants" and "Series B Warrants", respectively). The 1990 Warrants for each Fund may be issued in an amount not to exceed the respective amounts set forth herein with interest thereon. The Series A Warrants for each Fund may be issued in an amount no to exceed the amount of the distribution of Taxes scheduled for June 1990 for that Fund. The Series B Warrants for each Fund may be issued in an amount not to exceed the amount of the December 1990 distribution of Taxes for that Fund. All Series A Warrants shall mature and be payable not later than December 31, 1990 but shall be subject to mandatory redemption beginning on June 30, 1990 on the first day that Taxes for the Fund for which the Warrant was payable in 1990 or from the distribution of Taxes from the first installment payable in 1990 or from an advance from the County Auditor. All Series B Warrants and 1990 Warrants shall mature and be payable not later than December 31, 1990. The Warrants shall be dated as of the date or dates of actual delivery of the respective Warrants.

(b) With regard to the Series A Warrants, the interest rate on the Series A Warrants will be determined as provided in Section 7 unless the Series A Warrants are not redeemed on or before July 31, 1990. If the Series A Warrants have not been redeemed and paid in full on or before July 31, 1990, and the Series A Warrants are owned by the Bond Bank (as defined below), the interest rate will be adjusted to a rate no greater than the rate necessary to enable the Bond Bank to sell its obligations issued to finance its investment in the Series A Warrants at par. The interest rate on the Series A Warrants may be adjusted on August 1, 1990 and on the first day of each month thereafter until the Series A Warrants are paid.

SECTION 7. (a) The Auditor may sell the Warrants in one or more series as set forth in Section 6, pursuant to either subsection (b) or (c) of this section. The Auditor is hereby authorized and directed to have the Warrants prepared, and the Board of Commissioners of the County ("Commissioners"), Mayor and Auditor are hereby authorized and directed to execute and attest the Warrants in the manner substantially set out in the form provided below.

(b) The Auditor may sell any or all the Warrants to The Indianapolis Local Public Improvement Bond Bank ("Bond Bank") pursuant to I.C. 5-1.4 or to the Indiana Bond Bank ("Indiana Bond Bank") pursuant to I.C. 5-1.5 on such terms and conditions as are consistent with this ordinance and mutually agreed to between the Auditor and the Bond Bank or the Indiana Bond Bank. In the event of a sale of such Warrants to the Bond Bank or the Indiana Bond Bank, the Commissioners, the Mayor, and the Auditor are authorized to execute a purchase agreement with the Bond Bank or the Indiana Bond Bank in an acceptable form and to do such other actions and execute such documents as may be required by the Bond Bank or the Indiana Bond Bank as a condition to the purchase of such Warrants.

(c) The Auditor may sell any or all the Warrants at public sale. Prior to the sale of the Warrants at public sale, the Auditor shall cause a notice of sale to be published twice, with the first publication at least fifteen days before the date of sale and the second publication at least three days before the sale date, in two newspapers of general circulation, printed in the English language and published in the County, as provided by I.C. 5-3-1. All bids at public sale for the Warrants shall be sealed and shall be presented to the Auditor at his office, and all bids shall name the rate or rates of interest for the Warrants, or portion thereof. If sold at public sale, the Warrants, or portion thereof bid for, shall be awarded to the bidder or bidders offering the lowest net interest cost to the County determined by computing the total interest on all Warrants and deducting any premium. Any premium shall be used solely for the repayment of the principal of and interest on the Warrants. No bid at public sale for less than par shall be considered, and the Auditor shall have the right to reject any and all bids at public sale. The proper officers of the County are authorized to deliver the Warrants to the purchaser or purchasers of the Warrants at public sale in one or more series in exchange for the agreed purchase price in immediately available funds. The Warrants may all be delivered in one or more series at one time or in parcels from time to time, pursuant to any agreements or understandings with respect to said delivery by and between the Auditor and the purchaser of the Warrants at public sale.

December 18, 1989

SECTION 8. The tax anticipation time Warrants shall be issued in substantially the following form (all blanks, including the appropriate amount, dates, statutory citation, and other data, to be properly completed prior to the execution and delivery thereof):

No. _____ Principal and Interest \$ _____

MARION COUNTY
TAX ANTICIPATION TIME WARRANT, SERIES _____
(FUND)

On the _____ date of _____, 1990, the Board of Commissioners of the County of Marion, Indiana promises to pay to [bearer] [The Indianapolis Local Public Improvement Bond Bank] [The Indiana Bond Bank], at the office of the Marion County Treasurer the sum of _____ Dollars (\$ _____), or so much of the principal amount of this Warrant (set forth below) as shall have been advanced as shown in Exhibit A plus interest at the rate of _____% per annum on the amount advanced for the period of the advance [through June 30, 1990], except that any advance in excess of the Maximum Cumulative Monthly Advance as shown on Exhibit B or which is outstanding after June 30, 1990 shall bear interest at a rate of _____% per annum. [Insert for Series A - the interest rate of this Warrant shall be adjusted on August 1, 1990 and on the first day of each month thereafter as provided in the ordinance authorizing the issuance of this Warrant.] This Warrant shall be payable solely out of and from ad valorem property taxes levied in the year 1989, and payable from the [first installment] [second installment] for the year 1990 ("Taxes"), which Taxes are now in the course of collection for the County _____ Fund, with which to pay general current operating expenses of the County _____ Fund.

[Insert for Series A Warrant - This Warrant is subject to mandatory redemption prior to maturity on or after June 30, 1990 on the first day that Taxes for the _____ Fund are available either from the distribution of Taxes from the first installment payable in 1990 or from an advance from the Marion County Auditor at a price equal to the principal amount of this Warrant that has been advanced plus interest accrued to the date of redemption.]

This Warrant in the principal amount of _____ Dollars (\$ _____), evidencing a temporary loan in anticipation of the Taxes for the County _____ Fund.

The temporary loan was authorized by ordinance duly adopted by the City-County Council at a meeting thereof duly and legally convened and held on the _____ day of _____, 1989, for the purpose of providing funds for the County _____ Fund, in compliance with I.C. 36-2-6.

The consideration for this Warrant is a loan made to the County in anticipation of Taxes levied for County _____ Fund for the year of 1989, payable from the [first installment] [second installment] for the year 1990, and the Taxes so levied are hereby specifically appropriated and pledged to the payment of this Tax Anticipation Time Warrant.

It is hereby certified and recited that all acts, conditions, and things required to be done precedent to the authorization, preparation, complete execution and delivery of the Warrants have been done and performed as provided by law.

IN WITNESS WHEREOF, the Board of Commissioners of Marion County Indiana, has caused the Warrant to be signed in the corporate name of the County by the manual or facsimile signatures of the Commissioners, countersigned by the Mayor, and attested by the Auditor, and the corporate seal of the Board of Commissioners to be hereunto affixed.

Dated this _____ day of _____, 1990.

THE BOARD OF COMMISSIONERS
OF THE COUNTY OF MARION

BY: _____
Commissioner

BY: _____
Commissioner

BY: _____
Commissioner

COUNTERSIGNED:

BY: _____
Mayor, City of Indianapolis

ATTEST:

BY: _____
Auditor, Marion County

EXHIBIT A

(Advances)

SECTION 9. The Warrants shall be executed in the name of the County by the manual or facsimile signatures of the Commissioners, countersigned by the Mayor of the City, the corporate seal of the County to be affixed thereto and attested by the Auditor of the County. The Warrants shall be payable at the office of the Marion County Treasurer, or the paying agent of the County. The Auditor may pay costs of issuance of the Warrants from the proceeds thereof.

SECTION 10. In order to preserve the exclusion of interest on the Warrants from gross income for federal tax purposes under Section 103 of the Internal Revenue Code of 1986 as amended and in existence on the date of issuance of the Warrants ("Code") and as an inducement to purchasers of the Warrants, the County represents, covenants and agrees that:

(a) No person or entity other than the County or another state or local governmental unit will use proceeds of the Warrants other than as a member of the general public. Warrant proceeds shall be used exclusively for the purposes of the respective Funds.

(b) No payment of the principal of or interest on the Warrant proceeds will (under the terms of the Warrant, this ordinance or any underlying arrangement), directly or indirectly (i) be secured by an interest in property used or to be used for a private business use or payments in respect of such property or (ii) be derived from payments in respect of such property or borrowed money used or to be used for a private business use.

(c) No Warrant proceeds will be loaned to any person or entity other than another state or local governmental unit. No Warrant proceeds will be transferred, directly or indirectly, or deemed transferred to a nongovernmental person in any manner that would in substance constitute a loan of the Warrant proceeds.

(d) The County will not take any action nor fail to take any action with respect to the Warrants that would result in the loss of the exclusion from gross income for federal tax purposes on the Warrants pursuant to Section 103 of the Code, nor will the County act in any other manner which would adversely affect such exclusion.

(e) The County represents that it intends to qualify for the exception to the rebate requirement of Section 148(f) of the Code set forth in Section 148(f)(4)(B) of the Code. However, if the County does not qualify for such exception with regard to any of the Warrants the County will comply with the rebate requirement of Section 148(f) of the Code to the extent necessary to preserve the exclusion from gross income of interest on the Warrants and the Bond Bank or the Indiana Bond Bank obligations issued to purchase the Warrants for federal tax purposes.

(f) It shall be not an event of default under this ordinance, including without limitation subsections (a) through (e) of this Section, if the interest on any Warrants is not excludable from gross income for federal tax purposes or otherwise pursuant to any provision of the Code which is not currently in effect and in existence on the date of issuance of the Warrants.

SECTION 11. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

SPECIAL ORDERS - UNFINISHED BUSINESS

PROPOSAL NO. 580, 1989. The proposal appropriates \$210,000 for the County Sheriff to pay additional salaries requested by contractual settlements made after passage of the 1989 budget. Councillor Dowden reported that the Public Safety and Criminal Justice Committee has not heard Proposal No. 580, 1989, and asked that the proposal be stricken. Proposal No. 580, 1989, was stricken by consent.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 620, 1989. Councillor Rhodes reported that the Administration Committee heard Proposal No. 620, 1989, on December 11, 1989. The proposal transfers and appropriates \$50,000 for the Department of Administration, CEMD, to provide funds for fuel site projects. By a 6-0 vote, the Committee reported the proposal

December 18, 1989

to the Council with the recommendation that it do pass. Councillor Rhodes moved, seconded by Councillor McGrath, for adoption. Proposal No. 620, 1989, was adopted on the following roll call vote; viz:

23 YEAS: *Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Durnil, Giffin, Gilmer, Golc, Hawkins, Holmes, Irvin, Jones, McGrath, Moriarty, Rhodes, Ruhmkorff, Schneider, SerVaas, Shaw, West*

0 NAYS

6 NOT VOTING: *Borst, Howard, Mukes-Gaither, Solenberg, Strader, Williams*

Proposal No. 620, 1989, was retitled FISCAL ORDINANCE NO. 134, 1989, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 134, 1989

A FISCAL ORDINANCE amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) transferring and appropriating an additional Fifty Thousand Dollars (\$50,000) in the Consolidated County Fund for purposes of the Department of Administration, Central Equipment Management Division, and reducing certain other appropriations for that department.

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 1.01 of the City-County Annual Budget for 1989, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Administration, Central Equipment Management Division, to provide funds for fuel site projects.

SECTION 2. The sum of Fifty Thousand Dollars (\$50,000) 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:

DEPARTMENT OF ADMINISTRATION, <u>CENTRAL EQUIPMENT MANAGEMENT DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
3. Other Services and Charges	<u>\$50,000</u>
TOTAL INCREASE	\$50,000

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

DEPARTMENT OF ADMINISTRATION, <u>CENTRAL EQUIPMENT MANAGEMENT DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
2. Supplies	<u>\$50,000</u>
TOTAL REDUCTION	\$50,000

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

PROPOSAL NO. 621, 1989. Councillor Cottingham asked Councillor Holmes to give the Committee report. Councillor Holmes reported that the County and Townships Committee heard Proposal No. 621, 1989, on December 5, 1989. The proposal transfers and appropriates \$142,500 for the County Treasurer to follow through with a three year capital improvement plan by purchasing additional computer equipment, peripheral equipment and to replace worn furnishings. Proposal No. 621, 1989, was amended in Committee by reducing the appropriation to \$135,500. By a 4-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Holmes moved, seconded by Councillor Rhodes, for adoption.

Councillor Cottingham stated that he is opposed to transferring personnel money for equipment since there are many City-County employees that are paid a salary which is under the poverty level.

Proposal No. 621, 1989, was adopted on the following roll call vote; viz:

25 YEAS: *Borst, Boyd, Brooks, Clark, Coughenour, Curry, Dowden, Durnil, Giffin, Gilmer, Golc, Hawkins, Holmes, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, Schneider, SerVaas, Strader, West, Williams*
2 NAYS: *Cottingham, Shaw*
2 NOT VOTING: *Howard, Solenberg*

Proposal No. 621, 1989, was retitled FISCAL ORDINANCE NO. 135, 1989, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 135, 1989

A FISCAL ORDINANCE amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) transferring and appropriating an additional One Hundred Thirty-five Thousand Five Hundred Dollars (\$135,500) in the County General Fund for purposes of the County Treasurer and reducing certain other appropriations for that office.

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 2.01 (i) of the City-County Annual Budget for 1989, be and is hereby amended by the increases and reductions hereinafter stated for purposes of enabling the Marion County Treasurer to follow through with a three year capital improvement plan by purchasing additional computer equipment, peripheral equipment and to replace worn furnishings.

SECTION 2. The sum of One Hundred Thirty-five Thousand Five Hundred Dollars (\$135,500) 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:

<u>COUNTY TREASURER</u>	<u>COUNTY GENERAL FUND</u>
2. Supplies	\$ 15,000
3. Other Services and Charges	5,500
4. Capital Outlay	<u>115,000</u>
TOTAL INCREASE	\$135,500

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

<u>COUNTY TREASURER</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	<u>\$135,500</u>
TOTAL REDUCTION	\$135,500

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

PROPOSAL NO. 622, 1989. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 622, 1989, on December 6, 1989. The proposal amends the Code of Indianapolis and Marion County, Sec. 23-71, to increase the amount of holiday premium paid to firefighters. By a 6-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Dowden stated that Proposal No. 622, 1989 was amended in Committee by deleting the provision in Section 23-71(a)(2) which would grant holiday bonus pay to

December 18, 1989

members who are unable to work scheduled holiday shifts because of injuries suffered in the line of duty while responding to an emergency dispatch.

Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal No. 622, 1989, was adopted on the following roll call vote; viz:

28 YEAS: Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Durnil, Giffin, Gilmer, Golc, Hawkins, Holmes, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, Schneider, SerVaas, Shaw, Solenberg, Strader, West, Williams

0 NAYS

1 NOT VOTING: Howard

Proposal No. 622, 1989, was retitled GENERAL ORDINANCE NO. 104, 1989, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 104, 1989

A GENERAL ORDINANCE amending the Code of Indianapolis and Marion County, Sec. 23-71, to increase the amount of holiday premium paid to qualified firefighters.

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

SECTION 1. Section 23-71, Article VII of Chapter 23, of the Code of Indianapolis and Marion County is hereby amended by deleting the text stricken through and inserting the text underlined, so as to read as follows:

Sec. 23-71. Holidays; additional pay:

(a) Suppression Division.

- (1) Additional Pay for Working on a Holiday. Because of the nature of the work of the members of the Indianapolis ~~fire force~~ Fire Department, ~~many~~ members assigned to the suppression division therein ~~are often required~~ in the regular rotation of their duties ~~are required~~ to work on the following holidays, when other citizens are free from the duties of their employment, to-wit:

New Year's Day	Independence Day
Presidents Day	Labor Day
Easter Sunday	Veterans Day
Memorial Day	Thanksgiving Day
Discovery Day	Christmas Day

Because of the increased pressures of the work of the fire force and the around-the-clock requirement for those ~~who are engaged in the suppression division such work~~, it is deemed by this city-county council that they shall be granted additional pay of ~~forty~~ seventy dollars (\$570.00) per day for working on any of the ten (10) listed holidays: ~~for calendar year 1990: seventy-five dollars (\$75.00) per day for working on any of the ten (10) listed holidays for holidays occurring in calendar year 1991 and eighty dollars (\$80.00) per day for working on any of the ten (10) listed holidays for holidays occurring in calendar year 1992 and in subsequent years.~~

(b) Administration Division.

- (1) Holidays Designated. Sworn members of the administration division of the department shall be entitled to the following days as holidays:

<u>New Years Day</u>	<u>Labor Day</u>
<u>Martin Luther King Day</u>	<u>Thanksgiving Day</u>
<u>(third Monday of January)</u>	<u>Friday after Thanksgiving</u>
<u>Presidents Day</u>	<u>Christmas Day</u>
<u>(third Monday of February)</u>	<u>Primary Election Day and</u>
<u>Good Friday</u>	<u>General Election Day in years</u>
<u>Memorial Day</u>	<u>with state or municipal</u>
<u>Independence Day</u>	<u>elections</u>

If any of these holidays fall on a Sunday, the Monday succeeding shall be designated as the legal holiday. When any of these holidays falls on a Saturday, the Friday preceding shall be designated as the legal holiday.

(2) Pay for Unworked Holidays. Sworn members of the administration division shall receive their regular rate of pay for holidays on which they are not required to work.

(3) Additional Pay for Working on a Holiday. If a sworn member of the administration division is required to work for eight (8) hours or more on one of the designated holidays listed in section (b)(1) above, then that member shall receive the additional pay for that holiday at the rates listed in section (a)(1). If a sworn member of the administration division is required to work less than eight (8) hours on one of the holidays listed in section (b)(1) above, then that member shall receive a portion of the additional pay commensurate with the portion of the day worked, but not less than one half of the holiday pay.

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.

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. 629, 1989. Councillor Gilmer reported that the Transportation Committee heard Proposal No. 629, 1989, on December 13, 1989. The proposal transfers and appropriates \$161,383 for the Department of Transportation, Finance and Administration Division, to provide sufficient amounts to cover actual workmen's compensation expenses. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Curry, for adoption. Proposal No. 629, 1989, was adopted on the following roll call vote; viz:

28 YEAS: *Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Dumil, Giffin, Gilmer, Golc, Hawkins, Holmes, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, Schneider, SerVaas, Shaw, Solenberg, Strader, West, Williams*

0 NAYS

1 NOT VOTING: *Howard*

Proposal No. 629, 1989, was retitled FISCAL ORDINANCE NO. 136, 1989, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 136, 1989

A FISCAL ORDINANCE amending the City-County Annual Budget for 1989 (City-County Fiscal Ordinance No. 93, 1988) transferring and appropriating an additional One Hundred Sixty-one Thousand Three Hundred Eighty-three Dollars (\$161,383) in the Transportation Fund for purposes of the Department of Transportation, Finance and Administration Division, and reducing certain other appropriations for that department.

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 1.01 of the City-County Annual Budget for 1989, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Transportation, Finance and Administration, to fund a special assessment by the Department of Administration to provide sufficient amounts to cover actual workmen's compensation expenses.

SECTION 2. The sum of One Hundred Sixty-one Thousand Three Hundred Eighty-three Dollars (\$161,383) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

December 18, 1989

SECTION 3. The following increased appropriation is hereby approved:

DEPARTMENT OF TRANSPORTATION <u>FINANCE AND ADMINISTRATION DIVISION</u>	<u>TRANSPORTATION FUND</u>
1. Personal Services	\$161,383
TOTAL INCREASE	\$161,383

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

DEPARTMENT OF TRANSPORTATION <u>FINANCE AND ADMINISTRATION DIVISION</u>	<u>TRANSPORTATION FUND</u>
3. Other Services and Charges	\$161,383
TOTAL REDUCTION	\$161,383

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

PROPOSAL NO. 630, 1989. The proposal amends the Code by restricting trucks on certain streets. PROPOSAL NO. 631, 1989. The proposal amends the Code by changing intersection controls at Andre Dr, Normandy Bl, Dubonnet Way and Chablis Circle. Councillor Gilmer reported that the Transportation Committee heard Proposal Nos. 630 and 631, 1989, on December 13, 1989. By a 4-0 vote, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Gilmer moved, seconded by Councillor Williams, for adoption. Proposal No. 630 and 631, 1989, were adopted on the following roll call vote; viz:

25 YEAS: Borst, Brooks, Cottingham, Coughenour, Curry, Dowden, Durnil, Giffin, Gilmer, Golc, Hawkins, Holmes, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, Schneider, SerVaas, Shaw, Solenberg, Strader, West, Williams

0 NAYS

4 NOT VOTING: Boyd, Clark, Howard, Irvin

Proposal No. 630, 1989, was retitled GENERAL ORDINANCE NO. 105, 1989, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 105, 1989

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-224, Trucks on certain streets restricted.

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 29, Section 29-224, Trucks on certain streets restricted, be, and the same is hereby amended by the addition of the following, to wit:

11,000 POUNDS GROSS WEIGHT

Marsh Road, from Seventy-First Street to Seventy-Ninth Street

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

Proposal No. 631, 1989, was retitled GENERAL ORDINANCE NO. 106, 1989, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 106, 1989

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

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

Journal of City-County Council

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-92, Schedule of intersection controls, be, and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
1, Pg. 1	Andre Dr & Normandy Bl	Normandy Bl	Stop
1, Pg. 1	Dubonnet Wy & Normandy Bl	Normandy Bl	Stop
1, Pg. 1	Chablis Ct & Normandy Bl	Normandy Bl	Stop

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-92, Schedule of intersection controls, be, and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
1, Pg. 1	Andre Dr & Normandy Bl	None	Stop
1, Pg. 1	Dubonnet Wy & Normandy Wy	None	Stop
1, Pg. 1	Chablis Cir & Normandy Wy	None	Stop

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

PROPOSAL NO. 633, 1989. Councillor Gilmer reported that the Transportation Committee heard Proposal No. 633, 1989, on December 13, 1989. The proposal concerns the proliferation of traffic lights. Councillor Gilmer stated that the Department of Transportation will survey and evaluate as many of the 722 existing traffic signals in the City as possible and report back to the Council in January, April, July and October, 1990. By a 3-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Curry, for adoption. Proposal No. 633, 1989, was adopted on the following roll call vote; viz:

24 YEAS: Borst, Boyd, Brooks, Cottingham, Coughenour, Curry, Dowden, Dumil, Giffin, Gilmer, Golc, Hawkins, Holmes, Irvin, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, SerVaas, Shaw, Solenberg, West, Williams

0 NAYS

5 NOT VOTING: Clark, Howard, Jones, Schneider, Strader

Proposal No. 633, 1989, was retitled COUNCIL RESOLUTION NO. 53, 1989, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 53, 1989

A SPECIAL RESOLUTION concerning the proliferation of traffic lights.

WHEREAS, according to data from the City Controller, Indianapolis maintains 750 traffic signals, which is approximately one traffic light for every thousand residents, or two signals per square mile; and

WHEREAS, stop lights are very important for traffic and pedestrian safety, however, they also contribute to human stress, cause pollution from idling gasoline and diesel engines, cause additional wear on vehicle brakes, engines and transmissions, cause additional consumption of petroleum--a heavily imported finite resource, and are a detriment to productivity; now, therefore:

December 18, 1989

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

SECTION 1. The Indianapolis City-County Council hereby requests the city Department of Transportation to make a concerted effort during the next twelve (12) months to survey, evaluate and implement as many as possible of these 750 traffic signals be made into flashing lights, especially during non-peak traffic hours in the vicinity of each signal.

SECTION 2. This new thrust shall be effectuated in addition to the department's traffic signal synchronization work, and ongoing recommendations to the Council for moving and removing traffic lights.

SECTION 3. The Council asks that the Indianapolis Department of Transportation attempt to communicate this sentiment to the Indiana Department of Highways for their 250 traffic signals in Marion County.

SECTION 4. The Indianapolis Department of Transportation shall make a report on the progress, obstacles, comments and recommendations to the Council's standing Transportation Committee in January, April, July and October of 1990.

SECTION 5. This resolution shall expire November 1, 1990.

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

PROPOSAL NO. 641, 1989. Councillor Rhodes reported that the Administration Committee heard Proposal No. 641, 1989, on December 11, 1989. The proposal authorizes the lease of a portion of the premises located at 1401 West 30th Street for parking space for the use of CEMD. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Giffin, for adoption. Proposal No. 641, 1989, was adopted on the following roll call vote; viz:

23 YEAS: Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Dumil, Giffin, Hawkins, Holmes, Irvin, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, SerVaas, Shaw, Solenberg, West, Williams

0 NAYS

6 NOT VOTING: Gilmer, Golc, Howard, Jones, Schneider, Strader

Proposal No. 641, 1989, was retitled SPECIAL RESOLUTION NO. 80, 1989, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 80, 1989

A SPECIAL RESOLUTION authorizing the lease of a portion of the premises located at 1401 West 30th Street, Indianapolis, Indiana, for parking space for the use of the Central Equipment Management Division of the Department of Administration.

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

SECTION 1. The City-County Council, pursuant to IC 36-1-10-7, has investigated the conditions requiring the subject lease and hereby determines the lease of parking space for the use of the Central Equipment Management Division of the Department of Administration is necessary.

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

LEASE

THIS LEASE (Lease) is made as of _____, between D-A Lubricant Company, Incorporated, herein called "Lessor", and City of Indianapolis, Indiana, Department of Administration, herein called "Lessee".

It is agreed between the parties hereto as follows:

1. **DESCRIPTION OF PREMISES:** Lessor hereby leases to Lessee, and Lessee hires from Lessor, a portion of the premises located at 1401 W. 30th Street, Indianapolis, Indiana, as outlined in red on Attachment A hereto, which property is tendered by Lessor and accepted by Lessee in "as is condition" (the Premises).
2. **TERM.** The term of this Lease shall be on a month-to-month basis commencing on January 1, 1990, and shall not exceed ten (10) years. This Lease may be terminated by either party without cause upon ninety (90) days written notice to the other party.

3. **TERMINATION FOR LACK OF FUNDING:** Notwithstanding any other provision of this Lease, if funds for the continued fulfillment of this Lease by Lessee are at any time not forthcoming or insufficient, through failure of any entity to appropriate funds or other wise, then Lessee shall have the right to terminate this Lease without penalty by giving prior written notice documenting the lack of funding, in which instance unless otherwise agreed to by the parties this Lease shall terminate and become null and void on the last day of the fiscal period for which appropriations were received or seven (7) days after such notice has been received by Lessor at its principal place of business, whichever occur later.

Lessee agrees that it will make its best efforts to obtain sufficient funds, including but not limited to including in its budget for each fiscal period during the term hereof a request for sufficient funds to meet its obligations hereunder in full.

4. **RENTAL:** The monthly rental for the Premises is One Thousand Two Hundred Ten Dollars (\$1,210.00), which Lessee agrees to pay Lessor at such place or places as may be designated from time to time by Lessor, in advance on the first day of each month, upon receipt of properly itemized claim form from Lessor commencing January 1, 1990.
5. **USE:** The Premises are leased to the Lessee for the primary use and purpose of a parking lot, provided that any such activities or operation shall conform to applicable zoning restrictions and character of the property. Lessor represents and warrants to Lessee that the Premises are at the time of the execution of this Lease, and will continue throughout the term hereof, to be zoned for the primary use and purpose for which the Premises are leased to Lessee.
6. **COMPLIANCE WITH LAW:** Lessee agrees to conform to and obey all laws, regulations and ordinances imposed by any municipal, state or federal governmental authority having jurisdiction over the Premises in the use and occupancy thereof.
7. **TAXES:** Lessor shall pay all general and special taxes and assessments, including local improvement assessments, charged or assessed or levied during the term of this Lease against the Premises or any part thereof, except those taxes, assessments and other charges imposed upon any and all property of Lessee located on or in the leased premises, including but not limited to trade fixtures and removable improvements, as defined in paragraph 9 hereof, and said taxes and charges shall be either paid by Lessee or Lessee shall reimburse Lessor for the payment of the same in case the taxes or charges are contained on Lessor's tax bill or statement.
8. **LIABILITIES OF THE PARTIES:** Lessee does hereby waive any and all rights of recovery against the Lessor, its agents, employees, licensees, customers and invitees for any loss, damage or injury to real and/or personal property of it or in its custody incurred during the term hereof by reason of any of the casualties or risks which may be insurable under standard fire and extended coverage, malicious mischief and vandalism insurance, whether or not said loss, damage or injury shall be caused by or be due to the negligence of the Lessor, its agents, employees, licensees, customers and invitees, or otherwise; and the Lessor does hereby waive any and all rights of recovery against the Lessee, its agents, employees, licensees, customers and invitees for any loss, damage or injury to real and/or personal property of it or in its custody incurred during the term hereof by reason of any of the casualties or risks which may be insurable under standard fire and extended coverage, malicious mischief and vandalism insurance, whether or not said loss, damage or injury shall be caused by or be due to the negligence of the Lessee, its agents, employees, licensees, customers and invitees, or otherwise.
9. **ALTERATIONS AND LIENS:** Lessee shall not make, or suffer to be made, any alterations of the Premises, or any part thereof, without the written consent of Lessor first had and obtained. Any additions to or alterations of the Premises will, at the option of Lessor, become a part of the realty and belong to Lessor, or be removed by Lessee prior to the expiration of the Lease and the Premises restored. Lessee shall keep the Premises and the property in which the Premises are situated free from any liens arising out of any work performed, materials furnished or obligations incurred by Lessee.
10. **REPAIRS AND MAINTENANCE:** Lessee shall maintain the Premises in good order and condition, reasonable wear and tear, damage by fire, the elements and other casualties excepted.

December 18, 1989

11. ENTRY BY OWNER:

a. Lessor, subject to the provision of subparagraph "b" of this paragraph, shall have access to the Premises at all reasonable times for the purpose of exercising its rights and obligations under the terms hereof.

b. In the event the Lessee is required by the Consolidated City of Indianapolis, State of Indiana or any agency thereof to comply with Security Regulations, the Lessor's rights of re-entry, or of access to the Premises for repossession, inspection, maintenance, repairs, or any other purpose provided for in the Lease, shall be governed by said Security Regulations.

12. INDEMNIFICATION: Lessee agrees to indemnify and hold harmless Lessor and its officers, agents, officials and employees for any claims, actions, causes of action and judgments resulting from personal injury or property damage in connection with this Lease arising out of the sole negligence of Lessee, except as provided in Paragraphs 8.

Lessor agrees to indemnify and hold harmless Lessee and its officers, agents, officials and employees for any claims, actions, causes of action and judgments resulting from personal injury or property damage in connection with this Lease arising from the sole negligence of Lessor, except as provided in Paragraph 8.

13. SERVICE AND UTILITIES: Lessee shall provide all utilities, services, repairs, and maintenance, except as otherwise provided in this paragraph. Lessor agrees to maintain the security lights present upon the Premises for the term of this Lease. Lessor agrees to pay all expenses of maintaining and operating these lights.

14. CONDEMNATION AND DESTRUCTION OF PREMISES: In the event the Premises or any material part thereof shall be taken for any street or other public use by action of any governmental authority, or shall be destroyed or damaged by fire or any other unavoidable casualty, in whole or in part, so as to render it untenable and/or unfit of the use prescribed by the Lessee, then the Lessor or Lessee, at their respective options, may terminate this Lease; in the event Lessor elects so to terminate, Lessee shall be liable for rent only up to the date of such taking or destruction or unavoidable casualty; in the event Lessee elects to terminate, Lessee shall be liable for rent only up to the date of its election; provided, however, that in the event such damage is repairable within ninety (90) days the same shall be repaired by or on behalf of Lessor at no cost or expense to Lessee unless due to the negligence of Lessee. During the period required for such repairs, Lessee shall be entitled to abatement of the rentals and charges herein-before set forth in proportion to the value of the space which is rendered unusable or untenable. Any award received by Lessor by reason of any such condemnation shall be the sole property of the Lessor.

15. QUIET ENJOYMENT: Lessor shall place Lessee in the peaceful and undisturbed possession of the Premises on or before the commencement of the term hereof, and upon Lessee performing and observing all of the conditions and covenants on its part to be performed, Lessor shall secure to Lessee the quiet and peaceful possession of the Premises during the term hereof against all lawful claims of persons claiming the same by, through or under Lessor.

16. ASSIGNMENT OR SUBLETTING: Lessee shall not assign this Lease or sublet the whole or any part of the demised Premises without the written consent of the Lessor. Lessor's consent to an assignment or subletting shall not be unreasonably withheld.

17. REMEDIES ON DEFAULT: In the event that Lessee fails to pay the monthly rental within ten (10) days after the same shall become due, or in the event that Lessee breaches any covenant or any condition contained herein and such breach is not cured within thirty (30) days after written notice is given to lessee by Lessor; Lessor shall have the right, after ten (10) days written notice to Lessee, in addition to and not limited to any way by other remedy permitted by law, to terminate this Lease, in which event Lessee shall immediately surrender the Premises to Lessor, but if Lessee shall fail to do so, Lessor may, without further notice, enter upon the Premises and remove Lessee without being liable to prosecution or any claim for damages therefore. If Lessee shall not remove all of its personal property from the Premises at any termination of this Lease, Lessor may, at its option, remove all or part of said personal property in any manner that Lessor shall choose and store the same at a public warehouse at the expense and risk of the owner of owners thereof.

18. SURRENDER AT END OF TERM: Lessee agrees, upon the termination of the Lease to surrender and deliver the Premises to Lessor in the same condition as when received, reasonable use, depreciation and wear thereof, and damage by fire, act of God, or by the elements or other casualties excepted.

19. NOTICES:

Journal of City-County Council

a. All notices or demands of any kind which Lessor may be required or may desire to serve on Lessee under the terms of this Lease may be served upon Lessee (as an alternative to personal service upon Lessee) by mailing a copy thereof addressed to Lessee at:

Office of the Director
Department of Administration
2560 City-County Building
Indianapolis, Indiana 46204

b. All notices or demands of any kind which Lessee may be required or may desire to serve on Lessor under the terms of this Lease together with the payment of the rent (subject or Lessor's right to designate any other place of payment) shall be made to or served upon Lessor by mailing a copy thereof to Lessor's agent.

D-A Lubricant Company, Inc., located at:
1340 West 29th Street
Indianapolis, Indiana 46208
Attention: J. Smither

cc: Jeffrey S. Bendis
Premier Industrial Corp.
4500 Euclid Avenue
Cleveland, Ohio 44103

c. Service of any notice shall be deemed complete at the time of leaving the notice or within five (5) days after mailing the same.

20. BINDING ON SUCCESSORS: The covenants and conditions herein contained, shall, subject to the provisions as to assignment, apply to and bind the successors and assigns of the parties hereto.
21. LEASE IN DUPLICATE: For the convenience of the parties hereto, this Lease has been executed in duplicate, which in all respects are identical. Each of them shall be deemed complete in itself.
22. HEAD NOTES, GENDER AND NUMBER: The paragraph head notes are inserted merely for convenience and are not to be construed as part of this Lease or in anyway affecting it. As used herein, the neuter gender includes both the masculine and feminine, and the singular number includes the plural and vice versa.
23. ENTIRE AGREEMENT: This Lease embodies the entire agreement between the parties. There are no promises, terms, conditions or obligations referring to the subject matter or the leased premises other than those contained herein. There may be no modification to this Lease except in writing executed with the same formalities as this Lease.

CITY OF INDIANAPOLIS

By: _____
Donald R. McPherson
Director
Department of Administration

Date: _____

APPROVED:

William H. Hudnut, III
Mayor

Approved as to form and legality:
Kristie L. Hill
Corporation Counsel

By: _____
Margaret E. Piety
Assistant Corporation Counsel

D-A LUBRICANT COMPANY, INC.

By: _____
Philip S. Sims
Vice President

Date: _____

PROPOSAL NO. 642, 1989. Councillor Cottingham reported that the County and Townships Committee heard Proposal No. 642, 1989, on December 5, 1989. The

December 18, 1989

proposal authorizes an increase in the salary schedule for Marion County employees. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Mary Buckler, Marion County Treasurer, stated that county employees' salary ranges can only be changed and adjusted by the Council. There are approximately thirty employees who are at the top end of their pay range and who would not be granted the 4.5% pay increase next year because they are already at the upper level of their salary schedule.

Councillor Cottingham moved, seconded by Councillor Rhodes, for adoption. Proposal No. 642, 1989, was adopted on the following roll call vote; viz:

21 YEAS: Brooks, Cottingham, Coughenour, Curry, Dowden, Giffin, Gilmer, Golc, Hawkins, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, Schneider, SerVaas, Solenberg, West, Williams

3 NAYS: Borst, Boyd, Shaw

5 NOT VOTING: Clark, Dumil, Holmes, Howard, Strader

Proposal No. 642, 1989, was retitled GENERAL RESOLUTION NO. 19, 1989, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 19, 1989

A GENERAL RESOLUTION to increase the salary schedule for Marion County employees.

WHEREAS, pursuant to Sec. 23-61 of the Code of Indianapolis and Marion County, the Marion County Job Classification Board has the responsibility of reviewing the Marion County schedule of compensation as often as considered necessary and making recommendations for a new schedule of compensation; and

WHEREAS, the current schedule of compensation has not been revised since it was initially adopted in 1987; and

WHEREAS, it is the opinion of the Job Classification Board that the salary schedule should be increased to compensate for the effects of inflation and the Board has recommended that the Marion County salary schedule be increased by 4-1/2%, 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, as the legislative and fiscal body of Marion County hereby adopts the following schedule of compensation for all Marion County employees, as defined by Sec. 23-61 of the Code of Indianapolis and Marion County, effective as of the first pay cycle of 1990:

<u>RANGE</u>	<u>MINIMUM</u>	<u>TOP OF 1ST.ORT.</u>	<u>MIDPOINT</u>	<u>TOP OF 3RD.ORT.</u>	<u>MAXIMUM</u>
03	\$ 9,496	\$11,562	\$13,627	\$15,693	\$17,758
04	\$10,437	\$12,708	\$14,978	\$17,249	\$19,519
05	\$11,481	\$13,979	\$16,477	\$18,973	\$21,471
06	\$12,630	\$15,377	\$18,124	\$20,871	\$23,618
07	\$13,893	\$16,915	\$19,938	\$22,959	\$25,981
08	\$15,283	\$18,607	\$21,931	\$25,256	\$28,580
09	\$16,812	\$20,468	\$24,126	\$27,782	\$31,439
10	\$18,493	\$22,516	\$26,538	\$30,560	\$34,582
11	\$20,343	\$24,768	\$29,192	\$33,617	\$38,041
12	\$22,378	\$27,245	\$32,112	\$36,979	\$41,846
13	\$24,615	\$29,969	\$35,323	\$40,677	\$46,030
14	\$27,077	\$32,967	\$38,856	\$44,745	\$50,634
15	\$29,785	\$36,263	\$42,742	\$49,220	\$55,697
16	\$32,763	\$39,889	\$47,015	\$54,140	\$61,266
17	\$36,039	\$51,716	\$43,877	\$59,555	\$67,393

18 \$39,643 \$48,265 \$56,888 \$65,510 \$74,132

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

PROPOSAL NO. 644, 1989. Councillor Gilmer reported that the Transportation Committee heard Proposal No. 644, 1989, on December 13, 1989. The proposal amends the Code by prohibiting parking during specified hours on certain days on portions of Michigan Street. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Williams, for adoption. Proposal No. 644, 1989, was adopted on the following roll call vote; viz:

24 YEAS: Boyd, Brooks, Cottingham, Coughenour, Curry, Dowden, Dumil, Giffin, Gilmer, Golc, Hawkins, Holmes, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, Schneider, SerVaas, Solenberg, West, Williams

0 NAYS

5 NOT VOTING: Borst, Clark, Howard, Shaw, Strader

Proposal No. 644, 1989, was retitled GENERAL ORDINANCE NO. 107, 1989, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 107, 1989

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-270, Parking prohibited during specified hours on certain days.

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 29, Section 29-270, Parking prohibited during specified hours on certain days, be, and the same is hereby amended by the deletion of the following, to wit:

ON ANY DAY EXCEPT
SATURDAYS AND SUNDAYS

From 1:00 a.m. to 6:00 p.m.

Michigan Street, on both sides,
from Pennsylvania Street to East Street.

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-270, Parking prohibited during specified hours on certain days, be, and the same is hereby amended by the addition of the following, to wit:

ON ANY DAY EXCEPT
SATURDAYS AND SUNDAYS

From 1:00 a.m. to 6:00 p.m.

Michigan Street, on both sides,
from Pennsylvania Street to New Jersey Street.

Michigan Street, on the south side,
from East Street to New Jersey Street.

SECTION 3. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-271, Stopping, standing and parking prohibited at designated locations on certain days and hours, be, and the same is hereby amended by the addition of the following, to wit:

ON ANY DAY EXCEPT
SATURDAYS AND SUNDAYS

December 18, 1989

From 6:00 a.m. to 9:00 p.m.

Michigan Street, on the north side,
from East Street to New Jersey Street.

SECTION 4. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29-283, Parking meter zones designated, be, and the same is hereby amended by the addition of the following, to wit:

TWO HOURS

Michigan Street, on the north side,
from East Street to New Jersey Street.

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

PROPOSAL NO. 647, 1989. Councillor Rhodes reported that the Administration Committee heard Proposal No. 647, 1989, on December 18, 1989. The proposal amends City-County Fiscal Ordinance No. 88, 1989, to modify committee compensation for councillors for 1990. By a 6-1-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Rhodes stated that Proposal No. 647, 1989, addresses two main issues: (1) Paragraph 3 was amended to read that councillors would be paid for a maximum of fifty committee meetings during a year instead of forty; and (2) A new paragraph 6 was added which states that when a councillor is officially assigned to a committee by the Committee on Committees, and accepts the appointment, remuneration for attendance will be paid only if the councillor is present at the beginning of the meeting and remains until adjournment. Councillor Rhodes further stated that paragraph 6 did read "subject to the discretion of the committee chairman", but the Committee amended that to read, "unless the councillor has made previous arrangements with the committee chairman".

Councillor Durnil spoke against both issues because fifty meetings is too many in one year and it is unreasonable to penalize a member for either coming in late or leaving early, especially a part-time legislator.

Councillor Shaw stated that some councillors are members of four committees. He is on three committees, and he averages 64 to 72 meetings a year.

Councillor Brooks moved, seconded by Councillor Gilmer, to amend Proposal No. 647, 1989, by deleting paragraph 6.

Councillor Boyd said that he supports Councillor Brooks' amendment because in his opinion paragraph 6 is unworkable.

Councillor West stated that he supports Councillor Brooks' amendment because there are times when a councillor has two committees convening at the same time. This issue needs to be discussed at length in a committee hearing.

President SerVaas passed the gavel to Councillor West.

Councillor SerVaas stated that he supports Councillor Brooks' amendment because the issue should be discussed in committee at greater length. He also supports raising the maximum number of paid meetings from forty to fifty.

Councillor West returned the gavel to President SerVaas.

Councillor Brooks' motion to amend Proposal No. 647, 1989, was passed on the following roll call vote; viz:

25 YEAS: *Borst, Boyd, Brooks, Cottingham, Curry, Dowden, Durnil, Giffin, Gilmer, Golc, Hawkins, Holmes, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Rhodes, Ruhmkorff, Schneider, SerVaas, Shaw, Solenberg, West, Williams*
2 NAYS: *Clark, Coughenour*
2 NOT VOTING: *Howard, Strader*

Councillor Dowden stated that if a meeting is properly scheduled thirty days in advance, and if some committee members do not wish to attend, that a quorum should be considered of the members present at that meeting. He would like to see Proposal No. 647, 1989, defeated, and Council could then discuss it at greater length next year.

Councillor Williams moved, seconded by Councillor Boyd, to amend Proposal No. 647, 1989, by adding a section that reads that no committee meetings, with the exception of budget hearings, will convene prior to 5:00 p.m.

Councillor Ruhmkorff spoke against the amendment because members still come in late at committee meetings which begin at 5:00 p.m.

Councillors West, Coughenour and Gilmer spoke against the amendment because it is too inflexible.

Councillor Brooks stated that he supports the amendment because it would be more convenient for the public, but will vote against the amendment because he would like it to come back through the committee system in a more comprehensive manner.

Councillor Durnil spoke against the amendment because it is too inflexible, but agreed it would be better for the public if meetings were held at 5:00 p.m.

Councillor Williams' motion to amend Proposal No. 647, 1989, failed to pass on the following roll call vote; viz:

8 YEAS: *Boyd, Golc, Hawkins, Irvin, Jones, Moriarty, Solenberg, Williams*
17 NAYS: *Borst, Brooks, Cottingham, Coughenour, Curry, Durnil, Giffin, Gilmer, Holmes, McGrath, Mukes-Gaither, Rhodes, Ruhmkorff, Schneider, SerVaas, Shaw, West*
4 NOT VOTING: *Clark, Dowden, Howard, Strader*

Councillor Holmes moved, seconded by Councillor Giffin, for adoption of Proposal No. 647, 1989. Proposal No. 647, 1989, as amended, failed on the following roll call vote; viz:

14 YEAS: *Borst, Brooks, Curry, Giffin, Gilmer, Hawkins, Holmes, Irvin, McGrath, Mukes-Gaither, Ruhmkorff, SerVaas, Shaw, West*
13 NAYS: *Boyd, Clark, Cottingham, Coughenour, Dowden, Durnil, Golc, Jones, Moriarty, Rhodes, Schneider, Solenberg, Williams*
2 NOT VOTING: *Howard, Strader*

Robert Elrod, General Counsel, recommended that the provisions in paragraph 6 of Proposal No. 647, 1989, as well as paragraph 2, should be in the council rules, not in the budget ordinance which is adopted annually.

December 18, 1989

ANNOUNCEMENTS AND ADJOURNMENT

President SerVaas announced that the Republican Caucus had selected Councillor Stephen West as the majority leader for 1990 and the Democrat Caucus had selected Councillor Susan Williams as the minority leader for 1990.


There being no further business, upon motion duly made and seconded, the meeting adjourned at 9:21 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-County Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 18th day of December, 1989.

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


President

ATTEST:


Clerk of the Council

(SEAL)