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

REGULAR MEETINGS
MONDAY, DECEMBER 14, 1992

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 7:10 p.m. on Monday, December 14, 1992, with Councillor SerVaas presiding.

Councillor SerVaas led 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:

29 PRESENT: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor O'Dell introduced Daryl Dasher, Environmental Manager, Navistar. Councillor Borst introduced Evelyn Sayers, Vice Chairman of Marion County Healthcare Center. Councillor Curry acknowledged the presence of Lawrence Buell, Executive Director, Health and Hospital Corporation. Councillor Hinkle introduced John Ryan, former deputy mayor of Indianapolis.

OFFICIAL COMMUNICATIONS

Councillor Boyd presented a report on the National League of Cities (NLC) conference in New Orleans. Councillor Williams stated that she attended several sessions on education at the conference where Mr. McKenna, Superintendent of Education, Englewood, California,

was the speaker. She suggested inviting Mr. McKenna to Indianapolis to speak to the community concerning creative educational ideas.

Ray Irvin and Ruth Hayes presented the annual report of the White River Greenway Development Board.

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.

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 14, 1992, 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

November 20, 1992

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 Wednesday, November 25, 1992, a copy of LEGAL NOTICE on General Ordinance No. 129, 1992.

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

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

Ladies and Gentlemen:

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

FISCAL ORDINANCE NO. 78, 1992, approving temporary tax anticipation borrowing, authorizing the City of Indianapolis to make temporary loans for the use of the Consolidated City Police Force Account, the Police Pension Fund, the Consolidated City Fire Force Account, the Firemen's Pension Fund and the Consolidated County Fund during the period January 1, 1993 through December 31, 1993.

FISCAL ORDINANCE NO. 79, 1992, approving temporary tax anticipation borrowing, authorizing Marion County, Indiana to make temporary loans for the use of the County General Fund and the County Welfare Fund during the period from January 1, 1993 through December 31, 1993.

FISCAL ORDINANCE NO. 80, 1992, amending the City-County Annual Budget for 1992 (City-County Fiscal Ordinance No. 61, 1991) appropriating an additional Fifty Thousand Dollars ($50,000) in the State and Federal Grants Fund for purposes of the Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

FISCAL ORDINANCE NO. 81, 1992, amending the City-County Annual Budget for 1992 (City-County Fiscal Ordinance No. 61, 1991) appropriating an additional Forty-six Thousand Five Hundred Dollars ($46,500) in the State and Federal Grants Fund for purposes of the Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

FISCAL ORDINANCE NO. 82, 1992, amending the City-County Annual Budget for 1992 (City-County Fiscal Ordinance No. 61, 1991) appropriating an additional Sixty-six Thousand Dollars ($66,000) in the State and Federal Grants Fund for purposes of the Prosecuting Attorney and reducing the unappropriated and unencumbered balance In the State and Federal Grants Fund.

FISCAL ORDINANCE NO. 83, 1992, amending the City-County Annual Budget for 1992 (City-County Fiscal Ordinance No. 61, 1991) appropriating an additional One Hundred Twenty-eight Thousand One Hundred Thirty-four Dollars ($128,134) in the State and Federal Grants Fund for purposes of the Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

FISCAL ORDINANCE NO. 84, 1992, amending the City-County Annual Budget for 1992 (City-County Fiscal Ordinance No. 61, 1991) appropriating an additional Forty-seven Thousand One Hundred Eighty-nine Dollars ($47,189) in the State and Federal Grants Fund for purposes of the County Sheriff and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

FISCAL ORDINANCE NO. 85, 1992, amending the City-County Annual Budget for 1992 (City-County Fiscal Ordinance No. 61, 1991) appropriating an additional Twenty-three Thousand Two Hundred Eighty-three Dollars ($23,283) in the State and Federal Grants Fund for purposes of the County Sheriff and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

FISCAL ORDINANCE NO. 86, 1992, amending the City-County Annual Budget for 1992 (City-County Fiscal Ordinance No. 61, 1991) transferring and appropriating an additional One Hundred and Thirty Thousand Dollars ($130,000) in the County General Fund for purposes of the Marion County Healthcare Center and reducing certain other appropriations for that Center.

FISCAL ORDINANCE NO. 87, 1992, amending the City-County Annual Budget for 1992 (City-County Fiscal Ordinance No. 61, 1991) transferring and appropriating an additional One Hundred Thousand Dollars ($100,000) in the Park General Fund for purposes of the Department of Parks and Recreation, Parks Management Division, and reducing certain other appropriations from the Recreation and Sports Facilities Division.

FISCAL ORDINANCE NO. 88, 1992, amending the City-County Annual Budget for 1992 (City-County Fiscal Ordinance No. 61, 1991) transferring and appropriating an additional Seventy Thousand Dollars ($70,000) in the Park General Fund for purposes of the Department of Parks and Recreation, Golf Division, and reducing certain other appropriations for that division.

FISCAL ORDINANCE NO. 89, 1992, amending the City-County Annual Budget for 1992 (City-County Fiscal Ordinance No. 61, 1991) transferring and appropriating an additional Fifty-five Thousand Dollars ($55,000) in the County General Fund for purposes of the Superior Court and reducing the appropriations for that Division.

SPECIAL RESOLUTION NO. 88, 1992, recognizing the Hawthorne DrugBusters.

SPECIAL RESOLUTION NO. 89, 1992, concerning the White River Greenway.

SPECIAL RESOLUTION NO. 90, 1992, authorizing Marion County, Indiana to enter into a Lease Agreement and Option to Purchase to provide office space for the Wayne Township Assessor and approving and authorizing other actions In respect thereto.

SPECIAL RESOLUTION NO. 91, 1992, concerning electronic welfare benefits transfers.

GENERAL ORDINANCE NO. 153, 1992, amending the Code of Indianapolis and Marion County, Indiana by amending Chapter 10, Article III to change the surcharge imposed for Enhanced 9-1-1.

GENERAL ORDINANCE NO. 154, 1992, amending the Code by changing the intersection controls at Livingston Avenue and 16th Street (Districts 16, 17).

GENERAL ORDINANCE NO. 155, 1992, amending the Code by authorizing a 4-way stop at the intersection of Oxford Street and 58th Street (District 7).

GENERAL RESOLUTION NO. 11, 1992, approving the schedule of charges for the care and maintenance of patients or residents of the Marion County Healthcare Center.

Respectfully,
s/Stephen Goldsmith
Stephen Goldsmith

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 November 23, 1992. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS AND COUNCIL RESOLUTIONS

PROPOSAL NO. 656, 1992. This proposal, sponsored by Councillor SerVaas, approves a schedule of regular council meetings for the year 1993. Councillor Rhodes offered the following substitutions to the schedule: (1) January 25, 1993 for January 19, 1993, (2) April 12, 1993 for April 5, 1993, (3) July 12, 1993 for July 19, 1993, (4) November 1, 1993 for October 25, 1993, (5) November 15, 1993 for November 8, 1993 and (6) November 29, 1993 for November 22, 1993.

President SerVaas asked the Clerk of the Council to incorporate those changes into the schedule and to also meet with Councillor Boyd to see if the Democrat Caucus had any changes to suggest. Proposal No. 656, 1992 will be heard at the January 4, 1993 Council meeting.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 648, 1992. Introduced by Councillor Giffin. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE approving the Amendment of documents executed in connection with the issuance of the City of Indianapolis Economic Development Revenue Bonds (Indianapolis Historic Partners Project) which were originally issued in 1985"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 650, 1992. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION expanding the Urban Enterprise Zone boundaries to include Thomson Consumer Electronics, Inc. Headquarters (RCA plant)"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 651, 1992. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating $50,000 for the County Surveyor to finalize a contract for fiscal year 1993 with the Department of Public Works concerning IMAGIS"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 652, 1992. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating $812,956 for the County Auditor to technically amend its 1993 budget concerning the Prosecutor's Diversion Fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 653, 1992. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating $30,000 for the Marion County Public Defender Agency to technically amend its 1993 budget"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 654, 1992. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE to technically amend the 1993 budget by transferring $20,439 in pauper appeals from the Clerk of the Circuit Court's budget to the Marion County Public Defender Agency's budget"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 655, 1992. Introduced by Councillor Moriarty. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by changing the intersection control at North Street and Rural Street from traffic signals to stop signs (District 15)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 657, 1992. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION determining the need to lease office space located at 129 East Market Street, Indianapolis, Indiana for the Department of Metropolitan Development, Planning Division"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 658, 1992. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Margaret Maxwell to the Marion County Commission on Youth"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 659, 1992. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Revised Code concerning adjournment motions recognizing deceased persons"; and the President referred it to the Rules and Public Policy Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NOS. 646, 647 and 649, 1992. Councillor Giffin asked for consent to vote on these three proposals together. Consent was given. PROPOSAL NO. 646, 1992. The proposal extends the expiration date of the existing Inducement Resolution for Meadows Revival, Inc. through June 30, 1993. PROPOSAL NO. 647, 1992. The proposal extends the expiration date of the existing Inducement Resolution for Homeward Partners, Inc. through June 30, 1993. PROPOSAL NO. 649, 1992. The proposal approves an Inducement Resolution for CORE General partnership in an amount not to exceed $10,000,000 for the acquisition, construction, renovation, installation and equipping of the existing Wingate Village Apartments which are located on East 38th Street between Mitthoeffer and German Church Roads. Councillor Giffin reported that the Economic Development Committee heard Proposal Nos. 646, 647 and 649, 1992 on December 9, 1992.

By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Giffin moved, seconded by Councillor Jones, for adoption. Proposal Nos. 646, 647 and 649, 1992 were adopted on the following roll call vote; viz:

28 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams
0 NAYS:
1 NOT VOTING: Rhodes

Proposal No. 646, 1992 was retitled SPECIAL RESOLUTION NO. 92, 1992 and reads as follows:

CITY COUNTY SPECIAL RESOLUTION NO. 92, 1992

A SPECIAL RESOLUTION AMENDING City-County Special Resolution No. 84, 1990, as amended and approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana (the "City") is authorized by IC 36-7-11.9 and IC 36-7-12 (collectively, the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction, renovation, installation and equipping of said facilities either directly owned by or leased or sold to a company; and leased or subleased to users of the facilities; and

WHEREAS, City-County Special Resolution No. 84, 1990, as amended (the "Inducement Resolution") has been previously adopted by the City-County Council of the City of Indianapolis and Marion County, Indiana, concerning certain proposed economic development facilities to be developed by Meadows Revival, Inc. (the "Company") which Inducement Resolution set an expiration date of December 31, 1992 unless the economic development revenue bonds for the Project (as defined in the Inducement Resolution) had been issued prior to the aforesaid date or unless, upon a showing of good cause by the Company, the City, by official action, extends the term of the Inducement Resolution; and

WHEREAS, such bonds have not yet been issued as of the date of adoption of this City-County Special Resolution, but the Company has shown good cause to extend the aforesaid expiration date; now, therefore:

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

SECTION 1. The City-County Council finds, determines, ratifies and confirms that the Inducement Resolution is hereby amended by deleting the expiration date of December 31, 1992 contained therein and replacing said date with the date of June 30, 1993.

SECTION 2. The City-County Council further finds, determines, ratifies and confirms that except as modified by Section 1 hereof, all other findings and provisions of the Inducement Resolution shall remain unchanged and are hereby reaffirmed and confirmed.

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

Proposal No. 647, 1992 was retitled SPECIAL RESOLUTION NO. 93, 1992 and reads as follows:

CITY COUNTY SPECIAL RESOLUTION NO. 93, 1992

A SPECIAL RESOLUTION AMENDING City-County Special Resolution No. 72, 1990, as amended and approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana (the "City") is authorized by IC 36-7-11.9 and IC 36-7-12 (collectively, the "Act") to issue revenue bonds for the financing of economic development facilities, the funds

from said financing to be used for the acquisition, construction, renovation, installation and equipping of said facilities either directly owned by or leased or sold to a company; and leased or subleased to users of the facilities; and

WHEREAS, City-County Special Resolution No. 72, 1990, as amended (the "Inducement Resolution") has been previously adopted by the City-County Council of the City of Indianapolis and Marion County, Indiana, concerning certain proposed economic development facilities to be developed by Homeward Partners, Inc. (the "Company") which Inducement Resolution set an expiration date of December 31, 1992 unless the economic development revenue bonds for the Project (as defined in the Inducement Resolution) had been issued prior to the aforesaid date or unless, upon a showing of good cause by the Company, the City, by official action, extends the term of the Inducement Resolution; and

WHEREAS, such bonds have not yet been issued as of the date of adoption of this City-County Special Resolution, but the Company has shown good cause to extend the aforesaid expiration date; and

WHEREAS, the Company intends to utilize Low Income Housing Tax Credits, if available, pursuant to Section 42 of the Internal Revenue Code of 1986, as amended or any successor section thereof in connection with the Project and the Indiana Housing Finance Authority; now, therefore:

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

SECTION 1. The City-County Council finds, determines, ratifies and confirms that the Inducement Resolution is hereby amended by deleting the expiration date of December 31, 1992 contained therein and replacing said date with the date of June 30, 1993.

SECTION 2. A new Section 6 is hereby added to City-County Special Resolution No. 72, 1990, as amended, which shall read as follows:

> "Section 6. The City-County Council recognizes that the Company intends to utilize Low Income Housing Tax Credits, if available, pursuant to Section 42 of the Internal Revenue Code of 1986, as amended, or any successor section thereof in connection with the financing of the Project with tax-exempt bonds."

SECTION 3. The City-County Council further finds, determines, ratifies and confirms that except as modified by Sections 1 and 2 hereof, all other findings and provisions of the Inducement Resolution shall remain unchanged and are hereby reaffirmed and confirmed.

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

Proposal No. 649, 1992 was retitled SPECIAL RESOLUTION NO. 94, 1992 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 94, 1992

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

WHEREAS, the City of Indianapolis, Indiana (the "Issuer") is authorized by IC 36-1-11.9 and IC 36-7-12 (collectively, the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, renovation, construction, installation and equipping of said facilities, and said facilities to be either sold or leased to a company or directly owned by the company;

WHEREAS, CORE General Partnership, a to be formed Indiana General Partnership (the "Applicant") has advised the Indianapolis Economic Development Commission and the Issuer that it proposes that the Issuer either acquire certain economic development facilities and sell or lease the same to Applicant or loan the proceeds of an economic development financing to the Applicant for the same, said economic development facilities consist of the acquisition, construction, renovation, installation and equipping of the existing Wingate Village Apartments consisting of 70 apartment buildings containing a total of approximately 661,000 square feet constructed into 852 apartments plus community, maintenance and laundry buildings; the acquisition of machinery, equipment and furnishings for use in the facility; and the acquisition, renovation, construction and installation of various site improvements at the facility (the "Project");

WHEREAS, the diversification of industry and the creation of opportunities for gainful employment (eleven (11) jobs at the end of one year and thirteen (13) jobs at the end of three years) and the creation of business opportunities to be achieved by the acquisition, construction, renovation, installation and equipping of the

Project will serve a public purpose and be of benefit to the health or general welfare of the Issuer and its citizens;

WHEREAS, having received the advice of the Indianapolis Economic Development Commission, it would appear that the financing of the Project would be of benefit to the health or general welfare of the Issuer and its citizens;

WHEREAS, the acquisition, construction, renovation, installation and equipping of the Project will not have an adverse competitive effect on similar facilities already constructed or operating within the jurisdiction of the Issuer; now, therefore:

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

SECTION 1. It finds, determines, ratifies and confirms that the diversification of industry and the creation of opportunities for gainful employment within the jurisdiction of the Issuer, is desirable, serves a public purpose, and is of benefit to the health or general welfare of the Issuer; and that it is in the public interest that this Issuer take such action as it lawfully may to encourage the diversification of industry, the creation of business opportunities, and the creation of opportunities for gainful employment within the jurisdiction of the Issuer.

SECTION 2. It further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an amount not to exceed Ten Million Dollars ($10,000,000) under the Act to be privately placed or publicly offered with credit enhancement for the acquisition, construction, renovation, installation and equipping of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant for the acquisition, construction, renovation, installation and equipping of the Project will serve the public purposes referred to above in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction, renovation, installation and equipping of the Project, this Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided (a) that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant and (b) subject to the further caveat that this inducement resolution expires June 30, 1993, unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by the governing body of the Issuer prior to the aforesaid date or unless, upon a showing of good cause by the Applicant, the Issuer, by official action, extends the term of this inducement resolution; and (ii) it will adopt such resolutions and authorize the execution and delivery of such instruments and the taking of such action as it may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds, provided that at the time of the proposed issuance of such bonds (a) this inducement resolution is still in effect and (b) the aggregate amount of private activity bonds previously issued during that calendar year will not exceed the private activity bond limit for such calendar year, it being understood that the Issuer, by taking this action, is not making any representation nor any assurances that (1) any such allocable limit will be available, because inducement resolutions in an aggregate amount in excess of the private activity bond limit may and in all probability will be adopted; (2) the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions; and (3) no portion of such activity bond limit has been guaranteed for the proposed Project; and (iii) it will use its best efforts at the request of the Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose [as defined in the Act] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

SECTION 4. All costs of the Project incurred after the adoption of this resolution, including reimbursement or repayment to the Applicant of monies expended by the Applicant for application fees, planning, engineering, underwriting expenses, attorney and bond counsel fees, and acquisition, construction, renovation, installation and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter sell the same to the Applicant or loan the proceeds of the revenue bonds to the Applicant for the same purpose. Also certain indirect expenses incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance the Project.

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

PROPOSAL NOS. 660-663, 1992. Introduced by Councillor Borst. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on December 11, 1992". The Council did not schedule Proposal

Nos. 660-663, 1992 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 660-663, 1992 were retitled REZONING ORDINANCE NOS. 130-133, 1992 and are identified as follows:

REZONING ORDINANCE NO. 130, 1992. 92-Z-114 LAWRENCE TOWNSHIP.
COUNCILMANIC DISTRICT #05.
10610 EAST 56TH STREET (approximate address), INDIANAPOLIS.
PAUL and CLARIBEL STEWART, by Thomas Michael Quinn, request the rezoning of 36.782 acres, being in the D-6II District, to the D-5II classification to provide for residential development.

REZONING ORDINANCE NO. 131, 1992. 92-Z-125 CENTER TOWNSHIP.
COUNCILMANIC DISTRICT #22.
902 NORTH ALABAMA STREET (approximate address), INDIANAPOLIS.
HISTORIC LANDMARK FOUNDATION requests the rezoning of 0.58 acre, being in the C-4/RC District, to the CBD-2/RC classification to provide for multi-family residential development.

REZONING ORDINANCE NO. 132, 1992. 92-Z-126 FRANKLIN TOWNSHIP.
COUNCILMANIC DISTRICT #23.
8001-8301 FIVE POINTS ROAD (approximate address), INDIANAPOLIS.
STEPHEN D. PFENDLER and LUCY D. BRIDEWATER, by William F. LeMond, request the rezoning of 99.21 acres, being in the D-A District, to the D-3 classification to provide for residential development.

REZONING ORDINANCE NO. 133, 1992. 92-Z-128 WARREN TOWNSHIP.
COUNCILMANIC DISTRICT #05.
2702 NORTH GERMAN CHURCH ROAD (approximate address), INDIANAPOLIS.
GRASSY CREEK GOLF COURSE requests the rezoning of 24.26 acres, being in the D-A District, to the SU-3 classification to provide for the expansion of an existing golf course.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 616, 1992. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 616, 1992 on December 4, 1992. The proposal amends the Code concerning air pollution permit fees and the creation of a special, non-reverting fund. Councillor Coughenour stated that the purpose of these proposed changes is to increase permit fees to (1) allow the City to begin meeting regulatory requirements of the 1990 federal Clean Air Act and (2) reduce the portion of the Air Pollution Control (APC) budget funded by property taxes. User fees will be deposited in a dedicated, non-reverting Air Pollution Control Fund to be established by this proposal. By an 8-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Schneider stated that he needed more time to study the proposal and would like this proposal postponed.

Councillor O'Dell spoke in opposition to the proposal. He said this proposal does two things: (1) increases the facility fees for some businesses by as much as 300% and (2) implements a new source fee. He believes that some of the fees are unfair. He would also like it postponed.

Councillor Short stated that he supports the proposal based on the information that he has received from the business community.

Marty Dezelan, Director of Government Affairs, Chamber of Commerce, said that the Chamber supports the increase in fees for the business community. The Chamber worked with committees representing a wide cross-section of businesses who are affected by the local permit fees, and on July 24, 1992 a five-year plan was recommended by the Chamber for the implementation of the Clean Air Act.

Councillor O'Dell asked if property taxes would increase if this proposal was not passed at this Council meeting.

David Jordan, Assistant Administrator, APC Section, Department of Public Works (DPW), replied that there is only $400,000 of property tax revenue that is set aside for air pollution control in 1993 and there is no way to increase this amount. Two things will happen on January 1, 1993, if this does not pass at this Council meeting: (1) APC Section will continue to operate out of the Consolidated County Fund, and (2) the current fee schedule will remain in effect. He urged the Council to pass this proposal.

Councillor West stated that the longer this is postponed the smaller the revenue will be that is received in 1993. If APC does not increase its fees it will not have enough money to operate in 1993. The Council budgeted APC to have increased user fees.

Councillor Williams stated that she supports the proposal and does not think anything will be accomplished by postponing it. The Public Works Committee had a lengthy and detailed hearing on it.

Councillor Coughenour said that besides a lengthy Committee meeting, the APC Board has spent six months studying this and the Chamber has had numerous meetings concerning the fee schedule. Proposal No. 616, 1992 is a consensus of both the APC Board and the Chamber and she does not believe that the Council can improve on it. The property tax has already been reduced from $800,000 to $400,000 and every week that the new rates are not collected, will adversely affect this budget.

The President asked Robert Elrod, General Counsel, when the license fees are scheduled to begin.

Mr. Elrod stated that the way the ordinance is now structured is that fees due from people who hold licenses on January 1 will be determined by their status on January 1. Fees cannot be increased retroactively.

Sue Michael, Corporation Counsel, stated that she agrees with Mr. Elrod's interpretation of the ordinance. She pointed out that this proposal is an interim step. The City is stair-stepping into complete compliance with the Clean Air Act. In this proposal the fees are not due until March 31, so there is still time to make any changes that are necessary to this ordinance before those fees are due.

Councillor Hinkle stated that this is a federal mandate that has to be funded. This whole process is a means of gradual funding without putting the burden on the taxpayer. It is the beginning of a process that the federal government says must be completed by 1994.

Councillor Beadling said she is concerned that the City is overcharging some businesses by these new fees. She would like a system set up so the City knows exactly the number of hours businesses are being charged.

The President asked if there will be a review of this whole procedure at the end of 1993. Mr. Jordan replied that the fee schedule will be reviewed during 1993 and if changes are needed they will be made in 1994.

Councillor Smith asked if the emission standards are more restrictive than the federal guidelines. Mr. Jordan replied that for the most part the City's standards for emission are identical with the state and federal regulations.

The President called for public testimony at 8:30 p.m.

Daryl Dasher, Navistar International Transportation Corporation, said that Navistar supports the proposal except for the source fees in Section 2. Last year its fees were $2,350, but with the new formula and the $10,000 source fee, it would be paying $15,400. Navistar feels that this amount is disproportionate.

Councillor Coughenour stated that these new fees were reviewed during the APC Section budget hearing. The Council passed their budget based on this proposal. Councillor Coughenour moved, seconded by Councillor Rhodes, for adoption of Proposal No. 616, 1992, as amended.

President SerVaas acknowledged Councillor Schneider's motion to postpone Proposal No. 616, 1992 until January 4, 1993. This motion was seconded by Councillor O'Dell.

Councillor McClamroch asked how much revenue will be lost if this proposal is postponed until after the first of the year. James H. Steele, Jr., City Controller, replied that based upon the 1993 budget that was presented and passed by the Council, if this new fee schedule does not take place in January 1993 APC will lose approximately $600,000 in 1993.

Councillor Schneider's motion failed by a majority voice vote.

Councillor Black moved the question, seconded by Councillor Gray. This motion passed by majority voice vote.

The President confirmed that the Clean Air staff would reconsider some of the levels of fees to be charged in this interim step and the whole system will be reviewed at the end of the 1993.

Proposal No. 616, 1992, as amended, was adopted on the following roll call vote; viz:

25 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Short, West, Williams
4 NAYS: Dowden, O'Dell, Schneider, Smith

Councillor Borst asked for consent to explain his vote. Consent was given. Councillor Borst stated that he voted for this proposal because he is convinced that the homework was done, but that the city and county departments have to do a better job of communicating with all the Councillors on these issues.

Councillors Gilmer and Franklin stated that they agreed with Councillor Borst.

The President suggested that committee chairmen remind everyone appearing before their committees of the importance of communicating with the rest of the Council.

Councillor Boyd asked if there is a procedure in place that requires all of the material coming to the Council to have been approved by the Mayor's Regulatory Study Commission.

The President stated that he believes that there is a group of persons in the administration who review proposed ordinances of its own departments.

Councillor West stated that the Air Pollution Control Board is a formally constituted body by this Council. The Regulatory Study Commission has been formed only by Executive Order of the Mayor to carry out certain tasks on his behalf. Once a body that is set up by ordinance acts, the matter should not be sent off to some other body, but its action should come to the Council

Proposal No. 616, 1992 was retitled GENERAL ORDINANCE NO. 156, 1992 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 156, 1992

A GENERAL ORDINANCE amending Chapter 4 of the Code dealing with air pollution control to: 1) increase the permit fees charged by the Air Pollution Control Section of the Environmental Resources Management Division of the Department of Public Works to levels necessary to begin the process of developing and administering for Marion County the permit program requirements of the federal Clean Air Act, and 2) to establish for such fees and other specified revenue sources a special, non-reverting fund to be known as the "air pollution control program fund."

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

SECTION 1. Secs. 4-52 and 4-53 of the Code of Indianapolis and Marion County, Indiana, is hereby amended by inserting the language underlined and deleting the language stricken-through as follows:

Sec. 4-52. Permit fees.

(a) Purpose. This section 4-52 increases permit fees due to the division in calendar year 1993 to levels necessary to begin the process of developing and administering for Marion County the permit requirements of the federal Clean Air Act of 1990. The fees set by this section are interim level fees which will be examined annually as a part of the development of a federally enforceable permit program.

(~~a~~b) Application fees. The division shall collect a nonrefundable fee of one hundred dollars ($100.00) whenever a person submits an application to:

(1) Obtain a construction permit;

(2) Obtain an operating permit;

(3) Obtain an asbestos abatement permit;

(4) Obtain an emission credit permit;

(5) Change the name of the permittee on a permit issued by the administrator;

(6) Transfer a permit to a new owner of the air contaminant emitter subject to a permit;

(7) The application fee for (1) through (6) above is waived if:

a. A permittee has already obtained a construction permit, and is submitting an application for an initial operating permit;
b. A permittee is renewing an operating permit;
c. A permittee is renewing an asbestos abatement permit;
d. A permittee is renewing an emission credit permit.

(~~b~~c) Construction permits. The division shall collect a fee for reviewing plans and issuing a construction permit.

(1) Base fees.

a. The fee for each ~~air contaminant emitter~~ facility with potential emissions of any one (1) pollutant less than ~~twenty-five (25)~~ ten (10) tons per year shall be ~~two~~ three hundred dollars ~~($200.00)~~ ($300.00).

b. The fee for each ~~air contaminant emitter~~ facility with potential emissions of any one (1) pollutant of ~~twenty-five (25)~~ ten (10) tons per year or greater but less than twenty (20) tons per year ~~or greater~~ shall be ~~three thousand~~ five hundred dollars ~~($3,000.00)~~ ($500.00).

c. The fee for each facility with potential emissions for any one (1) pollutant of twenty (20) tons per year or greater, but less than twenty-five (25) tons per year shall be one thousand dollars ($1,000.00).

d. The fee for each facility with potential emissions of any one (1) pollutant of twenty-five (25) tons per year or greater, but less than one hundred (100) tons per year shall be three thousand dollars ($3,000.00).

e. The fee for each facility with potential emissions of any one (1) pollutant of greater than one hundred (100) tons per year shall be five thousand dollars ($5,000.00).

(2) In addition to fees collected under paragraph (1) above, the division shall collect all applicable fees specified in a. through d. below.

a. The fee for each ~~air contaminant emitter~~ review involving a facility or facilities subject to federal, state, or local new source performance standards shall be two hundred dollars ($200.00) per standard.

b. The fee for each ~~air contaminant emitter~~ review involving a facility or facilities subject to federal, state, and local national emission standards for hazardous air pollutants shall be two hundred dollars ($200.00) per pollutant.

c. The fee for each ~~air contaminant emitter which requires a construction permit public hearing~~ public notice required as a part of a construction permit review shall be four hundred dollars ($400.00) ~~per pollutant~~.

d. The fee for each ~~air contaminant emitter~~ facility subject to best available control technology (BACT) or lowest achievable emission rate (LAER) shall be two thousand dollars ($2,000.00) per pollutant for each applicable pollutant.

e. The fee for each facility subject to modeling analysis shall be three thousand dollars ($3,000.00) per pollutant for each applicable pollutant, except where such analysis is performed by the division, in which case the fee shall be five thousand dollars ($5,000.00) per pollutant for each applicable pollutant.

(~~c~~d) Operating permits. This part (d) shall apply to all operating permits except gasoline dispensing facility operating permits and portable air curtain incinerator and portable sandblasting operation operating permits. The division shall collect a fee for the initial issuance of an operating permit and an annual administrative fee for each succeeding year for the maintenance and renewal of an operating permit. The fee for each air contaminant emitter shall be the per facility fee specified in subpart (1) below, plus the source category fees specified in subpart (2) below, if applicable.

(1) Per facility fees.

a. The fee for each ~~air contaminant emitter~~ facility with allowable emissions of any one (1) pollutant less than twenty-five (25) tons per year shall be one hundred fifty dollars ~~($50.00)~~ ($150.00).

b. The fee for each ~~air contaminant emitter~~ facility with allowable emissions of any one (1) pollutant of twenty-five (25) tons per year or greater, but less than one hundred (100) tons per year, shall be ~~two~~ five hundred dollars ~~($200.00)~~ ($500.00).

c. The fee for each ~~air contaminant emitter~~ facility with allowable emissions of any one (1) pollutant of one hundred (100) tons per year or greater, but less than two hundred fifty (250) tons shall be ~~three~~ nine hundred ~~fifty~~ dollars ~~($350.00)~~ ($900.00).

d. The fee for ~~a portable air curtain incinerator or portable sandblasting operation shall be two hundred fifty dollars ($250.00)~~ each facility with allowable emissions of any one (1) pollutant of two hundred fifty (250) tons per year or greater shall be one thousand four hundred dollars ($1,400.00).

(2) Source category fees.

a. The fee for each secondary lead smelter, metal foundry with a melt rate over twenty (20) tons per hour, steam electric power plant, petroleum refining operation or municipal waste combustor shall be ten thousand dollars ($10,000.00).

b. The fee for each bulk gasoline terminal shall be seven thousand five hundred dollars ($7,500.00). As used in this subpart "bulk gasoline terminal" shall have the meaning set forth in Board Regulation X.

c. The fee for each coke oven battery shall be ten thousand dollars ($10,000.00). As used in this subpart "coke oven battery" shall have the meaning set forth in Board Regulation X.

d. The fee for each minor source other than those listed in a., b., or c. above shall be five hundred dollars ($500.00).

e. The fee for each major source other than those listed in a., b., or c. above shall be two thousand dollars ($2,000.00).

f. The fee for each source subject to federal, state or local national emission standards for hazardous air pollutants shall be one thousand dollars ($1,000.00).

g. The fee for each source subject to federal, state or local new source performance standards shall be one thousand dollars ($1,000.00) per standard.

(e) Gasoline dispensing facility operating permits. The division shall collect a fee for the initial issuance of a gasoline dispensing facility operating permit and an annual administrative fee for each succeeding year for the maintenance and renewal of an operating permit. As used in this subpart "gasoline dispensing facility" shall have the meaning set forth in Board Regulation IV-3.3.

(1) The fee for each gasoline dispensing facility with allowable emissions of any one pollutant less than twenty-five (25) tons per year shall be fifty dollars ($50.00).

(2) The fee for each gasoline dispensing facility with allowable emissions of any one pollutant of twenty-five (25) tons or greater per year shall be two hundred dollars ($200.00).

(f) Portable air curtain incinerator and portable sandblasting operation operating permits. The division shall collect a fee for the initial issuance of a portable air curtain incinerator or portable sandblasting operation operating permit and an annual administrative fee for each succeeding year for the maintenance and renewal of an operating permit. The fee for each air curtain incinerator or portable sandblasting operation shall be two hundred fifty dollars ($250.00).

(g) Fire training facility permit. The division shall collect an annual fee of fifty dollars ($50.00) for each fire training facility permitted pursuant to this chapter.

(dh) Emission credit permits. The division shall collect a fee of two hundred dollars ($200.00) for the initial issuance of an emission credit permit and an annual administrative fee for each succeeding year of two hundred dollars ($200.00) for the maintenance of an emission credit permit.

(ei) Asbestos abatement permits. The division shall collect a fee of four hundred fifty dollars ($450.00) for the initial issuance of an asbestos abatement permit and an annual administrative fee for each succeeding year of four hundred fifty dollars ($450.00) for the maintenance and renewal of an asbestos abatement permit.

Sec. 4-53. Payment; waivers and unpaid fees.

(a) Payment due. Application fees shall be paid at the time the application is submitted. Fees for construction permits or the initial issuance of an operating permit, emission credit permit or asbestos abatement permit shall be paid before the administrator issues the permit. Annual administrative fees shall be paid by January 31 of each year for all air contaminant emitters which have operating permits as of January 1 of each year. Notwithstanding the previous sentence, in calendar year 1993, annual administrative fees shall be paid by March 31, 1993 for all air contaminant emitters which have operating permits as of January 1, 1993.

(b) All permit fees established pursuant to this chapter and its regulations shall be payable to the Indianapolis City Controller. and shall become a part of the "Air Pollution Control Program Fund" created by Section 4-55.

(c) If a permit applicant or holder of a permit appears before the board and demonstrates that payment of applicable permit fees will cause undue economic hardship, the board may waive the fees for a period deemed appropriate by the board.

(d) All permit fees established pursuant to this chapter and its regulations shall constitute a debt due to the consolidated city of Indianapolis and Marion County. At the request of the administrator, the corporation counsel may institute a civil suit in the name of the Consolidated City of Indianapolis and Marion County to recover any unpaid fee. In addition, the administrator, pursuant to section 4-61 of this chapter, may revoke a permit for failure to pay permit fees as required in ~~paragraph (a)~~ this chapter.

SECTION 2. The Code of Indianapolis and Marion County, Indiana is hereby amended by adding new Secs. 4-54 and 4-55 as follows:

Sec. 4-54. Testing and monitoring fees.

(a) Fees. The division shall collect a fee for reviewing testing and monitoring data and results.

(1) The fee for each stack test conducted for the purpose of demonstrating compliance with this chapter, any regulation adopted by the Board or any permit issued by the division shall be seven hundred dollars ($700.00).

(2) The fee for continuous emission monitor(s) required by this chapter, any regulation adopted by the Board or any permit issued by the division shall be two hundred dollars ($200.00) per facility.

(3) The fee for air quality monitoring network(s) required by this chapter, any regulation adopted by the Board or any permit issued by the division shall be one thousand four hundred dollars ($1,400.00) per source.

(b) Payment due. Stack test fees shall be paid upon submission of stack results to the division. Continuous emission monitor fees and air quality monitoring network fees shall be paid by January 31 of each year.

(c) All testing and monitoring fees established pursuant to this chapter and its regulations shall be payable to the Indianapolis City Controller and shall become a part of the "Air Pollution Control Program Fund" created by Section 4-55.

(d) If a person appears before the board and demonstrates that payment of applicable testing and monitoring fees will cause undue economic hardship, the board may waive the fees for a period deemed appropriate by the board.

(e) All testing and monitoring fees established pursuant to this chapter and its regulations shall constitute a debt due to the consolidated city of Indianapolis and Marion County. At the request of the administrator, the corporation counsel may institute a civil suit in the name of the Consolidated City of Indianapolis and Marion County to recover any unpaid fee. In addition, the administrator, pursuant to section 4-61 of this chapter, may revoke a permit for failure to pay testing and monitoring fees as required by this chapter.

Sec. 4-55. Air Pollution Control Program Fund.

(a) Effective in fiscal year 1993, there is hereby created a special fund to be designated as the "air pollution control program fund", in the division of finance, under the controller.

(b) This fund shall be a continuing fund, with all balances remaining therein at the end of each calendar year and no such balances shall lapse into the city or county general funds or ever be diverted, directly or indirectly, in any manner, to any other uses than developing and administering the permit program requirements of the federal Clean Air Act, performing ambient air quality monitoring, evaluating compliance with requirements of this Chapter, any regulation adopted by the Board or any permit issued by the division and other uses related to prevention, abatement and control of air pollution as authorized by this Chapter.

(c) The fund shall be created by transfer of four hundred thousand dollars ($400,000.00) from consolidated county in calendar year 1993, by deposit of all permit fees and testing and monitoring fees, including any penalties and interest thereon, required to be collected by the division by section 4-52 and section 4-54, deposit of any grants from state or federal governmental agencies and deposit of monies recovered, exclusive of court costs, from enforcement actions brought pursuant to Article VI of this Chapter.

(d) Monies from this reserve fund shall be appropriated in accordance with the procedures for expenditure of public funds.

SECTION 3. Sec. 4-11 of the Code of Indianapolis and Marion County, Indiana is hereby amended by inserting the language underlined and deleting the language stricken-through as follows:

Sec. 4-11. Definitions.

As used in this chapter and its regulations, the following terms shall have the meanings ascribed to them:

Actual emissions means the emissions which occurred over a specified period of time based upon emission monitoring, stack testing, emission factors, or other measures acceptable to the administrator.

Administrator means the assistant administrator of the air pollution control ~~division~~ section of the environmental resources management division of the department of public works, Consolidated City of Indianapolis and Marion County, or other designee of the director of the department of public works.

Air contaminant means any solid, liquid or gaseous matter, or any combination thereof, that may be emitted into the ambient air in a manner which may cause or contribute to air pollution.

~~Air contaminant emitter means any vehicle, process, facility or any other device that emits or is capable of emitting an air contaminant, whether privately or publicly owned or operated.~~

~~Air pollution means the presence of solid, liquid or gaseous matter, or any combination thereof, in the ambient air in sufficient quantities and of such characteristics and duration which:~~

~~(1) Injures or threatens to injure human, plant or animal life; or~~

~~(2) Damages or threatens to damage property; or~~

~~(3) Unreasonably interferes with the comfortable enjoyment of life and property.~~

~~Allowable emissions means the emissions rate calculated using the following factors:~~

~~(1) The maximum rated capacity;~~

~~(2) Year-round operation (8,760 hours per year); and~~

~~(3) The most stringent emission limit applicable under federal, state or local air pollution control laws.~~

Air contaminant emitter means any vehicle, process, facility or any other device that emits or is capable of emitting an air contaminant, whether privately or publicly owned or operated.

Air pollution means the presence of solid, liquid or gaseous matter, or any combination thereof, in the ambient air in sufficient quantities and of such characteristics and duration which:

(1) Injures or threatens to injure human, plant or animal life; or

(2) Damages or threatens to damage property; or

(3) Unreasonably interferes with the comfortable enjoyment of life and property.

Allowable emissions may be limited further if the facility or source is subject to enforceable permit conditions that limit the operating rate, hours of operation or emission rate.

Ambient air means any outside air.

Asbestos abatement permit means the written authorization that allows a person to remove asbestos materials and conduct asbestos abatement projects.

Board means the Indianapolis Air Pollution Control Board.

Construction permit means the written authorization that allows to construct, reconstruct or modify an air contaminant emitter.

Division means the air pollution control section of the environmental resources management division of the department of public works, Consolidated City of Indianapolis and Marion County.

Effective date means the date on which an action takes effect. For permits issued pursuant to Article V of this chapter, the effective date is fifteen (15) days after the administrator signs and issues the permit. For all other actions, the effective date is when the person subject to the action receives written notice of the action.

Emission credit permit means the written authorization that allows a person to claim credit for emissions not released to the ambient air.

Facility means any one (1) structure, piece of equipment, installation operation that emits or is capable of emitting an air contaminant. Single pieces of equipment or installations with multiple emission points shall be considered a facility for purposes of this chapter and its regulations.

Major source means a source with an emission rate of any one (1) air contaminant of at least one hundred (100) tons per year. Such emission rate shall be~~,~~ calculated using maximum operating capacity, year-round operation (8,760 hours per year, unless restricted by enforceable permit conditions) and the application of air pollution control equipment ~~of at least one hundred (100) tons per year~~.

Minor source means a source with an emission rate of any one (1) air contaminant of at least twenty five (25) tons per year, but less than one hundred (100) tons per year. Such emission rate shall be calculated using maximum operating capacity, year-round operation (8,760 hours per year, unless restricted by enforceable permit conditions) and the application of air pollution control equipment.

Open burning or open fire means any burning of combustible matter where the products of combustion are emitted directly into the ambient air without passing through a stack or chimney.

Operating permit means the written authorization that allows a person to operate an air contaminant emitter.

Person means any individual, proprietorship, partnership, firm, company, corporation, association, joint venture, trustee, estate, political or governmental unit or any other legal entity.

Potential emissions means the emission rate calculated using the following factors:

(1) The maximum rated capacity;

(2) The actual hours of operation; and

(3) Operation without air pollution control equipment, unless such control equipment is (aside from air pollution control requirements) necessary for the facility to produce its normal product or is integral to normal operation.

Process means any action, operation or treatment that emits or is capable of emitting an air contaminant.

Regulation means the whole or any part of a board statement of general applicability that:

(1) Has or is designed to have the effect of law; and

(2) Implements, interprets or prescribes:

a. Law or policy; or
b. The organization, procedure or practice requirements of the board or division.

Source means one (1) or an aggregation of processes or facilities that are located on one (1) or more contiguous or adjacent properties and are owned or operated by the same person, or by persons under common control.

Wood products means dry materials consisting of vegetation or wood which does not contain any other substance.

SECTION 4. (a) The expressed or implied repeal or amendment by this ordinance or any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

(b) An offense committed before the effective date of this ordinance, under any ordinance expressly or impliedly repealed or amended by this ordinance shall be prosecuted and remains punishable under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 5. Should any provision 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 adopting this ordinance. To this end the provisions of this ordinance are severable.

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

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 402, 1992. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 402, 1992 on December 9, 1992. The proposal approves the sale of certain real estate of the Department of Public Safety. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation

that it do pass. Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal No. 402, 1992 was adopted on the following roll call vote; viz:

25 YEAS: Beadling, Black, Borst, Brents, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Smith, West
0 NAYS:
4 NOT VOTING: Boyd, Coughenour, Short, Williams

Proposal No. 402, 1992 was retitled SPECIAL RESOLUTION NO. 95, 1992 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 95, 1992

A SPECIAL RESOLUTION approving the sale of certain real estate of the Department of Public Safety.

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

SECTION 1. The City-County Council approves, pursuant to IC 36-1-11-3, the sale of the following real property by the Department of Public Safety:

Location	Appraised Value
2248 S. Shelby Street	$19,000

The disposing agent is authorized to sell the referenced property to the highest and best bidder. However, he or she may sell the property for less than ninety percent (90%) of the appraised value only after having an additional notice of the sale published in accordance with IC 36-1-11-4(c).

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

PROPOSAL NO. 594, 1992. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 594, 1992 on December 4, 1992. The proposal amends the Code concerning the billing and collection of charges and fees for the use of the sewer system. These amendments to the Code will increase efficiency in the sewer billing process, particularly in the area of water service termination. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Coughenour moved, seconded by Councillor McClamroch, for adoption. Proposal No. 594, 1992, as amended, was adopted on the following roll call vote; viz:

26 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jones, McClamroch, Moriarty, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams
0 NAYS:
3 NOT VOTING: Giffin, Jimison, Mullin

Councillor Giffin asked for consent to abstain from voting due to a possible conflict of interest. Consent was given.

Proposal No. 594, 1992, as amended, was retitled GENERAL ORDINANCE NO. 157, 1992 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 157, 1992

A GENERAL ORDINANCE amending certain Sections of the Code dealing with the billing and collection of charges and fees for the use of the sewer system.

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

SECTION 1. Secs. 27-104, 27-105, 27-107, 27-109, 27-110, 27-113, 27-114 and 27-115 of the Code of Indianapolis and Marion County, Indiana, are hereby amended by inserting the language underscored and deleting the language stricken-through as follows:

Sec. 27-104. Billing Estimates and Reports.

(a) In the event a nonindustrial user subject to such ~~rates and~~ charges and fees is not served by a public water supply or water used is not completely metered, the director shall have the authority to estimate the volume and strength of the waste and use such estimate for the purposes of billing rates and charges. The estimates shall be based upon analyses and volumes of a similar installation or the volume and analysis as determined by measurements and samples taken by the director or an estimate determined by the director by any combination of the foregoing or other equitable method.

(b) Unless otherwise established by the director, each industrial user subject to the ~~rates and~~ charges and fees shall report to the director by the ~~tenth~~ twenty-fifty (25th) day of the following month on a form prescribed by the director an estimate of the volume discharged in the prior month and a representative value of the strength of the waste, including but not limited to BOD, SS, and (ammonia) nitrogen. All measurements, tests and analyses of the characteristics of such waste shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Sewage" as published jointly by the American Public Health Association and the Water Pollution Control Federation consistent with 40 CFR part 136 or by other methods generally accepted under established sanitary engineering practices and approved by the director. The reports submitted shall be subject to verification by the director but may serve as the basis for billing with all necessary adjustments in the amounts to be made after verification. In the event an analysis and volume of the industrial waste is not furnished to the director by the aforementioned time, the charges shall be based upon estimates made by the director, as provided in section 27-104(a).

In the event that an industrial user fails to submit the report required by section 27-104(b) by the ~~tenth~~ twenty-fifth (25th) day of the following month, the industrial user shall pay late reporting charges according to the following schedule:

Late Reports Filed in any Year	Charge
First Late Report	No Charge
Second Late Report	No Charge
Each Subsequent Late Report	$100.00

These late reporting charges shall be due and payable as provided in this article. The imposition of such late reporting charges shall in no way limit the operation of penalties provided elsewhere in this chapter.

(c) The director shall have the right to enter upon the land of the industrial user and to set up such equipment as is necessary to certify the reports submitted. It shall be the duty of the industrial user to provide all necessary clearance before entry and not to unnecessarily delay or hinder the director in carrying out the measuring and sampling. The right of entry shall exist during any time the industrial user is operating or open for business.

(d) In cases where measurements are difficult to make, or the industrial waste composition changes frequently, or representative samples are difficult to get, or where other methods of measurement are necessitated for other sound engineering reasons as determined by the director, the director shall have the authority to use such other basis for determining said charges as shall be reliably indicative of volume and BOD, SS and nitrogen strengths of particular industrial waste, such as, but not limited to, water purchase or usage, character of products, comparisons between the industrial user data and collected data from like industries.

(e) The cost of all tests, measurements and analyses taken by the director pursuant to the department of public works' responsibility to perform industrial monitoring programs, defined and directed by local, state and federal agencies, shall be charged to the industrial user tested in an amount equal to the actual average cost of said test, measurement or analyses as determined at the close of each calendar year. These costs shall be due and payable as provided in this article.

Sec. 27-105. Contract for Billing by the Indianapolis Water Company.

(a) The board is authorized to enter into a contract with ~~the~~ Indianapolis Water Company or any of its affiliated companies for the ~~use of its~~ services ~~in~~ of ascertaining water volume to be utilized in determining charges imposed by this article, ~~and in~~ billing ~~for~~ and collecting ~~such~~ charges and fees, other services reasonably

related to billing and collecting charges and fees, and for the payment ~~to it~~ of just and reasonable compensation for ~~its~~ said services.

(b) Billings for ~~such rates and~~ charges and fees provided for by this article shall be made in a cycle which coincides with the billing ~~procedure~~ cycle of ~~the~~ Indianapolis Water Company, or in the case where the person subject to such ~~rates and~~ charges and fees is not a customer of ~~the~~ Indianapolis Water Company, such billing cycle shall be determined by the director.

(c) Billings for charges and fees provided for by this article shall be combined with billings for water utility service rendered by Indianapolis Water Company, where applicable, and presented as a single document. Such combined billing document shall set forth separately the charges and fees provided for by this article.

(d) Customers who receive such a combined billing document shall be entitled to direct, in writing, that a payment be credited solely to the water utility service account, solely to the sewer user account or to each account in a stated percentage or amount. If the customer pays by written instrument, such written direction must be a document separate from the instrument of payment.

(~~c~~e) ~~Rates and c~~Charges and fees shall be due ~~to the department of public works within~~ upon mailing of billings. Accounts shall be delinquent if not paid within seventeen (17) days after mailing of billings, with the exception that ~~rates and~~ charges and fees assessed against or to be paid by a federal, state, county or municipal governmental unit, shall be ~~due~~ delinquent if not paid within sixty (60) days after mailing of billings. ~~All payments made by a person based upon the reports submitted as provided for in this article shall become final unless verification is made and notice given by the director of necessary adjustments within one year of said payment. Underpayment of charges based on errors in users' reports and estimates shall be billed on ascertainment thereof. Overpayment of charges arising from any cause shall first be applied to unpaid billings.~~

Sec. 27-106. Use by Other Political Subdivisions.

No use of the POTW shall be allowed by any other political subdivision of the state unless and until the director shall have determined that all rates and charges, including industrial cost recovery of such political subdivision, are consistent with this article, the laws of the United States and regulations of the U.S. Environmental Protection Agency.

Sec. 27-107. ~~Applicable to Sewer Service Agreements.~~ Underpayment and Overpayment of Charges and Billing Adjustments.

~~All sewer service agreements to which the department of public works is a party shall be amended to reflect the rates and charges as provided for in this article.~~

Underpayment or overpayment of charges and fees based on inaccuracies of reports or estimates provided in this article, or arising from any other cause, shall be adjusted as provided in regulations promulgated by the board. Inaccuracies of billings arising from any cause shall be adjusted as provided in regulations promulgated by the board.

Sec. 27-108. Rules and Regulations Authorized.

After the passage of General Ordinance No. 63, 1977, and from time to time thereafter as may be needed, the board may, by resolution, promulgate rules and regulations necessary to implement and carry out the provisions of this article and not inconsistent therewith. Before any such rules and regulations shall become effective, the board of public works shall follow the procedures provided in IC 36-9-25, as amended.

Sec. 27-109. Appeals~~ to the Board~~.

(a) Appeals of charges and fees which are the subject of a water service termination notice sent pursuant to section 27-113 shall be governed by section 27-113 and not by this section.

(b) Any person subject to this article who has good cause to believe that ~~may appeal the~~ charges and fees have been assessed against him in error ~~to the board and shall have a hearing upon the following conditions:~~ may appeal to an Account Review Officer (ARO) appointed by the director of the department. Employees of the Indianapolis Water Company or its affiliated companies may be appointed ARO. Procedures and time periods for initiating and deciding such appeals shall be set forth in regulations promulgated by the board.

~~(1) That the person submits billing estimates or authorizes the director to make such estimates;~~

~~(2) That the person has good cause to believe that the charges assessed are in error;~~

~~(3) That notice in writing has been given to the board within sixty (60) days of receipt of the charges in question.~~

(~~b~~c) Any person who has properly appealed to an ARO and is dissatisfied with the determination may appeal to the board. Procedures and time periods for initiating and deciding such appeals shall be set forth in regulations promulgated by the board.

(d) The board is directed to notify the person making appeal of the time and place when his/her appeal will be heard. Upon evidence sufficient to the board submitted at the hearing establishing that the charges are in error, the board shall make adjustments in the charges and fees. Adjustments may be in the form of a refund or a credit against subsequent assessments of the charges and fees provided for in this article.

Sec. 27-110. Exceptions.

(a) In the case of one-, two- or multi-family residences the ~~billing~~ charge for sewage service for the months of May, June, July, August and September shall be based upon the water used or delivered for the previous months of March and April unless the April bill is estimated, in which case the service shall be based upon the water used or delivered for the previous months of February and March. In the event the water used for said previous months of March and April is greater than the water used for said months of May, June, July, August and September, then the ~~billing~~ charge for sewage service shall be computed on the actual water used in the month for which the sewage service ~~bill~~ charge is being rendered.

(b) In the case of non-residential properties the sewer user charge shall apply to water used for irrigation purposes unless the irrigation water supply is a separately metered water supply, except as otherwise agreed by the director.

(~~b~~c) Where a metered water supply is used for fire protection as well as for other uses, the director may, at his/her discretion, make adjustments in the sewer user charge as may be equitable. In such cases the burden of proof as to the type of water usage shall be upon the user.

(~~c~~d) Where a metered water supply is used for fire protection only, the sewer user charge shall not apply.

Sec. 27-111. Rate Review.

At such time as deemed appropriate by the director, the director shall cause a financial study to be conducted to determine the various costs identified in the foregoing, and report to the city-county council the need for any necessary adjustments in the rates and charges.

Sec. 27-111.1. Advanced Wastewater Treatment Facilities Reserve Fund.

(a) Effective in fiscal year 1985, there is hereby created a special fund to be designated as the "advanced wastewater treatment facilities reserve fund," in the division of finance, under the controller.

(b) This fund shall be a continuing fund with all balances remaining therein at the end of each calendar year and no such balances shall lapse into the city or county general funds or ever be diverted, directly or indirectly, in any manner, to any other uses than for capital expenditures for the repair, remodeling, addition to, or replacement of major facilities at the city's advanced wastewater treatment plant. Such "major facilities" shall be limited to capital equipment with an anticipated usable life in excess of at least fifteen (15) years, the replacement cost of which is in excess of two hundred thousand dollars ($200,000.00).

(c) The fund shall be created and maintained by the transfer from sanitation general of revenues from the sewer user fees and pretreatment charges established under this chapter, in an amount not to exceed one million two hundred thousand dollars ($1,200,000.00). The accumulated fund balance shall not exceed fifteen million dollars ($15,000,000.00).

(d) Moneys from this reserve fund shall be appropriated in accordance with IC 36-3-6-6.

Sec. 27-112. Charges not Duplicated; Repeal of Divisions 1 and 2 upon this Article becoming Effective.

(a) Article IV is intended to confirm and effectuate the sewer user and industrial cost recovery charges provided for in the confirming rate resolution of the board of public works, Resolution No. 2622 adopted September 25, 1984, and does not impose any charges duplicating or in addition to the identical charges provided for in that resolution. Such charges shall be payable under that resolution if it is legally effective to impose the charges and not under this article. If said resolution is not legally effective to impose the charges, then the charges shall be imposed by this article.

(b) Article IV of Chapter 27, Code of Indianapolis and Marion County, Indiana, as set forth herein, is intended to confirm and effectuate the sewer user charge and industrial cost recovery system of funding mandated by regulation of the U.S. Environmental Protection Agency and is designed to replace charges established by Divisions 1 and 2 of Article IV of Chapter 27, Code of Indianapolis and Marion County, Indiana. Such charges established by Divisions 1 and 2 of Article IV are hereby expressly repealed when the charges set forth in [new] Article IV become legally effective. If, for any reason, this ordinance does not become legally effective, then the charges of Divisions 1 and 2 of Article IV of Chapter 27, Code of Indianapolis and Marion County, Indiana, shall be preserved and remain in full force and effect.

Sec. 27-113. Termination of Service Procedures.

(a) Pursuant to IC 36-9-25, the department of public works may order the termination of water service to a sewer service address on account of nonpayment of a delinquent account which is not ~~less than thirty (30) days delinquent.~~ paid by the due date of the subsequent month's billing. Indianapolis Water Company, or any of its affiliated companies may act as the agent of the department of public works in ordering the termination of water service. When so ordered ~~the water utility~~ Indianapolis Water Company shall terminate such service in accordance with ~~the terms of their agreement with the department.~~ applicable law.

(b) Except as provided in (c) below, ~~T~~the fee for terminating water service~~s~~ for non payment of a delinquent sewer user billing shall be a minimum of ~~twenty-five~~ thirty-five dollars ($2~~3~~5.00)~~, which shall include charges assessed against the department by the water utility for effecting the termination.~~ In the event the service is not terminated, but rather, the delinquent billing is collected in the field, the fee shall be ten dollars ($10.00). These ~~F~~fees for terminating water ~~commercial and industrial~~ service~~s~~ shall be determined in an agreement between the department and ~~the water company~~ Indianapolis Water Company or any of its affiliated companies and shall be based upon the various sizes of water service lines, as measured by water meter size. ~~This~~ These fees shall be assessed against the customer, ~~and~~ added to the delinquent bill~~,~~ and shall be subject to collection as any other charge or fee provided for by this article.

(c) If the water service is terminated for non payment of water utility service rendered by Indianapolis Water Company, as well as for non payment of a delinquent sewer user billing, there shall be no fee charged on the sewer portion of the combined billing for terminating water service.

(~~c~~d) The department may not terminate under this section if the ~~Marion County~~ local health department has found and certified to the department or its agent that the termination of water service will endanger the health of the user and others in the municipality.

(~~d~~e) (1) Prior to the termination of water service because of sewer user charges and fees delinquency, the department or its agent must first give notice of such delinquency and impending termination at least seven (7) calendar days prior to the proposed termination, by first class mail addressed to the user to whom the service is billed, which notice shall contain the following:

(i) A statement that the water service is subject to termination for non payment of delinquent sewer user charges and fees;

(ii) The delinquent amount due, together with any penalty and fees;

(iii) The date of the notice of termination;

(~~iii~~iv) The date on and after which termination shall be made, which shall be at least seven (7) calendar days from the date of the notice of termination;

(~~iv~~v) Notice that water service may be disconnected if, prior to the earliest possible date of termination given in the notice, the user does not pay the delinquency together with any penalty and fees, or disputes the amount, or makes other provisions for payment pursuant to this section;

(vi) A procedure, as provided in section (~~d~~e)(2) for resolving a disputed bill.

So long as the above required information is prominently set out, the notice may be included as a part of a regular billing statement and need not be a separate document.

(2) The director of the department shall appoint an account review officer or officers (ARO) to review and resolve disputes. Employees of Indianapolis Water Company or any of its affiliated companies may be appointed ARO. Before the earliest possible date of termination of water service as specified in the notice, a user may request a hearing before the ARO of the department to dispute the correctness of all or part of the amount(s) shown in accordance with the provisions of this section.

A user shall not be entitled to dispute the correctness of all or part of the amount(s) if all or part of the amount(s) was (were) the subject of a previous dispute under this section.

(~~e~~f) The procedure for a hearing on a user dispute shall be as follows:

(1) Before the earliest possible date of termination as specified on the notice of termination, the user shall notify the ARO in writing, that he (she) requests a hearing to dispute the correctness of all or part of the amounts shown on the notice of termination, stating as completely as possible the basis for the dispute.

(2) An informal hearing before the ARO shall be held within fifteen (15) days of the ARO's receipt of the user's written request for a hearing on a disputed bill.

(3) At the hearing, the user shall be entitled to present all evidence that is, in the ARO's view, relevant and material to the dispute.

(4) Based on the evidence presented at the hearing, the ARO within ten (10) days of the completion of the hearing, shall issue a written decision formally resolving the dispute. The ARO's decision shall be final and binding.

(~~f~~g) The ARO shall be authorized to resolve any disputed sewerage bill and shall be authorized to order the termination of water service under appropriate circumstances. Upon approval by the ARO, the user may enter into an agreement to amortize the unpaid balance of his/her account over a reasonable period of time~~, not to exceed six (6) months~~. No termination shall be effected for any user complying with any such amortization agreement, provided the user also keeps current his/her account for sewer service as charges accrue in each subsequent billing period. If a user fails to comply with an amortization agreement, the ARO may terminate water service ~~provided notice is given to the user at least forty eight (48) hours prior to such termination and the notice includes conditions the user is required to meet to avoid termination~~ without further notice. The amortization agreement shall state that if a user fails to comply with the agreement, the water service may be terminated without further notice to the user.

(~~g~~h) Utilization of this hearing procedure shall not relieve a user of the obligation to timely and completely pay all other undisputed water and sewerage bills or charges. Failure to timely and completely pay all such undisputed amounts shall subject the user to termination of service in accordance with the provisions of this division.

(~~h~~i) Until the date of the ARO's decision, the department shall not terminate water service of the user. If the ARO determines that the customer must pay some or all of the disputed amount(s), the department, or the ARO in his written decision, shall notify the user of the following:

(1) The amount to be paid;

(2) The date on or after which services will be terminated; and

(3) Notice that unless the department receives complete payment of the amount shown prior to the earliest possible date of termination given in the notice, water service shall be terminated.

(~~i~~j) A "user" for the purpose of this section is defined as:

(1) A person who requests, either orally or in writing, water and/or sewerage service from the city or water utilities;

(2) A person in whose name water and/or sewerage service is billed for the rendering of said service.

Sec. 27-114. Termination of Services for both Water and Sewer Service; Effect of Payment.

If the water service is terminated for non payment of water utility service rendered by Indianapolis Water Company, as well as for non payment of a delinquent sewer user billing, all delinquent charges and fees owed to both Indianapolis Water Company and to the department must be paid or the customer must have entered into an amortization agreement acceptable to the ARO in order for water service to be restored. If the water service is terminated for non payment of a delinquent sewer user billing, but not also for non payment of water utility service rendered by Indianapolis Water Company, when all delinquent sewer user charges and fees are paid or the customer has entered into a payment arrangement acceptable to the ARO, the water service shall be restored, regardless of the delinquent status of the water utility service account.

Sec. 27-1145. Termination of Services not Exclusive Remedy.

The remedy provided herein for the collection of delinquent sewer user charges or benefits shall not be construed to abridge or in any manner interfere with the right and power of the department to enforce a collection thereof by any other action or as otherwise provided by statute, but the remedy provided in such section shall be taken and held as an additional means to enforce payment of sewer service charges or benefits.

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

(b) An offense committed before the effective date of this ordinance, under any ordinance expressly or impliedly repealed or amended by this ordinance shall be prosecuted and remains punishable under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision 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 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 passage and compliance with IC 36-3-4-14.

PROPOSAL NO. 605, 1992. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 605, 1992 on December 7, 1992. The proposal, sponsored by Councillor McClamroch, determines a need to lease office space at 5258 North Tacoma Avenue for the Washington Township Assessor. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Rhodes moved, seconded by Councillor McClamroch, for adoption.

Councillor Black said he will vote against this proposal because he thinks the city should stop leasing space and buy a building.

Proposal No. 605, 1992, as amended, was adopted on the following roll call vote; viz:

25 YEAS: Beadling, Borst, Boyd, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams
1 NAY: Black
3 NOT VOTING: Brents, Coughenour, Hinkle

Proposal No. 605, 1992, as amended, was retitled SPECIAL RESOLUTION NO. 96, 1992 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 96, 1992

A SPECIAL RESOLUTION determining a need to lease office space for the Washington Township Assessor.

WHEREAS, the Washington Township Assessor desires to lease office space in Washington Township at Suite No. 4, 5257 North Tacoma Avenue, Indianapolis, Indiana 46220, or other similar space in that office park, which space is owned by Bowers Envelope Company, Inc., a corporation whose stock is wholly owned by Clyde T. Bowers, Thomas R. Bowers, James E. Bowers and Frances Bowers; and

WHEREAS, fifty owners of taxable real estate have submitted a petition requesting the lease of office space for the use of the Washington Township Assessor; and

WHEREAS, the Washington Township Assessor is required by law to have an office in his township, but does not presently have an office in the township he serves; and

WHEREAS, the City-County Council has investigated the conditions requiring the need for office space, all pursuant to IC 36-1-10-7; now, therefore:

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

SECTION 1. Pursuant to IC 36-1-10-7, the City-County Council hereby determines that the following office space is needed by the Washington Township Assessor, to-wit: the office space located at 5257 North Tacoma Avenue, Indianapolis, Indiana 46220, or other similar space in that office park, which space is owned by Bowers Envelope Company, Inc., a corporation whose stock is wholly owned by Clyde T. Bowers, Thomas R. Bowers, James E. Bowers and Frances Bowers.

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

PROPOSAL NO. 606, 1992. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 606, 1992 on December 7, 1992. The proposal transfers and appropriates $10,332 for Voters Registration to cover current year postage expenditures. 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 Ruhmkorff, for adoption. Proposal No. 606, 1992 was adopted on the following roll call vote; viz:

26 YEAS: Beadling, Borst, Boyd, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams
1 NAY: Black
2 NOT VOTING: Brents, Hinkle

Proposal No. 606, 1992 was retitled FISCAL ORDINANCE NO. 90, 1992 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 90, 1992

A FISCAL ORDINANCE amending the City-County Annual Budget for 1992 (City-County Fiscal Ordinance No. 61, 1991) transferring and appropriating an additional Ten Thousand Three Hundred Thirty-two Dollars ($10,332) in the County General Fund for purposes of the Voters Registration 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 (f) of the City-County Annual Budget for 1992, be and is hereby amended by the increases and reductions hereinafter stated for purposes of Voters Registration to transfer money to cover postage expenditures.

SECTION 2. The sum of Ten Thousand Three Hundred Thirty-two Dollars ($10,332) 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:

VOTERS REGISTRATION	COUNTY GENERAL FUND
3. Other Services and Charges	$10,332
TOTAL INCREASE	$10,332

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

VOTERS REGISTRATION	COUNTY GENERAL FUND
1. Personal Services	$10,332
TOTAL REDUCTION	$10,332

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

Councillor Rhodes asked for consent to hear Proposal No. 645, 1992 at this time. Consent was given.

PROPOSAL NO. 645, 1992. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 645, 1992 on December 14, 1992. The proposal, sponsored by Councillor West, authorizes the leasing of space to provide offices for the Prosecuting Attorney. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Rhodes moved, seconded by Councillor Coughenour, for adoption. Proposal No. 645, 1992 was adopted on the following roll call vote; viz:

28 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams
0 NAYS:
1 NOT VOTING: Hinkle

Proposal No. 645, 1992 was retitled SPECIAL RESOLUTION NO. 97, 1992 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 97, 1992

A SPECIAL RESOLUTION authorizing Marion County, Indiana to enter into a Lease Agreement to provide office space for the Prosecuting Attorney and approving and authorizing other actions in respect thereto.

WHEREAS, the Prosecuting Attorney, Marion County, Indiana, currently occupies office space at 130 East Market Street for the Grand Jury; and

WHEREAS, the City-County Council of the City of Indianapolis and of Marion County, Indiana (the "City-County Council"), deems it necessary to provide alternative office space for such offices; and

WHEREAS, pursuant to Indiana Code 36-1-10 et. seq. Marion County, Indiana (the "County"), deems it necessary to enter into a Lease Agreement (the "Lease") between Century Building Partnership, L.P. (of which Harold Garrison and Cornelius M. Alig are sole general partners and the Estate of Bernard Landman, Jr. is the only limited partner whose equity is ten percent or more), as lessor, and the County in the substantially final form submitted herewith; now, therefore:

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

SECTION 1. The Lease, as submitted herewith, is hereby approved by the City-County Council, subject to approval by the City-County Administrative Board.

SECTION 2. The Mayor of the City of Indianapolis (the "Mayor"), as the executive of the County, is authorized to execute and deliver the proposed Lease with such changes as the City-County Administrative Board may approve.

SECTION 3. The Mayor is authorized to execute and deliver any and all documents as he deems necessary and appropriate to effectuate the transaction contemplated by the Lease.

SECTION 4. This resolution shall be in full force and effect from and after its passage by the City-County Council and approval by the Mayor.

Councillor Rhodes stated that no action was taken on Proposal Nos. 80 and 570, 1992 and Proposal No. 281, 1992 was postponed. These proposals will not be heard at this Council meeting.

PROPOSAL NO. 607, 1992. Councillor Ruhmkorff reported that the Community Affairs Committee heard Proposal No. 607, 1992 on December 9, 1992. The proposal, sponsored by Councillors Ruhmkorff and O'Dell, approves the sale of the Certificate of Need of the Marion County Healthcare Center to The Health and Hospital Corporation (H&H) and approves the execution of a Purchase Agreement between the Board of Commissioners and H&H. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Ruhmkorff moved, seconded by Councillor O'Dell, for adoption.

Councillor Williams asked where H&H found $2.75 million.

Lawrence Buell, Executive Director of H&H, stated this money is derived from increased Medicare reimbursements.

Councillor Franklin said that many different agencies worked together on this project and he thanked everyone involved with this project. Councillors Coughenour, Smith, O'Dell and Brents expressed their support of this proposal.

Councillor Williams said she hopes that H&H will increase their investment in Public Health Delivery Services.

Proposal No. 607, 1992 was adopted on the following roll call vote; viz:

28 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams
1 NAY: Golc

Proposal No. 607, 1992 was retitled GENERAL RESOLUTION NO. 12, 1992 and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 12, 1992

A GENERAL RESOLUTION approving the sale of a certificate of need evidencing health planning approval by the Indiana Health Facilities Council to operate 309 licensed comprehensive care beds in Marion County to The Health and Hospital Corporation of Marion County and approving the execution of a Purchase Agreement between the Board of Commissioners of Marion County and The Health and Hospital Corporation of Marion County; and fixing the time when this resolution shall take effect.

WHEREAS, Marion County (the "County") owns and operates Marion County Healthcare Center ("MCHC"), a long term health care facility located in Marion County, Indiana;

WHEREAS, the Board of Commissioners of the County (the "Commissioners") has, in cooperation with the MCHC Long Range Planning Committee, identified the substantial renovation of the MCHC current physical facilities which would prove necessary over the next decade;

WHEREAS, the continued quality of long term care remains the highest priority to the commissioners and the maintenance of that quality is potentially impacted by the scope of the required renovations and the general inadequacy of reimbursement for services rendered;

WHEREAS, The Health and Hospital Corporation (the "Hospital Corporation") owns and operates an acute care hospital located in Marion County, Indiana, and desires to build and operate in conjunction therewith a long-term care facility;

WHEREAS, the County desires to sell and the Hospital Corporation desires to buy certain of the County's personal property, including the Certificate of Need evidencing health planning approval by the Indiana Health Facilities Council to operate 309 licensed comprehensive care beds in Marion County (the "Certificate of Need");

WHEREAS, the Commissioners have adopted a resolution approving the sale of the Certificate of Need to the Hospital Corporation (the "Commissioners' Resolution");

WHEREAS, the Board of Trustees of the Hospital Corporation has adopted a substantially identical resolution authorizing the Hospital Corporation to buy the Certificate of Need;

WHEREAS, the Commissioners have considered a variety of alternatives with respect to the disposition of certain property sold under the Purchase Agreement (including the Certificate of Need), the substantially final form of which is attached to the Commissioners' Resolution and incorporated herein by reference (the "Purchase Agreement");

WHEREAS, in light of the extensive analysis and study by the Commissioners of alternative approaches, the Commissioners have determined that it is in the best interest of Marion County, its citizens, and the residents and staff of MCHC to dispose of and transfer such property to Buyer pursuant to the terms of the Purchase Agreement;

WHEREAS, the Hospital Corporation and the County have, therefore, entered into negotiations for the purchase and sale of such authorization, pursuant to IC 36-1-11-8, which provides for such transactions effected by substantially identical resolutions by both governing bodies, and the Hospital Corporation and the County have determined that the Certificate of Need may be purchased and sold through the attached Purchase Agreement; and

WHEREAS, the Board of Commissioners of the County (the "Commissioners") has determined it is in the best interest of Marion County and its residents to cease operating MCHC, has elected to discontinue its ownership and operation of MCHC, in connection therewith has elected not to contract with any other governmental entity or party to provide such maintenance and care services, subject to the approval of the City-County Council of Indianapolis and of Marion County (the "City-County Council"), all pursuant to IC 12-30-1-6;

WHEREAS, the sale of the Certificate of Need and the Purchase Agreement must be approved by the City-County Council; 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 hereby approves the sale of the Certificate of Need to the Hospital Corporation, as described above and in the Purchase Agreement, for the purpose of the expansion of geriatric services, patient care and research in diseases associated with aging, through the creation of a long term facility on the Indiana University Medical Center, to be operated by and through Wishard Memorial Hospital, all according to the terms and conditions of the Purchase Agreement.

SECTION 2. The Commissioners and the Mayor of the City of Indianapolis are authorized and directed to execute , and the Auditor is authorized to attest, the Purchase Agreement. These officers are further authorized and directed to approve modifications to the Purchase Agreement which, in their opinion, do not materially alter the terms of the sale beyond that reviewed and approved by the Commissioners.

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

Councillor Ruhmkorff acknowledged the presence of John Ryan, Ice Miller Donadio & Ryan; Thomas Neal, Krieg Devault Alexander & Capehart; Ken Adkins, Marion County Healthcare Center; Mary Buckler, County Treasurer; and John von Arx, County Auditor; all of whom worked on this project.

PROPOSAL NO. 609, 1992. Councillor Borst reported that the Metropolitan Development Committee heard Proposal No. 609, 1992 on November 24, 1992. The proposal transfers and appropriates $591,971 for the Department of Metropolitan Development, Public Housing Division, to renovate additional housing units and to develop programs to enhance self-sufficiency skills for residents. Councillor Borst again stressed the need of the initiating agency to send the Councillors one- to two-page summaries on a requested proposal. By a 4-1-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Boyd, for adoption. Proposal No. 609, 1992 was adopted on the following roll call vote; viz:

21 YEAS: Black, Borst, Boyd, Brents, Coughenour, Curry, Franklin, Giffin, Golc, Gray, Jimison, Jones, McClamroch, Moriarty, Mullin, Rhodes, SerVaas, Shambaugh, Short, Smith, West
6 NAYS: Dowden, Gilmer, Hinkle, O'Dell, Schneider, Williams
2 NOT VOTING: Beadling, Ruhmkorff

Councillor Gilmer asked for consent to explain his vote. Consent was given. He said that he voted against this proposal because he believes spending money on incentive programs is wasteful.

Councillor Williams asked for consent to explain her vote. Consent was given. She explained that she voted against this proposal because she is disappointed with the performance of the Public Housing Division in 1992. Many of the commitments made to her constituents were not completed.

The President said he agreed with Councillor Williams. This is not a partisan matter--everyone is interested in the City doing a good job in public housing.

Councillor Franklin said that he disagrees with the statements made by the President and Councillor Williams. The Public Housing Division is understaffed and vacant positions have not been allowed to be filled. He believes that Phyllis Griffith, Director of the Public Housing Division, has done an excellent job considering with what she has had to work.

Proposal No. 609, 1992 was retitled FISCAL ORDINANCE NO. 91, 1992 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 91, 1992

A FISCAL ORDINANCE amending the City-County Annual Budget for 1992 (City-County Fiscal Ordinance No. 61, 1991) transferring and appropriating an additional Five Hundred Ninety-one Thousand Nine Hundred Seventy-one Dollars ($591,971) in the Indianapolis Housing Authority Fund for purposes of the Department of Metropolitan Development, Public Housing Division, and reducing certain other appropriations for that Division.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1992, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development, Public Housing Division, to continue with renovation, maintenance and housing services for economically deprived and elderly families.

SECTION 2. The sum of Five Hundred Ninety-one Thousand Nine Hundred Seventy-one Dollars ($591,971) 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 METROPOLITAN DEVELOPMENT

PUBLIC HOUSING DIVISION	INDIANAPOLIS HOUSING AUTHORITY FUND
2. Supplies	$124,612
3. Other Services and Charges	467,359
TOTAL INCREASE	$591,971

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

DEPARTMENT OF METROPOLITAN DEVELOPMENT PUBLIC HOUSING DIVISION	INDIANAPOLIS HOUSING AUTHORITY FUND
1. Personal Services	$148,000
4. Capital Outlay	443,971
TOTAL REDUCTION	$591,971

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

PROPOSAL NOS. 610, 611 and 612, 1992. Councillor Dowden asked for consent to vote on these three proposals together. Consent was given. PROPOSAL NO. 610, 1992. The proposal amends and recodifies certain benefits provided for sworn members of the Indianapolis Police Department. PROPOSAL NO. 611, 1992. The proposal amends the Code by revising certain benefits provided for sworn members of the Indianapolis Fire Department. PROPOSAL NO. 612, 1992. The proposal amends the Code by revising certain benefits provided for sworn members of the Marion County Sheriff's Department. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard these proposals on December 9, 1992. By a 7-0-1 vote, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Dowden moved, seconded by Councillor Curry, for adoption. Proposal Nos. 610, 611 and 612, 1992 were adopted on the following roll call vote; viz:

29 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams
0 NAYS:

Proposal No. 610, 1992 was retitled GENERAL ORDINANCE NO. 158, 1992 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 158, 1992

A GENERAL ORDINANCE amending the Code of Indianapolis and Marion County by revising certain benefits provided for sworn members of the Indianapolis Police Department.

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 is hereby amended to recodify and amend certain personnel rules and benefits for sworn members of the Indianapolis Police Department by adopting a new Article VIII of Chapter 23 to replace Part I of Appendix B by deleting the words stricken-through and adding the words underlined as follows:

ARTICLE VIII. INDIANAPOLIS POLICE DEPARTMENT PERSONNEL RULES

Sec. 1. Holidays and compensation.

Because of the nature of the work of the Indianapolis police force, many officers therein 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
Memorial Day
Labor Day
Independence Day
Columbus Day
Martin Luther King Day
Veterans Day
Thanksgiving Day
Christmas Day
Easter Sunday
Presidents' Day

Because of the pressures of police work and the around-the-clock requirement for those who are engaged in such work, it is deemed ~~this police special service district council~~ that these days shall constitute bonus days,

and they shall receive regular pay to compensate them for the service the entire police department must give on the foregoing holidays.

~~Effective January 1, 1990, an additional holiday, , shall be added to the above list of holidays.~~

Sec. 2. Annual Leave.

(a) Each active member of the Indianapolis Police Department hired on or before December 31, 1984, shall receive hereafter not less than one hundred twenty (120) hours annual leave with full salary each and every fiscal year. Provided, that hereafter any active member of said police department hired on or before December 31, 1984, who shall have served from ten (10) years to twenty (20) years on said department shall receive not less than one hundred sixty (160) hours annual leave with full salary each and every fiscal year. Provided further that any active member of said department hired on or before December 31, 1984, who shall have served for more than twenty (20) years shall be entitled to forty (40) hours in addition to his annual leave to be added to his regular annual leave. The time for such annual leave shall be subject to the approval of the chief of the police department.

(b) Each active member of the Indianapolis Police Department hired after December 31, 1984, shall receive hereafter not less than eighty (80) hours annual leave with full salary each and every fiscal year. Provided that hereafter any active member of said police department hired after December 31, 1984, who shall have served seven (7) continuous years but less than fifteen (15) continuous years on said department shall receive not less than one hundred twenty (120) hours annual leave with full salary each and every fiscal year. Provided further that any active member of said department hired after December 31, 1984, who shall have served fifteen (15) or more continuous years on said department shall receive not less than one hundred sixty (160) hours annual leave. The time for such annual leave shall be subject to the approval of the chief of the police department.

Sec. 3. Accumulation of annual leave days; annual leave carryover.

Annual leave shall be taken within the calendar year in which it is accumulated; however, at the discretion of the chief of the police force, up to a maximum of one hundred twelve (112) hours earned annual leave may be carried over from one calendar year to the next calendar year, provided the chief of the police department retains the right to schedule such carryover annual leave at his discretion in order to maintain the efficiency of the operation of the police department.

Sec. 4. Sick leave.

(a) Any active member of the police department hired on or before December 31, 1984, or after January 1, 1993, or any active member who is hired between these two dates and who makes an election pursuant to Sec. 4(d) who ~~is~~ is unable to perform the duties of his employment by reason of sickness, accident or injury is entitled to not less than ninety (90) calendar days sick leave with full pay in a calendar year, or for the period of such incapacity, should said period be less than ninety (90) days. In the case of an officer incurring a sickness, accident or injury in the direct line of duty the chief, with the approval of the director of public safety, may, upon written application of the officer, extend paid sick leave. Before any extension may be rendered, a medical doctor or psychologist retained by the department must certify the member as unfit for active duty. If the member is unable to return to work he shall apply for a disability pension pursuant to state law. The merit board shall establish guidelines, policies, and procedures for the administration of paid sick leave and extensions thereof. ~~However, any active member of said department not requiring sick leave during any calendar year shall receive three (3) days' compensatory leave with full pay in addition to any vacation provided for herein, provided officers utilizing sick leave for on-duty accident or injury shall not be disqualified for perfect attendance days. This figure may be arrived at by computing each of three (3) four-month periods separately during the year, and awarding one day of compensatory leave for each four-month period in which an active member of the department requires no sick leave. Compensatory leave earned under this section must be used within twelve (12) months of the date on which they were earned, and they must not be accumulated beyond such twelve-month period.~~

(b) Any active member of the Indianapolis Police Department hired ~~after~~ between December 31, 1984 and January 1, 1993 and who does not make an election to opt out pursuant to Sec. 4(d), shall receive sick leaves as follows:

(1) On-duty injury. ~~Any active member of the Indianapolis Police Department hired after December 31, 1984,~~ Any such member who is unable to perform the duties of his/her employment by reason of sickness, accident or injury incurred in the direct line of duty as certified by a medical doctor or psychologist retained by the department, shall be entitled to such leave with full pay for the period of such incapacity; however, such sick leave period shall not exceed ninety (90) consecutive calendar days in a calendar year. The chief, with the approval of director of public safety, may, upon written application of the officer, extend paid sick leave. Before any extension may be rendered a medical

doctor or psychologist retained by the department must certify the member as unfit for active duty. If the member is unable to return to work he shall apply for a disability pension pursuant to state law. The merit board shall establish guidelines, policies and procedures for the administration of paid sick leave and extension thereof.

(2) Nonduty injury.

(i) Definitions.

(a) "Sick leave" shall mean time off granted a police officer whose illness, accident, injury or disability prevents him/her from performing duties directed by the department. Sick leave is intended to provide relief from loss of pay in cases of absence from work due to established incapacity to perform assigned duties, as defined and directed by the department, but is not to be regarded as an optional leave right.

(b) "Reasonable evidence" shall mean a certificate from a medical doctor licensed to practice medicine and employed by the police and fire medical clinic or another medical doctor approved by the department that the subject police officer is incapable of performing assigned duties as defined and directed by the department. Before granting or continuing sick leave with pay, the department may require evidence that the employee is actually sick or disabled.

(ii) Accrual.

(a) Upon commencement of employment, police officers shall have a bank of ninety-six (96) hours of sick leave for nonduty illnesses, accidents or injures. Upon completion of one year of employment, police officers shall accrue sick leave at the rate of eight (8) hours per month, ninety-six (96) hours per year.

(b) Those police officers who are starting to work on or before the fifteenth day of the month shall have their account credited with a full month's accrual of sick time on the first day of the month following the month in which they were hired.

(c) Those police officers who are starting to work on or after the sixteenth day of the month shall have their account credited with a full month's accrual of sick time on the first day of the second month after they were hired.

~~(d) The police officer must work a month before any time can be credited to his/her account.~~

~~(e~~d) Sick leave time will only accrue if a police officer works or is paid for more than one-half the month; provided, however, no police officer shall continue to accrue sick leave or other fringe benefits while receiving pension disability payments.

(iii) Unearned leave. Sick leave cannot be used prior to accrual and cannot be earned while on any leave without pay status.

(iv) Justification. The burden of proof rests with the police officer to convince the department that sick leave is justifiable. The department may require a medical certificate or other evidence of illness as requested. Sick leave is only to be used for a personal doctor's appointment and/or personal illness.

(v) Sick leave abuses. In the case of sick leave abuse, the department may designate such leave as vacation leave, leave without pay, or as grounds for disciplinary action, including dismissal.

(vi) Separation from employment. Accrued sick leave will not be paid upon termination, except as follows: Upon separation from employment by reason of death, or retirement under circumstances such that the employee would be eligible for retirement benefits under state law, or in the event of a layoff, if such layoff was anticipated to last longer than six (6) months, an employee will be entitled to compensation or accrued accumulated sick leave at one-half his or her regular daily rate of compensation.

(vii) Charging sick leave. Sick leave may only be taken in eight-hour increments.

(viii) Carryover. Accrued sick leave may be carried over from year to year.

(ix) Accrual of other paid leave. Vacation days shall accrue to police officers while on paid sick leave.

(c) Compliance with departmental policy. All sick leaves related to nonduty sicknesses, accidents and injuries must comply with departmental rules, regulations, orders and standard operating procedures.

(d) During the period from January 1, 1993 through January 31, 1993, an active member of the Indianapolis police department who was hired after December 31, 1984 and before January 1, 1993 shall have the opportunity to opt out of the sick leave provisions of Sec. 4(b) and into the sick leave provisions of Sec. 4(a). Such election shall be effective upon receipt of notice by the department. A police officer who fails to make the election during this period shall remain covered by the provisions of Sec. 4(b). A police officer who opts into the provisions of Sec. 4(a) shall forfeit all sick leave accumulated during his/her participation under the provisions of Sec. 4(b). A police officer who elects to opt into the provisions of Sec. 4(a) and who, during the period January 1, 1993 through January 31, 1993 uses sick leave accumulated under Sec. 4(b) shall have one day of leave deducted from his/her ninety (90) bank for calendar year 1993 for each 8 hours of sick leave used during this period.

Sec. 5. Death Leave.

Upon the death of a member of the immediate family, i.e., spouse, mother, father, son, daughter, brother, sister, stepmother, stepfather, stepson, stepdaughter, stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, daughter-in-law, grandmother, grandfather, grandson, and granddaughter, or other relative who was residing with the officer, an officer will receive a maximum of three (3) working days leave with pay. The chief has discretion to grant three (3) days for leave to be charged against any earned leave time for a death of someone other than those listed above. Documentation of the appropriate circumstances may be required of the officer, e.g., death certificate or article. Additional time off to be charged to earned leave time if available, or without pay may be granted at the discretion of the chief.

SECTION 2. A new Sec. 6 is hereby added to Part I of Appendix B of the Code of Indianapolis and Marion County as follows:

Sec. 6. Perfect Attendance Leave.

Effective January 1, 1993, any active member of the Indianapolis police department who is covered by the sick leave provisions of Sec. 4(a) and who does not use any sick leave during a calendar quarter shall receive one (1) day perfect attendance leave with full pay for each such quarter, for a maximum of four days of perfect attendance leave in a calendar year. Perfect attendance leave days earned under this section must be used within twelve (12) months of the date on which they were earned and may not be accumulated beyond such twelve-month period. Officers utilizing sick leave for an on-duty accident or injury shall not be disqualified for perfect attendance days.

SECTION 3. Part I of Appendix B is hereby repealed.

SECTION 4. The expressed or implied repeal or amendment by this ordinance or 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 5. 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 6. This ordinance shall be in effect from and after its passage by the council and compliance with IC 36-3-4-14.

Proposal No. 611, 1992 was retitled GENERAL ORDINANCE NO. 159, 1992 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 159, 1992

A GENERAL ORDINANCE amending the Code of Indianapolis and Marion County by revising certain benefits provided for sworn members of the Indianapolis Fire Department.

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

SECTION 1. Secs. 73 and 74 of Chapter 23 of the Code of Indianapolis and Marion County are hereby amended by deleting the words stricken-through and adding the words underlined as follows:

Sec. 23-73. Sick leave.

(a) Any active member of the Indianapolis fire department hired on or before December 31, 1984, or after January 1, 1993, or any member who is hired between these two dates and who makes an election pursuant to Sec. 23-73(d) who is unable to perform the duties of his employment by reason of sickness, accident or injury is entitled to not less than ninety (90) calendar days' sick leave with full pay in a calendar year, or for the period of such incapacity, should said period be less than ninety (90) days. In the case of an officer incurring a sickness, accident or injury in the direct line of duty the chief, with the approval of the merit board, may, upon written application of the officer, extend paid sick leave. Before any extension may be rendered, a medical doctor or psychologist retained by the department must certify the member unfit for active duty. If the member is unable to return to work, he shall apply for a disability pension pursuant to state law. The merit board shall establish guidelines, policies, and procedures for the administration of paid sick leave and extensions thereof.

(b) Any active member of the Indianapolis fire department hired ~~after~~ between December 31, 1984, and January 1, 1993, and who does not make an election to opt out pursuant to Sec. 23-73(d), shall receive sick leaves as follows:

(1) On-duty injury. ~~Any active member of the Indianapolis fire department hired after December 31, 1984,~~ Any such member, who is unable to perform the duties of his/her employment by reason of sickness, accident or injury incurred in the direct line of duty as certified by a medical doctor or psychologist retained by the department, shall be entitled to such leave with full pay for the period of such incapacity; however, such sick leave period shall not exceed ninety (90) calendar days in a calendar year. The chief, with the approval of the merit board, may, upon written application of the officer, extend paid sick leave. Before any extension may be rendered a medical doctor or psychologist retained by the department must certify the member unfit for active duty. If the member is unable to return to work he shall apply for a disability pension pursuant to state law. The merit board shall establish guidelines, policies and procedures for the administration of paid sick leave and extensions thereof.

(2) Nonduty injury.

(i) Definitions.

a. "Sick leave" shall mean time off granted a firefighter whose illness, accident, injury or disability prevents him/her from performing duties directed by the department. Sick leave is intended to provide relief from loss of pay in cases of absence from work ~~duty~~ due to established incapacity to perform assigned duties, as defined and directed by the department, but is not to be regarded as an optional leave right.

b. "Reasonable evidence" shall mean a certificate from a medical doctor licensed to practice medicine or a licensed psychologist and retained by the department that the subject firefighter is incapable of performing assigned duties as defined and directed by the department. Before granting or continuing sick leave with pay, the department may require evidence that the employee is actually sick or disabled.

(ii) Accrual.

a. Upon commencement of employment, firefighters shall have a bank of ninety-six (96) hours of sick leave for nonduty illnesses, accidents or injuries. Upon completion of one year of employment, firefighters shall accrue sick leave at the rate of eight (8) hours per month, ninety-six (96) hours per year.

b. Those firefighters who are starting to work on or before the fifteenth day of the month shall have their account credited with a full month's accrual of sick time on the first day of the month following the month in which they were hired.

c. Those firefighters who are starting to work on or after the sixteenth day of the month shall have their account credited with a full month's accrual of sick time on the first day of the second month after they were hired.

~~d. The firefighter must work a month before any time can be credited to his/her account.~~

~~e~~d. Sick leave time will only accrue if a firefighter works or is paid for more than one-half the month; no fire fighter shall continue to accrue sick leave or other fringe benefits while receiving pension disability payments.

(iii) Separation from employment. Accrued sick leave will not be paid upon termination, except as follows: Upon separation from employment by reason of death, or retirement under circumstances such that the employee would be eligible for retirement benefits under state law,

or in the event of a layoff, if such layoff was anticipated to last longer than six (6) months, an employee will be entitled to compensation for accrued accumulated sick leave at one-half his or her regular daily rate of compensation.

(iv) Carryover. Accrued sick leave may be carried over from year to year.

(c) Compliance with departmental policy. All use of sick leave due to sicknesses, accidents and injuries must comply with departmental rules, regulations, orders and standard operating procedures.

(1) Unearned leave. Sick leave cannot be used prior to accrual and cannot be earned while on any leave without pay status.

(2) Justification. The burden of proof rests with the firefighter to demonstrate to the department that sick leave is justifiable. The department may require a medical certificate or other evidence of illness as requested. Sick leave is only to be used for personal illness or injury.

(3) Sick leave abuse. In the case of sick leave abuse, the department may designate such leave as vacation leave, leave without pay, or as grounds for disciplinary actions, including dismissal.

(4) Charging sick leave. Sick leave may only be taken in eight-hour increments; provided, that those firefighters who work on a twenty-four hour on/forty-eight hour off shift, may only take sick leave in twenty-four-hour increments.

(5) Accrual of other paid leave. Vacation days shall accrue to firefighters while on paid sick leave.

(d) During the period from January 1, 1993, through January 31, 1993, an active member of the Indianapolis fire department who was hired after December 31, 1984 and before January 1, 1993, shall have the opportunity to opt out of the sick leave provisions of Sec. 23-73(b) and into the sick leave provisions of Sec. 23-73(a). Such election shall be effective upon receipt of notification by the department. A firefighter who fails to make the election during this period, shall remain covered by the provision of Sec. 23-73(b). A firefighter who opts into the provisions of Sec. 23-73(a) shall forfeit all sick leave accumulated during their participation under the provisions of Sec. 23-73(b). A firefighter who elects to opt into the provisions of Sec. 23-73(a) and who during the period January 1, 1993, through January 31, 1993, uses sick leave accumulated under Sec. 23-73(b) shall have one day of leave deducted from their 90 day bank for calendar year 1993 for each day of sick leave used during this period.

Sec. 23-74. Perfect attendance leave.

(a) Any member of said fire department who is assigned to fire suppression activity and on duty for an average of fifty-six (56) hours per week and who does not use any sick leave during a calendar year shall receive two (2) twenty-four-hour compensatory perfect attendance leave days with full pay in addition to any vacation provided to said member. ~~(b)~~ Said two (2) perfect attendance leave days shall be earned as follows:

(1) All members who do not use any sick leave days during the first six (6) months of any calendar year shall be entitled to one perfect attendance leave day. ~~in the succeeding calendar year.~~

(2) A second such day shall be awarded for those members not using any sick leave during the last six (6) months of said year.

(b) Effective January 1, 1993 ~~T~~those active members ~~on duty less than fifty-six (56) hours per week who have~~ assigned to the non-suppression division who have not used any sick leave during a calendar year shall receive ~~two (2)~~ three (3) eight-hour compensatory perfect attendance leave days in addition to any vacation provided thereto. These perfect attendance leave days shall be earned as follows: One day for each of the following periods in which sick leave is not used - January - April, May -August and September - December.

(c) Effective January 1, 1994 those active members assigned to the non-suppression division who have not used any sick leave shall receive one (1) eight (8) hour perfect attendance leave day for each calendar quarter in which no sick leave is used in addition to any vacation provided thereto.

(~~c~~d) ~~Such P~~perfect attendance leave days are noncumulative and shall be awarded at the pleasure of the chief of the fire department ~~during the succeeding calendar year~~, so long as the granting of such leave does not necessitate the use of supplementary manpower nor incur additional costs to the fire department. During declared emergencies all leave days, including compensatory perfect attendance days, may be canceled for the duration of said emergencies.

SECTION 2. New Secs. 76 and 77 are hereby added to Chapter 23 of the Code of Indianapolis and Marion County as follows:

Sec. 23-76. Bonus Day.

All active members of the Indianapolis fire department who are assigned to the operations division shall be entitled to one (1) twenty-four-hour duty day off per calendar year in addition to all other leave provided for herein. This bonus day shall be scheduled by the department in accordance with rules developed by the department.

Sec. 23-77. Death Leave.

a. Firefighters in non-suppression division

Upon the death of a member of the immediate family, i.e., spouse, mother, father, son, daughter, brother, sister, stepmother, stepfather, stepson, stepdaughter, stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, daughter-in-law, grandmother, grandfather, grandson and granddaughter, or other relative who was residing with the firefighter, a firefighter will receive a maximum of three (3) working days leave with pay. The chief has discretion to grant three (3) days for leave to be charged against any earned leave time for a death of someone other than those listed above.

b. Firefighters in suppression division

1. Upon the death of a parent, child or spouse, an active firefighter assigned to the suppression division will receive a maximum of two (2) twenty-four (24) hour duty days off with pay.

2. Upon the death of a brother, sister, stepmother, stepfather, stepson, stepdaughter, stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, daughter-in-law, grandfather, grandmother, grandson or granddaughter or other relative who was residing with the firefighter, a firefighter assigned to the suppression division shall receive a maximum of one (1) twenty-four (24) hour duty day off with pay. The chief has the discretion to grant one (1) day for leave to be charged against any earned leave time for a death of someone other than those listed above.

c. General. Documentation of the death may be required from the firefighter, e.g. death certificate or article. Additional time off to be charged to earned leave time if available, or without pay may be granted at the discretion of the chief.

SECTION 3. The expressed or implied repeal or amendment by this ordinance or 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 4. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 5. This ordinance shall be in effect from and after its passage by the council and compliance with IC 36-3-4-14.

Proposal No. 612, 1992 was retitled GENERAL ORDINANCE NO. 160, 1992 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 160, 1992

A GENERAL ORDINANCE amending the Code of Indianapolis and Marion County by revising certain benefits provided for sworn members of the Marion County Sheriff's Department.

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

SECTION 1. Sec. 48 of Chapter 23½ of the Code of Indianapolis and Marion County is hereby amended by deleting the words stricken-through and adding the words underlined as follows:

Sec. 23½-48. Sick leave.

~~(a) Any deputy of the Marion County Sheriff's Department hired on or before August 31, 1986, who is unable to perform the duties of his employment by reason of sickness, accident or injury is entitled to not less than ninety (90) calendar days' sick leave with full pay in a calendar year or for the period of such incapacity, should said period be less than ninety (90) days.~~

~~In the case of a deputy incurring a sickness, accident or injury in the direct line of duty, the sheriff, with the approval of the merit board, may, upon written application of the deputy, extend paid sick leave. Before any extension may be rendered, a medical doctor or psychologist retained by the department must certify the deputy as unfit for active duty. If the deputy is unable to return to work, he will be placed on disability pension pursuant to the procedures established by IC 36-8-10. The merit board, consistent with the terms of this article, shall establish guidelines, policies, and procedures for the administration of paid sick leave and extensions thereof.~~

(a) Any active deputy of the Marion County Sheriff's Department hired on or before August 31, 1986, or after January 1, 1993, or any deputy hired between these two dates and who makes an election pursuant to Sec. 23½-48(e) shall received paid leave time as follows:

(1) On-Duty Injury Leave - Any eligible member who is unable to perform the duties of his/her employment by reason of sickness, accident, or injury incurred in the direct line of duty, as certified by a medical doctor or psychologist retained by the department, shall be entitled to such On-Duty Injury leave with full pay for the period of such incapacity provided such On-Duty Injury leave shall not exceed ninety (90) calendar days or seven hundred and twenty (720) hours in a twelve (12) month period from the date of the incident. However, the Sheriff, with the approval of the Merit Board may in accordance with established guidelines, extend such On-Duty Injury leave. A written request for such extension shall be submitted by the deputy and a medical doctor or psychologist retained by the department must certify the deputy is unfit for active duty.

(2) Non-Duty Sick Leave - Any eligible member who is unable to perform the duties of his/her employment by reason of sickness, accident, or injury not incurred in the direct line of duty shall be entitled to sick leave not to exceed ninety (90) calendar days or seven hundred and twenty hours (720) in a calendar year. Sick leave is intended to provide relief for loss of pay in cases of absence from work due to established incapacity to perform assigned duties as directed by the department, but is not to be regarded as an optional leave right.

Reasonable evidence, defined as a certificate from a medical doctor licensed to practice medicine and employed by the police and fire medical clinic or medical doctor approved by the department, that the subject deputy is sick or disabled and incapable of performing assigned duties as directed by the department may be required before granting or continuing sick leave with pay.

On the first day of January each year all deputies within this category shall have their Non-Duty Sick Leave bank restored to ninety (90) calendar days (Seven hundred and twenty (720) hours) for that calendar year.

(3) If a deputy is unable to return to work, he/she will be placed on disability pension pursuant to the procedures established in IC 36-8-10. The Merit Board, consistent with the terms of this article, shall establish guidelines, policies and procedures for the administration of paid On-Duty Leave and Non-Duty Sick Leave.

(b) Any active deputy of the Marion County Sheriff's Department who was hired ~~after~~ between August 31, 1986 and January 1, 1993 and who does not make an election to opt out pursuant to Sec. 23½-48(e), shall receive sick leaves as follows:

(1) On-duty injury. ~~Any active deputy of the Marion county Sheriff's Department hired after August 31, 1986,~~ Any such deputy who is unable to perform the duties of his/her employment by reason of sickness, accident or injury incurred in the direct line of duty as certified by a medical doctor or psychologist retained by the department, shall be entitled to such leave with full pay for the period of such incapacity. However, such sick leave period shall not exceed ninety (90) calendar days or seven hundred twenty (720) hours in a twelve month period from the date of the incident ~~in a calendar year.~~ The sheriff, with the approval of merit board may, in accordance with established guidelines, extend paid sick leave.

Before any extension may be rendered a medical doctor or psychologist retained by the department must certify the deputy as unfit for active duty. If the deputy is unable to return to work he will be placed on disability pension pursuant to procedures established by IC 36-8-10. The merit board,

consistent with the terms of this article, shall establish guidelines, policies and procedures for the administration of paid sick leave and extensions thereof.

(2) Nonduty injury.

a. Definitions.

1. "Sick leave" shall mean time off granted a deputy whose illness, accident, injury or disability prevents him/her from performing duties directed by the department. Sick leave is intended to provide relief from loss of pay in cases of absence from work due to established incapacity to perform assigned duties, as defined and directed by the department, but is not to be regarded as an optional leave right.

2. "Reasonable evidence" shall mean a certificate from a medical doctor licensed to practice medicine and employed by the police and fire medical clinic or medical doctor approved by the department that the subject deputy is incapable of performing assigned duties as defined and directed by the department. Before granting or continuing sick leave with pay, the department may require evidence that the employee is actually sick or disabled.

b. Accrual.

1. Upon commencement of employment, the deputy shall have a bank of ninety-six (96) hours of sick leave for nonduty sickness, accidents or injures. Upon completion of one (1) year of employment, a deputy shall accrue sick leave at a rate of eight (8) hours per month or ninety-six (96) hours per year.

2. Deputies starting to work on or before the fifteenth day of the month shall have their account credited with a full month's accrual of sick time on the first day of the month following the month in which they were hired.

3. Deputies starting work on or after the sixteenth day of the month shall have their account credited with a full month's accrual of sick time on the first day of the second month after they were hired.

4. Sick leave will only accrue if a deputy works or is paid for more than one-half the month; provided, however, no deputy shall continue to accrue sick leave or other paid leave while receiving pension disability payments.

c. Unearned leave. Sick leave cannot be used prior to accrual and cannot be earned while on any leave without pay status.

d. Justification. The burden of proof rests with the deputy to convince the department that sick leave is justifiable. The department may require a medical certificate or other evidence of illness as requested. Sick leave is only to be used for a personal doctor's appointment and/or personal illness.

e. Sick leave abuses. In the case of sick leave abuse, the department may designate such leave as vacation leave, leave without pay, or as grounds for disciplinary action, including dismissal.

f. Separation from employment. Accrued sick leave will not be paid upon termination, except upon separation from employment by reason of:

1. Death;

2. Retirement under circumstances such that the employee would be eligible for retirement benefits under state law; or

3. In the event of a lay-off, if such lay-off is anticipated to last longer than six (6) months. ~~an employee will be entitled to compensation for accrued accumulated sick leave at one-half his/her regular daily rate of compensation.~~

Upon the occurrence of any of the above events, a deputy will be entitled to compensation for accrued sick leave at the rate of one (1) hour for every two (2) hours the employee has on record at the time of such eligible separation.

g. Charging sick leave. Sick leave may only be taken pursuant to departmental regulations.

h. Carryover. Accrued sick leave may be carried over from year to year.

i. Accrual of other paid leave. Vacation days shall accrue to deputies while on paid sick leave.

(c) Effective January 1, 1993, ~~A~~any active member of the department not requiring sick leave, leave without pay or unpaid disciplinary suspension during any calendar year shall receive thirty two (32) hours ~~three (3) days~~ compensatory leave (perfect attendance days) with full pay in addition to any vacation provided for herein; officers utilizing sick leave for on-duty accident or injury shall not be disqualified for perfect attendance days. This figure may be arrived at by computing each of four (4) three ~~three (3) four~~-month periods separately during the year as set forth in departmental regulations, and awarding ~~one (1) day~~ eight hours of compensatory leave (perfect attendance time ~~day~~) for each three~~four~~-month period in which an active member of the department ~~requires no sick leave~~ uses no sick or unpaid leave time and does not have an unpaid disciplinary suspension. Compensatory leave days (perfect attendance days) earned under this section must be used pursuant to departmental regulations. No more than forty (40) hours may be carried over from one calendar year to the next.

(d) Compliance with departmental policy. All sick leave related to non-duty sicknesses, accidents and injuries must comply with departmental rules, regulations, orders and standard operating procedures.

(e) During the period from January 1, 1993 through January 31, 1993, an active member of the Marion County Sheriff's Department who was hired between August 31, 1986 and January 1, 1993 shall have the opportunity to opt out of the sick leave provisions of Sec. 23½-48(b) and into the leave provision of Sec. 23½-48(a). Such election shall be effective upon receipt of notification by the department. A deputy who fails to make the election provided for in this paragraph during this period shall remain covered by the provisions of Sec. 23½-48(b). A deputy who opts into the provisions of Sec. 23½-48(a) shall forfeit all sick leave accumulated during his/her participation under the provisions of Sec. 23½-48(b). A deputy who elects to opt into the provisions of Sec. 23½-48(a) and who, during the period January 1, 1993 through January 31, 1993, uses sick leave accumulated under Sec. 23½-48(b) shall have one (1) hour of leave deducted from his/her 90 day bank for calendar year 1993 for each hour of sick leave used during this period.

SECTION 2. The expressed or implied repeal or amendment by this ordinance or 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 effect from and after its passage by the council and compliance with IC 36-3-4-14.

Councillor Ruhmkorff said that Proposal No. 611, 1992 concerns Indianapolis Fire Department's benefits and asked if Councillor Gray should abstain from voting on the proposal.

The President asked if Councillor Gray wished to abstain on Proposal No. 611, 1992. Councillor Gray said that he will not abstain because, in his opinion, it is not a conflict of interest.

Councillor Boyd stated that he believes that Councillor Gray should vote and if Councillor Ruhmkorff has a question concerning the matter, she should explore some other avenues for an explanation.

Councillor Coughenour suggested that the Ethics Board could give an opinion on this issue.

Councillor O'Dell moved that the Council ask for a formal opinion from the Ethics Board. Councillor Giffin stated that he is opposed to Councillor O'Dell's motion especially since

Councillor Gray is a new member of the Council. Councillor Ruhmkorff seconded Councillor O'Dell's motion.

Councillor West suggested that the Council finish the agenda and then come back to this matter. At this point Councillor O'Dell withdrew his motion and Councillor Ruhmkorff withdrew her second.

PROPOSAL NO. 613, 1992. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 613, 1992 on December 9, 1992. The proposal reallocates $375,000 from the E-911 Fund to the County General Fund. By a 5-3 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Schneider, for adoption.

Proposal No. 613, 1992 was adopted on the following roll call vote; viz:

19 YEAS: Beadling, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Gray, Jones, McClamroch, Moriarty, O'Dell, Rhodes, Schneider, SerVaas, Shambaugh, Smith
6 NAYS: Borst, Golc, Jimison, Mullin, Short, Williams
4 NOT VOTING: Black, Hinkle, Ruhmkorff, West

Proposal No. 613, 1992 was retitled FISCAL ORDINANCE NO. 92, 1992 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 92, 1992

A FISCAL ORDINANCE reallocating Three Hundred Seventy-Five Thousand Dollars ($375,000) from the E-911 Fund to the County General Fund.

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

SECTION 1. To approve the reallocation of resources to fund the 1992 budget, to-wit: to provide reimbursement for the dispatch services of the Marion County Sheriff's Department, Three Hundred Seventy-Five Thousand Dollars ($375,000) is hereby ordered transferred from the E-911 Fund to the County General Fund.

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

PROPOSAL NO. 614, 1992. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 614, 1992 on December 9, 1992. The proposal reallocating $134,000 from the County General Fund to the Supplemental Public Defender Fees Fund. By a 7-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Jimison, for adoption. Proposal No. 614, 1992 was adopted on the following roll call vote; viz:

19 YEAS: Black, Boyd, Brents, Coughenour, Dowden, Giffin, Golc, Gray, Jimison, Jones, Moriarty, Mullin, O'Dell, Schneider, SerVaas, Shambaugh, Short, Smith, Williams
3 NAYS: Borst, Curry, Rhodes
7 NOT VOTING: Beadling, Franklin, Gilmer, Hinkle, McClamroch, Ruhmkorff, West

Proposal No. 614, 1992 was retitled FISCAL ORDINANCE NO. 93, 1992 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 93, 1992

A FISCAL ORDINANCE reallocating One Hundred Thirty Four Thousand Dollars ($134,000) from the County General Fund to the Supplemental Public Defender Fees Fund.

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

SECTION 1. To approve the reallocation of resources to fund the 1992 budget, One Hundred Thirty Four Thousand Dollars ($134,000) is hereby ordered transferred from the County General Fund to the Supplemental Public Defender Fees Fund.

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

PROPOSAL NO. 559, 1992. Councillor Gilmer reported that the Transportation Committee heard Proposal No. 559, 1992 on December 10, 1992. The proposal amends the Code by authorizing intersection controls at East Riverside Drive and 29th Street (District 16). By a 4-3 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken. Councillor Gilmer moved, seconded by Councillor Hinkle, to strike. Proposal No. 559, 1992 was stricken by the following roll call vote; viz:

23 YEAS: Beadling, Borst, Boyd, Curry, Dowden, Franklin, Gilmer, Golc, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West
1 NAY: Black
5 NOT VOTING: Brents, Coughenour, Giffin, Gray, Williams

PROPOSAL NOS. 620, 621, 622, 623, 624 and 625, 1992. Councillor Gilmer asked for consent to vote on these six transportation proposals together. PROPOSAL NO. 620, 1992. The proposal amends the Code by authorizing intersection controls for McFarland Farms subdivision (District 24). PROPOSAL NO. 621, 1992. The proposal amends the Code by authorizing intersection controls for Allangale Woods subdivision (District 23). PROPOSAL NO. 622, 1992. The proposal amends the Code by authorizing intersection controls for various locations located in the City (Districts 16, 24, 19). PROPOSAL NO. 623, 1992. The proposal amends the Code by authorizing a multi-way stop at Pappas Drive and Yucatan Drive (District 23). PROPOSAL NO. 624, 1992. The proposal amends the Code by authorizing a multi-way stop at Spring Lane and Pershing Road (District 2). PROPOSAL NO. 625, 1992. The proposal amends the Code by authorizing a multi-way stop at Villa Avenue and Gimber Street (District 21). Councillor Gilmer reported that the Transportation Committee heard Proposal Nos. 620, 621, 622, 623, 624 and 625, 1992 on December 10, 1992. By a 7-0 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 Nos. 620, 621, 622, 623, 624 and 625, 1992 were adopted on the following roll call vote; viz:

24 YEAS: Beadling, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Gilmer, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith
1 NAY: Black
4 NOT VOTING: Giffin, Golc, West, Williams

Proposal No. 620, 1992 was retitled GENERAL ORDINANCE NO. 161, 1992 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 161, 1992

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:

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 addition of the following, to wit:

BASE MAP	INTERSECTION	PREFERENTIAL	TYPE OF CONTROL
47 Pg. 1	Basil Ct & Cinnamon Dr.	Cinnamon Dr.	Yield
47 Pg. 1	Bay Leaf Ci & Tarragon Ln	Tarragon Ln.	Yield
47 Pg. 1	Cardamon Ct Saffron Dr.	Saffron Dr.	Yield
47 Pg. 1	Chervil Ct & Germander Ln	Germander Ln	Yield
47 Pg. 1	Cinnamon Dr. & Poppyseed Dr.	Poppyseed Dr.	Stop
47 Pg. 1	Cinnamon Dr. & Tarragon Pl	Tarragon Pl	Stop
47 Pg. 1	Clove Ct & Tarragon Dr.	Tarragon Dr.	Yield
47 Pg. 2	Emerson Av. & McFarland Blvd	Emerson Av.	Stop
47 Pg. 2	Fennel Ct & Lovage Ct & Santolina Dr.	Santolina Dr.	Stop
47 Pg. 2	Germander Ln & Santolina Dr.	Santolina Dr.	Stop
47 Pg. 2	Germander Ln & Tarragon Pl	Tarragon Pl	Stop
47 Pg. 2	McFarland Blvd & Poppyseed Dr.	McFarland Blvd	Stop
47 Pg. 2	McFarland Blvd & Tarragon Pl	McFarland Blvd	Stop
47 Pg. 2	McFarland Blvd & Tarragon Tr	McFarland Blvd	Stop
47 Pg. 2	Mint Dr. & Santolina Dr.	Santolina Dr.	Stop
47 Pg. 3	Nutmeg Ct & Tarragon Dr.	Tarragon Dr.	Yield
47 Pg. 3	Pennroyal Ln & Rock Rose Ct	Rock Rose Ct	Stop

47 Pg. 3	Pennroyal Ln & Santolina Dr.	Santolina Dr.	Stop
47 Pg. 3	Pepper Ci, Pepper Ct & Poppyseed Dr.	Poppyseed Dr.	Stop
47 Pg. 3	Perilla Ct & Tarragon Pl	Tarragon Pl	Yield
47 Pg. 3	Poppyseed Dr. & Tarragon Dr.	Tarragon Dr.	Stop
47 Pg. 3	Rock Rose Ct & Santolina Dr.	Santolina Dr.	Stop
47 Pg. 3	Saffron Dr. & Tarragon Dr.	Tarragon Dr.	Stop
47 Pg. 3	Saffron Dr. & Tarragon Ln	Tarragon Ln	Stop
47 Pg. 3	Santolina Dr. & Stop 11 Rd	Stop 11 Rd	Stop
47 Pg. 3	Santolina Dr. & Tarragon Pl	Tarragon Pl	Stop
47 Pg. 3	Santolina Dr. & Teasel Ct	Santolina Dr	Yield
47 Pg. 3	Tarragon Ct & Tarragon Tr	Tarragon Tr	Yield

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

Proposal No. 621, 1992 was retitled GENERAL ORDINANCE NO. 162, 1992 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 162, 1992

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:

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 addition of the following, to wit:

BASE MAP	INTERSECTION	PREFERENTIAL	TYPE OF CONTROL
42 Pg. 1	Allan Ct & Wonderland Dr	Wonderland Dr	Yield
42 Pg. 1	Lana Ct & Wonderland Dr	Wonderland Dr	Yield
42 Pg. 1	Senour Rd Wonderland Dr	Senour Rd	Stop
42 Pg. 1	Wonderland Ct/ Wonderland Dr	Wonderland Dr	Yield

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

Proposal No. 622, 1992 was retitled GENERAL ORDINANCE NO. 163, 1992 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 163, 1992

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:

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:

BASE MAP	INTERSECTION	PREFERENTIAL	TYPE OF CONTROL
32 Pg. 10	Harmon St. & Merrill St.	Merrill St.	Stop
40 Pg. 4	Gale St. & Whalen Av.	Gale St.	Yield

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:

BASE MAP	INTERSECTION	PREFERENTIAL	TYPE OF CONTROL
30 Pg. 2	Carlsbad Cir & Carlsbad Dr.	Carlsbad Dr.	Yield
30 Pg. 2	Carlsbad Ct. & Carlsbad Ln.	Carlsbad Ln.	Yield
30 Pg. 2	Carlsbad Dr. & Southwest Dr.	Southwest Dr.	Stop
30 Pg. 2	Carlsbad Ln. & Southwest Dr.	Southwest Dr.	Stop
40 Pg. 4	Gale St. & Whalen Av.	Gale St.	Stop

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

Proposal No. 623, 1992 was retitled GENERAL ORDINANCE NO. 164, 1992 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 164, 1992

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:

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:

BASE MAP	INTERSECTION	PREFERENTIAL	TYPE OF CONTROL
40 Pg. 5	Pappas Dr. & Yucatan Dr.	Pappas Dr.	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:

BASE MAP	INTERSECTION	PREFERENTIAL	TYPE OF CONTROL
40 Pg. 5	Pappas Dr. & Yucatan Dr.	None	4-Way Stop

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

Proposal No. 624, 1992 was retitled GENERAL ORDINANCE NO. 165, 1992 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 165, 1992

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:

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:

BASE MAP	INTERSECTION	PREFERENTIAL	TYPE OF CONTROL
3 Pg. 8	Pershing Road Spring Lane/	EB Pershing Road/ NB Spring Lane	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:

BASE MAP	INTERSECTION	PREFERENTIAL	TYPE OF CONTROL
3 Pg. 8	Pershing Road/ Spring Lane	None	4-Way Stop

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

Proposal No. 625, 1992 was retitled GENERAL ORDINANCE NO. 166, 1992 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 166, 1992

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:

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:

BASE MAP	INTERSECTION	PREFERENTIAL	TYPE OF CONTROL
32 Pg. 9	Gimber St. & Villa Av.	Villa Av.	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:

BASE MAP	INTERSECTION	PREFERENTIAL	TYPE OF CONTROL
32 Pg. 9	Gimber St. & Villa Av.	None	All Stop

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

PROPOSAL NOS. 626, 627, 628, 629, 630, 631, 632, 633 and 634, 1992. Councillor Gilmer asked for consent to vote on these nine ight transportation proposals together. Consent was given. PROPOSAL NO. 626, 1992. The proposal amends the Code by authorizing parking restrictions on English Avenue east of St. Peter Street (District 21). PROPOSAL NO. 627, 1992. The proposal amends the Code by deleting parking restrictions on Sutherland Avenue from Park Avenue to College Avenue (District 22). PROPOSAL NO. 628, 1992. The proposal amends the Code by authorizing parking restrictions on Northeastern Avenue on the west side from Southeastern Avenue to a point 125 feet north of Southeastern Avenue (District 23). PROPOSAL NO. 629, 1992. The proposal amends the Code by authorizing a change in the speed limit on Southeastern Avenue from Raymond Street to McGaughey Road from 45 mph to 40 mph (District 23). PROPOSAL NO. 630, 1992. The proposal amends the Code by authorizing a change in the speed limit on Southport Road between McFarland Road and Madison Avenue from 30 mph to 25 mph (District 20). PROPOSAL NO. 631, 1992. The proposal amends the Code by changing the speed limit on 30th Street from 35 mph to 30 mph between Fall Creek North Drive and Martindale Avenue (District 22). PROPOSAL NO. 632, 1992. The proposal amends the Code by authorizing an 11,000 pound weight limit restriction on Fall Creek Road between Kessler Boulevard and Shadeland Avenue and by deleting the 11,000 pounds weight limit restriction on 56th Street between Emerson Avenue and I-465 (District 4). PROPOSAL NO. 633, 1992. The proposal amends the Code by authorizing an 11,000 pound weight limit restriction on Routiers Avenue from 30th Street to 25th Street, on Roy Road from Post Road to Routiers, and on Boehning Avenue from 25th Street to Routiers Avenue (District 12). PROPOSAL NO. 634, 1992. The proposal amends the Code by deleting weight limit restrictions on Morris Street from Madison Avenue to Shelby Street and on Prospect Street from Madison Avenue to Shelby Street (Districts 16, 21, 25). Councillor Gilmer reported that the Transportation Committee heard Proposal Nos. 626, 627, 628, 629, 630, 631, 632, 633 and 634, 1992 on December 10, 1992. By a 7-0 vote, the Committee reported Proposal Nos. 626, 627, 628, 629, 631, 632, 633 and 634 to the Council with the recommendation that they do pass. By a 7-0 vote, the Committee reported Proposal No. 630, 1992 to the Council with the recommendation that it do pass as amended. Councillor Gilmer moved, seconded by Councillor Moriarty, for adoption. Proposal Nos. 626, 627, 628, 629, 630, 631, 632, 633 and 634, 1992 were adopted on the following roll call vote; viz:

25 YEAS: Beadling, Black, Borst, Brents, Coughenour, Curry, Dowden, Franklin, Gilmer, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams
0 NAYS:
4 NOT VOTING: Boyd, Giffin, Golc, Gray

Proposal No. 626, 1992 was retitled GENERAL ORDINANCE NO. 167, 1992 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 167, 1992

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-267, Parking prohibited at all times on certain streets.

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 29-267, Parking prohibited at all times on certain streets, be, and the same is hereby amended by the addition of the following, to wit:

English Avenue, on the north side,
from St. Peter Street to
a point 70 feet east of St. Peter Street

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

Proposal No. 627, 1992 was retitled GENERAL ORDINANCE NO. 168, 1992 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 168, 1992

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-267, Parking prohibited at all times on certain streets.

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 29-267, Parking prohibited at all times on certain streets, be, and the same is hereby amended by the deletion of the following, to wit:

Sutherland Avenue, on both sides, from
Park Avenue to College Avenue

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

Proposal No. 628, 1992 was retitled GENERAL ORDINANCE NO. 169, 1992 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 169, 1992

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-267, Parking prohibited at all times on certain streets.

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 29-267, Parking prohibited at all times on certain streets, be, and the same is hereby amended by the addition of the following, to wit:

Northeastern Avenue, on the west side, from
Southeastern Avenue to a point 125 feet
north of Southeastern Avenue

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

Proposal No. 629, 1992 was retitled GENERAL ORDINANCE NO. 170, 1992 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 170, 1992

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-136, Alteration of prima facie speed limits.

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 29-136, Alteration of prima facie speed limits, be, and the same is hereby amended by the deletion of the following, to wit:

45 mph
Southeastern Avenue, from
Raymond Street to McGaughey

Section 2. That the "Code of Indianapolis and Marion County, Indiana," specifically Chapter 29, Section 29-136, Alteration of prima facie speed limits, be and the same is hereby amended by the addition of the following, to wit:

40 mph
Southeastern Avenue, from
Raymond Street to McGaughey

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

Proposal No. 630, 1992, as amended, was retitled GENERAL ORDINANCE NO. 171, 1992 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 171, 1992

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-136, Alteration of prima facie speed limits.

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 29-136, Alteration of prima facie speed limits, be and the same is hereby amended by the addition of the following, to wit:

25 mph
Southport Road, from
McFarland Road to Madison Avenue

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

Proposal No. 631, 1992 was retitled GENERAL ORDINANCE NO. 172, 1992 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 172, 1992

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-136, Alteration of prima facie speed limits.

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 29-136, Alteration of prima facie speed limits, be, and the same is hereby amended by the deletion of the following, to wit:

35 mph
30th Street, from
Fall Creek North Drive to Emerson Avenue

Section 2. The "Code of Indianapolis and Marion County, Indiana," specifically Chapter 29, Section 29-136, Alteration of prima facie speed limits, be and the same is hereby amended by the addition of the following, to wit:

35 mph
30th Street, from
Martindale Avenue to Emerson Avenue

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

Proposal No. 632, 1992 was retitled GENERAL ORDINANCE NO. 173, 1992 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 173, 1992

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 deletion of the following, to wit:

11,000 POUNDS GROSS WEIGHT

56th Street, from
Emerson Avenue to I-465

SECTION 2. That 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

Fall Creek Road, from
Kessler Boulevard to Shadeland Avenue

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

Proposal No. 633, 1992 was retitled GENERAL ORDINANCE NO. 174, 1992 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 174, 1992

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

Routiers Avenue, from 30th Street to 25th Street

Roy Road, from Post Road to Routiers Avenue

Boehning Avenue, from 25th Street to Routiers Avenue

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

Proposal No. 634, 1992 was retitled GENERAL ORDINANCE NO. 175, 1992 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 175, 1992

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 deletion of the following, to wit:

10,000 POUNDS GROSS WEIGHT

Morris Street, from Madison Avenue to Shelby Street

Prospect Street, from Madison Avenue to Shelby Street

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

PROPOSAL NO. 636, 1992. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 636, 1992 on December 4, 1992. The proposal amends the Code by extending the current solid waste disposal user fee for 1993. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Coughenour moved, seconded by Councillor Beadling, for adoption. Proposal No. 636, 1992 was adopted on the following roll call vote; viz:

19 YEAS: Beadling, Black, Borst, Brents, Coughenour, Curry, Franklin, Gilmer, Jimison, McClamroch, Mullin, O'Dell, Rhodes, SerVaas, Shambaugh, Short, Smith, West, Williams
0 NAYS:
10 NOT VOTING: Boyd, Dowden, Giffin, Golc, Gray, Hinkle, Jones, Moriarty, Ruhmkorff, Schneider

Proposal No. 636, 1992 was retitled GENERAL ORDINANCE NO. 176, 1992 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 176, 1992

A GENERAL ORDINANCE amending the section of the Code dealing with the imposition of the Solid Waste Disposal User Fee.

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

SECTION 1. Section 13-303 of the Code of Indianapolis and Marion County, Indiana, as added by G.O. No. 18, 1989, Section 1, is hereby amended by inserting the language underlined and deleting the language stricken-through to read as follows:

Sec. 13-303. User Fee Schedule.

(a) The following scheduled shall be in effect from October 1, 1989 through December 31, ~~1992~~ 1993. The solid waste disposal user fee shall be billed semiannually. The owner of each unit shall pay a solid waste disposal user fee of sixteen dollars ($16.00) semiannually, amounting to thirty-two dollars ($32.00) per year. In addition to the user fee, a one-time administrative charge of three dollars ($3.00) per unit shall be assessed against all owners to defray administrative costs. The administrative charge shall be payable with the initial installment.

(b) (1) The initial installment shall be billed by the department of public works prior to the provision of collection services on January 1, 1990.

(2) The initial installment shall be due and payable upon issuance, and payment shall be the obligation of the owner of the real property charged. The initial installment shall become delinquent if not paid in full within thirty (30) days of the billing date.

(3) Delinquent bills are subject to a ten percent (10%) penalty of the amount of the delinquent user fees, including the one-time administrative charge. All bills which become delinquent shall constitute a lien against the real property against which the user fees have been imposed. The department shall certify such liens to the auditor in accordance with IC 36-3-7-5.

(4) The department shall certify such delinquent user fees on or before February 28, 1990, unless otherwise agreed by the auditor and the department to the auditor. The treasurer shall collect such delinquent user fees in the same manner as property taxes are collected.

(c) The second and subsequent installments of the user fee shall appear on the semiannual property tax statement as provided by IC 36-9-31-8(c). On or before February 28 of the year the user fees are due, unless otherwise agreed by the auditor and the department, the department shall certify such current user fees to the auditor. The treasurer shall collect such current user fees in the same manner as property taxes are collected.

(d) (1) Whenever a unit does not appear on the assessment rolls, whether due to new construction or to error, and such unit has either been connected to the sanitary sewer system or has begun generating residential solid waste, whichever occurs first, the owner of such unit shall be subject to the imposition of the solid waste disposal user fee.

(2) Until the department certifies the user fees to the auditor as provided below in subsection (d)(7), the department shall bill the owner of such property.

(3) The one-time administrative charge described above in subsection (a) shall not apply to owners under this subsection (d).

(4) The department shall bill such owners for semiannual installments of the user fee according to the following schedule:

User Fee Payable	For Service Provided
May 1990	July 1990 through December 1990
November 1990	January 1991 through June 1991
May 1991	July 1991 through December 1991
November 1991	January 1992 through June 1992
May 1992	July 1992 through December 1992
November 1992	January 1993 through June 1993
May 1993	July 1993 through December 1993
November 1993	January 1994 through June 1994

For units receiving service for part of a billing cycle, the department shall prorate the user fee on a monthly basis. Such billing shall reflect the current user fee as well as any amount due for past service provided but unbilled in previous billing cycles due to new construction or erroneous omission of units.

(5) Each installment shall be due and payable upon issuance, and payment shall be the obligation of the owner of the real property charged. Each installment shall become delinquent if not paid in full within seventeen (17) days of the billing date.

(6) Each delinquent installment is subject to a ten percent (10%) penalty on the amount of delinquent user fees. Each installment which becomes delinquent shall constitute a lien against the real property against which the user fees have been imposed. The department shall certify such liens to the auditor in accordance with IC 36-3-7-5.

(7) On or before February 28 each year, the department shall certify the current user fees and the delinquent user fees, if any, attributable to the owner of newly constructed or erroneously omitted units, to the auditor. The treasurer shall collect such current and delinquent user fees in the same manner as property taxes are collected. All subsequent installments of the user fee shall appear on the semiannual property tax statement as provided by IC 36-9-31-8(c).

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

SPECIAL SERVICE DISTRICT COUNCILS
SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT
SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 617, 1992. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 617, 1992 on December 4, 1992. The proposal transfers and appropriates $300,000 for the Department of Public Works to cover costs associated with the summer storms and the fall leaf program. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Coughenour moved, seconded by Councillor Jones, for adoption. Proposal No. 617, 1992, as amended, was adopted on the following roll call vote; viz:

23 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Franklin, Gilmer, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Short, West, Williams
3 NAYS: Curry, Schneider, Smith
3 NOT VOTING: Dowden, Giffin, Golc

Proposal No. 617, 1992 was retitled SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 2, 1992 and reads as follows:

SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 2, 1992

A SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE amending the Solid Waste Collection Special Service District Annual Budget for 1992 (Solid Waste Collection Special Service District Fiscal Ordinance No. 1, 1991) transferring and appropriating an additional Three Hundred Thousand Dollars ($300,000) in the Solid Waste Collection Special Service District Fund for purposes of the Department of Public Works and reducing certain other appropriations for the department.

BE IT ORDAINED BY THE SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT 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 Solid Waste Collection Special Service District Annual Budget for 1992, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works to continue leaf pick-up for citizens of Marion County.

SECTION 2. The sum of Three Hundred Thousand Dollars ($300,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing appropriations as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

DEPARTMENT OF PUBLIC WORKS	SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FUND
1. Personal Services	$300,000
TOTAL INCREASE	$300,000

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

DEPARTMENT OF PUBLIC WORKS	SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FUND
3. Other Services and Charges	$300,000
TOTAL REDUCTION	$300,000

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

ANNOUNCEMENTS AND ADJOURNMENT

Councillor West stated that all the Councillors received a copy of the Mayor's Executive Order No. 21 stating that the Mayor has reduced his spending level so he would not need all the funds originally budgeted. Councillor West asked if the Mayor can reduce the budget by an executive order. Mr. Elrod responded that he is not aware of anyone having authority to unilaterally amend an ordinance of the Council. If the Mayor wants to say that his budget has been reduced, he can say so. Mr. Elrod said that he does not think that it changes the 1993 budget ordinance passed by the Council.

The President said that he would obtain clarification of the Mayor's Executive Order No. 21.

The President announced that the Minority Caucus has selected Councillor Boyd as leader of the Democrat Caucus and the Majority Caucus has selected Councillor West as leader of the Republican Caucus.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 11:10 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 14th day of December 1992.

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

Beurt SerVaas

President

ATTEST:

Clerk of the Council

(SEAL)