

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

**REGULAR MEETINGS
MONDAY, JANUARY 4, 1993**

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, January 4, 1993, with Councillor SerVaas presiding.

Councillor Hinkle 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.

ORGANIZATION OF COUNCIL

Selection of Temporary Presiding Officer

The President asked for consent for Robert G. Elrod, Parliamentarian, to act as the temporary chairman of the meeting. Consent was given. The President passed the gavel to Mr. Elrod.

Election of Officers

Mr. Elrod opened the floor for nominations for President of the Council. Councillor Gilmer nominated Councillor SerVaas for President. Councillor Moriarty seconded the nomination. Councillor Short moved, seconded by Councillor Curry, to close nominations. Nominations were closed by unanimous voice vote, thereby electing Councillor SerVaas as President.

Mr. Elrod opened the floor for nominations for Vice President. Councillor Black nominated Councillor West for Vice President, seconded by Councillor Moriarty. Councillor Short moved, seconded by Councillor Giffin, to close nominations. Nominations were closed by unanimous voice vote, thereby electing Councillor West as Vice President.

Mr. Elrod opened the floor for nominations for Clerk of the Council. Councillor Rhodes nominated Beverly S. Rippy for Clerk of the Council, seconded by Councillor Ruhmkorff. Councillor Short moved, seconded by Councillor Beadling, to close nominations. Nominations were closed by unanimous voice vote, thereby electing Beverly S. Rippy as Clerk of the Council.

Certification of Caucus Leaders

Mr. Elrod stated that he has certifications that Councillor West has been selected as leader of the Republican Caucus and Councillor Boyd has been selected as leader of the Democrat Caucus.

Mr. Elrod returned the gavel to President SerVaas.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Boyd introduced Matthew Kilpatrick, President of the Amalgamated Transit Union Local 1070. Councillor Black expressed his appreciation to his constituents who sent him Christmas cards.

OFFICIAL COMMUNICATIONS

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, January 4, 1993, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

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

December 18, 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, December 23, 1992: (1) a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 651, 653, 654, 1992, to be held on Monday, January 4, 1993, at 7:00 p.m., in the City-County Building; and (2) a copy of LEGAL NOTICE on General Ordinance No. 153, 1992.

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

January 4, 1993

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. 90, 1992, 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 Voter Registration and reducing certain other appropriations for that office.

FISCAL ORDINANCE NO. 91, 1992, 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.

FISCAL ORDINANCE NO. 92, 1992, reallocating Three Hundred Seventy-Five Thousand Dollars (\$375,000) from the E-911 Fund to the County General Fund.

FISCAL ORDINANCE NO. 93, 1992, reallocating One Hundred Thirty Four Thousand Dollars (\$134,000) from the County General Fund to the Supplemental Public Defender Fees Fund.

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

SPECIAL RESOLUTION NO. 92, 1992, extending the expiration date of the existing Inducement Resolution for Meadows Revival, Inc. through June 30, 1993.

SPECIAL RESOLUTION NO. 93, 1992, extending the expiration date of the existing Inducement Resolution for Homeward Partners, Inc. through June 30, 1993.

SPECIAL RESOLUTION NO. 94, 1992, approving 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.

SPECIAL RESOLUTION NO. 95, 1992, approving the sale of certain real estate of the Department of Public Safety.

SPECIAL RESOLUTION NO. 96, 1992, determining a need to lease office space at 5257 North Tacoma Avenue for the Washington Township Assessor.

SPECIAL RESOLUTION NO. 97, 1992, authorizing the leasing of space to provide offices for the Prosecuting Attorney.

GENERAL RESOLUTION NO. 12, 1992, approving the sale of the Certificate of Need to The Health and Hospital Corporation (H&H) and approving the execution of a Purchase Agreement between the Board of Commissioners of Marion County and H&H.

GENERAL ORDINANCE NO. 156, 1992, amending the Code concerning air pollution permit fees and the creation of a special, non-reverting fund.

GENERAL ORDINANCE NO. 157, 1992, amending the Code concerning the billing and collection of charges and fees for the use of the sewer system.

GENERAL ORDINANCE NO. 158, 1992, amending and recodifying certain benefits provided for sworn members of the Indianapolis Police Department.

GENERAL ORDINANCE NO. 159, 1992, amending the Code by revising certain benefits provided for sworn members of the Indianapolis Fire Department.

GENERAL ORDINANCE NO. 160, 1992, amending the Code by revising certain benefits provided for sworn members of the Marion County Sheriff's Department.

GENERAL ORDINANCE NO. 161, 1992, amending the Code by authorizing intersection controls for McFarland Farms subdivision (District 24).

GENERAL ORDINANCE NO. 162, 1992, amending the Code by authorizing intersection controls for Allangale Woods subdivision (District 23).

GENERAL ORDINANCE NO. 163, 1992, amending the Code by authorizing intersection controls for various locations located in the City (Districts 16, 24, 19).

GENERAL ORDINANCE NO. 164, 1992, amending the Code by authorizing a multi-way stop at Pappas Drive and Yucatan Drive (District 23).

GENERAL ORDINANCE NO. 165, 1992, amending the Code by authorizing a multi-way stop at Spring Lane and Pershing Road (District 2).

GENERAL ORDINANCE NO. 166, 1992, amending the Code by authorizing a multi-way stop at Village Avenue and Gimber Street (District 21).

GENERAL ORDINANCE NO. 167, 1992, amending the Code by authorizing parking restrictions on English Avenue east of St. Peter Street (District 21).

GENERAL ORDINANCE NO. 168, 1992, amending the Code by deleting parking restrictions on Sutherland Avenue from Park Avenue to College Avenue.

GENERAL ORDINANCE NO. 169, 1992, amending the Code by authorizing restrictions on Northeastern Avenue on the west side from Southeastern Avenue to a point 125 feet north of Southeastern Avenue (District 23).

GENERAL ORDINANCE NO. 170, 1992, amending the Code by authorizing a change in the speed limit on Southeastern Avenue from Raymond Street to McCaughey Road from 45 mph to 40 mph (District 23).

GENERAL ORDINANCE NO. 171, 1992, amending 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).

GENERAL ORDINANCE NO. 172, 1992, amending 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).

GENERAL ORDINANCE NO. 173, 1992, amending 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).

GENERAL ORDINANCE NO. 174, 1992, amending 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).

GENERAL ORDINANCE NO. 175, 1992, amending 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).

GENERAL ORDINANCE NO. 176, 1992, amending the Code by extending the current solid waste disposal user fee for 1993.

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.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS AND COUNCIL RESOLUTIONS

PROPOSAL NO. 656, 1992. The proposal approves a schedule of regular council meetings for the year 1993. President SerVaas said that at the December 14, 1992 Council meeting

Councillor Rhodes offered some changes to the 1993 calendar. The 1993 schedule has been changed and has been resubmitted. Proposal No. 656, 1992, as amended, was adopted by a unanimous voice vote.

Proposal No. 656, 1992, as amended, was retitled COUNCIL RESOLUTION NO. 1, 1993 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 1, 1993

A COUNCIL RESOLUTION approving a schedule of regular council meetings for the year 1993.

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 following schedule of regular meetings for the year 1993:

- | | |
|------------------------------|--------------------------------|
| 1) Monday, January 04, 1993 | 12) Monday, July 12, 1993 |
| 2) Monday, January 25, 1993 | 13) Monday, August 02, 1993 |
| 3) Monday, February 08, 1993 | 14) Monday, August 23, 1993 |
| 4) Monday, February 22, 1993 | 15) Monday, September 13, 1993 |
| 5) Monday, March 15, 1993 | 16) Monday, September 27, 1993 |
| 6) Monday, April 12, 1993 | 17) Monday, October 11, 1993 |
| 7) Monday, April 26, 1993 | 18) Monday, October 25, 1993 |
| 8) Monday, May 10, 1993 | 19) Monday, November 08, 1993 |
| 9) Monday, May 24, 1993 | 20) Monday, November 22, 1993 |
| 10) Monday, June 07, 1993 | 21) Monday, December 13, 1993 |
| 11) Monday, June 21, 1993 | |

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

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 1, 1993. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$100,000 for the City-County Council's anticipated expenses relating to cable franchise matters"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 2, 1993. Introduced by Councillor Curry. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$120,000 for the County Auditor to cover salary and service expenses associated with the Tax Increment Financing District projects"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 3, 1993. Introduced by Councillor Ruhmkorff. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$10,703,954 to repay the 1992 welfare notes"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 4, 1993. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$250,000 for the Office of the Corporation Counsel to cover contracting expenses with law firms"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 5, 1993. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Mary Alice Buckler to

the Marion County Commission on Youth"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 6, 1993. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Stephanie S. Prichard to the Marion County Commission on Youth"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 7, 1993. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Reverend Paul Sanders to the Public Housing Advisory Council"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 8, 1993. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Charles Pechette to the Public Housing Advisory Council"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 9, 1993. Introduced by Councillor O'Dell. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION approving the Mayor's appointment of Leon Edward Younger as Director of the Department of Parks and Recreation for a term ending December 31, 1993"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 10, 1993. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION approving the Mayor's appointment of Michael E. Beaver as Director of the Department of Public Safety for a term ending December 31, 1993"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 11, 1993. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$550,000 in the County General Fund and \$400,000 in the Cumulative Capital Development Fund for the County Sheriff to facilitate in paying certain salary and fringe benefits by allocating the use of Cumulative Capital Development Funds"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 12, 1993. Introduced by Councillors Beadling and Moriarty. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE increasing penalties for certain uncontested ordinance violations"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 13, 1993. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION approving the Mayor's appointment of Barry S. Baer as Director of the Department of Public Works for a term ending December 31, 1993"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 14, 1993. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION approving the Mayor's appointment of Caterina Cregor as Deputy Mayor and Director of the Department of Administration for a term ending December 31, 1993"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 15, 1993. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION approving the Mayor's appointment of Nancy Silvers as Deputy Mayor for a term ending December 31, 1993"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 16, 1993. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION approving the Mayor's appointment of E. Mitchell Roob, Jr., as Director of the Department of Transportation for a term ending December 31, 1993"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 17, 1993. Introduced by Councillor Curry. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION approving the issuance of the General Obligation Bonds of the Park District not to exceed \$25,885,000"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 18, 1993. Introduced by Councillor Curry. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION approving the issuance of the Refunding Bonds of the Park District not to exceed \$7,980,000"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 19, 1993. Introduced by Councillor Curry. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION approving the issuance of the General Obligation Bonds of the Metropolitan Thoroughfare District not to exceed \$60,385,000"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 20, 1993. Introduced by Councillor Curry. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION approving the issuance of the Refunding Bonds of the Metropolitan Thoroughfare District not to exceed \$18,490,000"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 21, 1993. Introduced by Councillor Curry. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION approving the issuance of the General Obligation Bonds of the Redevelopment District not to exceed \$22,710,000"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 22, 1993. Introduced by Councillor Curry. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION approving the issuance of the Refunding bonds of the Redevelopment District not to exceed \$3,000,000"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 23, 1993. Introduced by Councillor Curry. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION approving the issuance of the General

Obligation Bonds of the Sanitary District not to exceed \$124,200,000"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 24, 1993. Introduced by Councillor Curry. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION approving the issuance of Refunding Bonds of the Sanitary District not to exceed \$15,260,000"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 25, 1993. Introduced by Councillor Curry. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION approving the issuance of the General Obligation Bonds of the Flood Control District not to exceed \$38,680,000"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 26, 1993. Introduced by Councillor Curry. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION approving the issuance of the Refunding Bonds of the Flood Control District not to exceed \$3,235,000"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 28, 1993. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Urban I. Merl, Jr. to the Alcoholic Beverage Board of Marion County"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 29, 1993. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Jon M. Bailey to the Marion County Public Defender Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 30, 1993. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Susie Davie to the Marion County Public Defender Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 31, 1993. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Patricia S. Nickell to the Marion County Public Defender Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 27, 1993. Introduced by Councillor Borst. The Clerk read the proposal entitled: "REZONING ORDINANCE certified by the Metropolitan Development Commission on December 29, 1992". The Council did not schedule Proposal No. 27, 1992 for hearing pursuant to IC 36-7-4-608. Proposal No. 27, 1992 was retitled REZONING ORDINANCE NO. 1, 1993 and is identified as follows:

REZONING ORDINANCE NO. 1, 1993. 92-Z-15 LAWRENCE TOWNSHIP.
2COUNCILMANIC DISTRICT #05.
9535 PENDLETON PIKE, INDIANAPOLIS.

January 4, 1993

KOCOLENE OIL CORPORATION, by Douglas Stephens, requests the rezoning of 10 acres, being in the D-A District, to the C-3 classification to provide for commercial uses.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 651, 1992. The proposal appropriates \$50,000 for the County Surveyor to finalize a contract for fiscal year 1993 with the Department of Public Works concerning IMAGIS. Councillor Borst asked for consent to postpone Proposal No. 651, 1992 until January 25, 1993. Consent was given.

PROPOSAL NOS. 653 and 654, 1992. PROPOSAL NO. 653, 1992. The proposal appropriates \$30,000 for the Marion County Public Defender Agency to technically amend its 1993 budget. PROPOSAL NO. 654, 1992. The proposal technically amends 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. Councillor Dowden asked for consent to postpone Proposal Nos. 653 and 654, 1992 until February 8, 1993. Consent was given.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 80, 1992. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 80, 1992 on March 12, April 20, July 15 and December 30, 1992. The proposal, sponsored by Councillors Coughenour, Rhodes, Gilmer, Beadling, Black, Borst, Boyd, Brents, Curry, Franklin, Hinkle, Jimison, Jones, Mullin, O'Dell, SerVaas, Shambaugh, Smith, West and Williams, reorganizes the administration of cable franchise and establishes a Cable Franchise Oversight Agency. Councillor Rhodes stated that the proposal is intended to make two significant changes to current ordinances:

- (1) It establishes the cable franchise agency as a separate agency reporting to the Cable Franchise Board rather than to the director of the Department of Administration.
- (2) It revises the procedures relating to franchise issuance and renewals and makes it clear that the council committee, and ultimately the Council itself, is responsible for franchising decisions.

By a 5-1 vote on December 30, 1992, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Rhodes moved, seconded by Councillor Coughenour, for adoption. Proposal No. 80, 1992, as amended, was adopted on the following roll call vote; viz:

23 YEAS: Beadling, Black, Boyd, Coughenour, Curry, Franklin, Giffin, Gilmer, Gray, Hinkle, Jimison, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Smith, West, Williams

5 NAYS: Borst, Brents, Golc, Jones, Short

1 NOT VOTING: Dowden

Proposal No. 80, 1992, as amended, was retitled GENERAL ORDINANCE NO. 1, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 1, 1993

A GENERAL ORDINANCE recodifying and amending Articles IX and X of Chapter 8½ of the Code of Indianapolis and Marion County as a new Article I of Chapter 285 of the Revised Code of the Consolidated City

and County concerning the cable communications agency, and amending Article II of Chapter 8½ of the Code of Indianapolis and Marion County.

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

SECTION 1. The "Revised Code of the Consolidated City and County" be, and is hereby amended to add a NEW Article I in Chapter 285 (which is a revision and recodification of Articles IX and X of Chapter 8½ of the Code of Indianapolis and Marion County that deletes the stricken-through text and inserts the underlined text) as follows:

CHAPTER 285. SPECIAL AGENCIES
ARTICLE I. CABLE COMMUNICATIONS AGENCY

Sec. ~~8½-126~~ 285-101. Office Agency created.

There is hereby created ~~within the office of the director of the department of administration a new office to be known as the "cable communications office."~~ a cable communications agency as a separate agency of the consolidated city, responsible to the cable franchise board.

Sec. ~~8½-127~~ 285-102. Administrator Executive Secretary and Staff.

~~The administrator of~~The cable communications division agency shall be appointed by and serve at the pleasure of the director of the department of administration administered by an executive secretary appointed by the cable franchise board and approved by the council committee responsible for cable franchises. The executive secretary shall appoint the agency staff subject to confirmation by the board and council committee.

Sec. ~~8½-128~~ 285-103. Powers and functions.

(a) ~~The cable communications office agency shall be responsible for administrative supervision of franchisee compliance with the provisions of this chapter the Code and of franchisee contractual obligations created by the respective franchise agreements.~~

(b) ~~The cable communications office agency shall provide the administrative and staff support for the cable franchise board.~~

~~(c) The cable communications office shall be responsible for coordinating of all city activities with respect to cable communications.~~

~~(d) The cable communications office shall receive and respond to citizens' concerns and complaints about cable communications and may refer the same to the community affairs rules and public policy committee or the cable franchise board.~~

~~(e) The cable communications office shall advise the government of the city in the formulation and implementation of policy on cable communications and to promote citizen participation in that process by means of public information programs and otherwise.~~

~~(f) The cable communications office may assist in the formulation of policy concerning appropriation of funds for (i) the production of materials for use on access channels, (ii) the construction and maintenance of facilities for such production, and (iii) the education of the public in the use of such facilities; and to make written recommendations to the council and the mayor regarding the making of applications for financial assistance and the use of grant funds received pursuant to such application.~~

~~(g) The agency shall be responsible for coordination of all governmental and related non-governmental activities with respect to cable communications.~~

~~(h) The agency shall be responsible for the operation of the governmental access cable channel.~~

Sec. ~~8½-138~~ 285-111. Cable franchise board created.

There is hereby ~~created~~ established a cable franchise board.

Sec. ~~8½-139~~ 285-112. Membership.

The cable franchise board shall consist of five (5) members selected as follows:

- (1) ~~The director of the department of administration shall be a member of the board and serve as its executive secretary.~~
- (2) ~~One~~ Two (2) members shall be appointed by the mayor to serve at his pleasure.
- (3) ~~Three~~ (3) members shall be appointed by the city-county council to serve at its pleasure, one of whom shall be selected by the board as its chairman.

The initial appointments after the adoption of this section shall be for staggered terms, and until their successors are appointed and qualify. The mayor and council each shall appoint one member for a term ending December 31, 1993; and the other appointments shall be for terms ending December 31, 1994. If a vacancy occurs the appointment shall be for the unexpired term. After expiration of the original terms, all appointments shall be for two year terms expiring on December 31.

Sec. ~~8½-140~~ 285-113. Powers of board.

(a) The cable franchise board shall exercise all authority and responsibility as established by Chapter 8½ of ~~this Code~~ the Code of Indianapolis and Marion County.

(b) The cable ~~communications~~ franchise board shall have all ~~statutory~~ powers of a board of public works respecting cable television franchising or communications ~~which powers are hereby expressly transferred to the cable franchise board~~ and all powers expressly created for the board or city under any cable television franchise agreement.

(c) The cable franchise ~~oversight~~ board shall supervise the cable ~~franchise administration~~ communications agency.

(d) The cable franchise ~~oversight~~ board shall advise local government in the formulation and implementation of policy on cable communications, governmental, educational and public access issues and promote citizen participation in that process by dissemination of information and encouragement of other governmental, educational, and public entities to participate.

(e) The cable franchise ~~oversight~~ board may assist in the formulation of policy concerning appropriation of funds for (i) the production of materials for use on access channels, (ii) the construction and maintenance of facilities for such production, and (iii) the education of the public in the use of such facilities; and to make written recommendations to the council and the mayor regarding the making of applications for financial assistance and the use of grant funds received pursuant to such applications.

(f) The cable franchise ~~oversight~~ board may recommend and assist in the creation of a nonprofit Public, Educational and Governmental Access Corporation to promote and develop maximum community involvement in and use of cable television for public, educational and governmental and other nonprofit purposes and to administer use of access channels. Such access corporation may be funded by: (1) Foundation, corporate, governmental, other philanthropic grants and private donations; and (2) The allocation of all appropriate funds from each cable television franchise fee.

Sec. ~~8½-129~~ 285-121. Council oversight.

(a) Whenever the ~~administrator of the cable communications office~~ executive secretary or the cable franchise board determines that an issue raised with respect to cable communications is beyond the authority of the ~~office~~ agency or board or raises questions of the public policy, such issues may be referred to a committee of the council. With the consent of the president of the council, such issues will be referred either to the administration and finance committee or the ~~community affairs~~ committee on rules and public policy as provided in subsection (b) and (c).

(b) The following issues will be referred to the administration and finance committee:

- (1) Matters affecting the budget, personnel and administrative operation of the ~~office~~ agency or the board;

- (2) Revisions of standards and guidelines for CATV cable services franchises and recommended amendments to existing regulations;
 - (3) Specific applications for the granting or renewal of a franchise;
 - (4) Applications for approval of subscriber rates and charges or for approval of changes in such rates and charges.
- (c) The following issues ~~will~~ may be referred to the ~~community affairs~~ committee on rules and public policy:
- (1) Community or general public concerns with respect to cable communication services within the scope of existing franchises or regulatory ordinances;
 - (2) Subscriber complaints which the cable communications ~~office~~ agency is unable to resolve through conciliation or enforcement of existing franchises;
 - (3) Disputes as to the use of any access channel;
 - (4) Requests by councillors for general inquiries into constituent concerns about governmental oversight or activity respecting cable communications.

SECTION 2. The Code of Indianapolis and Marion County, specifically Article II of Chapter 8½ be, and is hereby, amended by deleting the stricken-through text and inserting the underlined text, to read as follows:

ARTICLE II. ~~BOARD AUTHORITY AND~~
APPLICATION AND RENEWAL PROCEDURES
DIVISION I. GENERALLY

Sec. 8½-11. Authority to approve cable and telecommunications ~~franchising contracts~~.

Subject to the provisions of this article, the ~~board~~ city-county council is hereby authorized to approve one (1) or more nonexclusive franchising contracts conveying the right to construct, operate and maintain, within the public ways in the city, poles, cables and any other equipment necessary to the operation of a cable television system or other telecommunications systems.

Secs. 8½-12 - 8½-20. Reserved.

DIVISION 2. PROCEDURAL STEPS

Sec. 8½-21. Letter of intent.

(a) Any person interested in obtaining a cable television franchise may file a letter of intent expressing such interest with the board. The letter of intent must contain or be accompanied by:

- (1) A description of the geographic area proposed to be served;
- (2) A description of the type of service to be provided by the applicant; and
- (3) An explanation of the reasons why the granting of a franchise for the area described would be in the best interests of the city and its citizens and would not adversely affect the provision of cable service by existing franchises.

(b) Upon the receipt of a letter of intent the board shall determine whether to recommend that a request for proposals for a cable franchise should be issued for the area described in the letter of intent. The board may determine to recommend issuance of a request for proposals for an area larger than the area requested in the letter of intent. In making its ~~determination~~ recommendation the board may conduct such investigations as it deems appropriate, provided that the board shall hold at least one public hearing at which interested parties may appear and offer evidence concerning whether a request for proposals should be issued. Notice of the time and place of the public hearing shall be given in accordance with IC 5-3-1. Personal notice of the time and place of public hearing shall be given by mail to the person who filed the notice of intent and to all other operators of cable systems regulated by this chapter. The board's decision to recommend or not recommend the issuance

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~~of or not issue~~ a request for proposals shall be made within ninety (90) days of the date on which the letter of intent was received ~~in the office by the executive secretary of the board agency.~~

(c) In making its determination whether to recommend issuance of a request for proposals the board shall consider whether the grant of a franchise for the area would be in the best interests of the city and its citizens and in so determining shall consider the following factors:

- (1) The need for cable service in the area;
- (2) Whether the granting of an additional franchise for the area will provide an improvement in cable services in the area or in other areas in the country;
- (3) Whether the granting of an additional franchise for the area will have a significantly adverse impact on the provision of cable service by other operators which have franchise to serve the area;
- (4) Whether the granting of an additional franchise furthers or impedes the purposes contained in section 8½-1;
- (5) Any other factors which the board considers relevant to assure the continued provision of cable services that are responsive to the needs and interests of the city and its citizens.

(d) The board's ~~determination~~ recommendation will be made in writing and made a part of the records of the board.

(e) ~~The board's determination may be reviewed by the council in its discretion, and recommendation shall be filed with the clerk, and referred to the council committee assigned to review cable system franchises. Such committee shall hold a public hearing to consider the recommendation of the board. The committee shall propose that the council may affirm or reverse the board's decision recommendation by adopting a resolution to that effect that a request for proposals be issued or not issued. The council committee may hold such public hearings, meetings and conduct such investigations as it deems appropriate and may consider new evidence in making its determination. The council's decision shall be based on the factors set forth in subsection (c) hereof and may specify such requirements for the request for proposals as the council deems appropriate. The board's determination recommendation will be considered final if the council does not initiate proceedings under this subsection within thirty (30) days of the board's decision or if the council does not adopt a resolution as provided herein within one hundred twenty (120) days of the board's decision.~~

(f) Nothing in this section shall be construed to limit the power of ~~the board or~~ the council to issue a request for proposals on its own initiative.

Sec. 8½-22. Requests for proposals.

(a) In the event the ~~board council~~ determines to issue a request for proposals for a cable television franchise, it shall ~~prepare cause to be prepared, for board approval,~~ a request for proposals. ~~In its~~ The request for proposals ~~the board~~ shall establish the term of the franchise and such requirements as ~~it~~ the council and board deems appropriate, including, but not limited to, the following:

- (1) That applicants provide designated channel capacity for public, educational or governmental uses and/or channel capacity on institutional networks for educational or governmental use;
- (2) That applicants provide cable channels for commercial use in conformity with the requirements of Section 612 of the Act (47 U.S.C. Section 612);
- (3) That applicants provide certain facilities and equipment related to the establishment or operation of the cable system;
- (4) That applicants promise to provide cable service to subscribers on a nondiscriminatory basis and to provide such service to any group of residential subscribers regardless of the income of the residents of the local area in which such group resides;
- (5) That the applicants agree to provide cable television service within all areas having a specified density of living units within the franchise territory. Such density shall be expressed in terms of number of living units per mile of system.

(b) The ~~board request for proposals~~ shall require an application fee ~~in its request for proposals, which fee shall be~~ in the amount of one hundred dollars (\$100.00) plus two and one-half cents (\$0.025) for every home or apartment, hotel or motel unit in the geographic area covered by the request for proposals.

Sec. 8½-23. Application for franchise.

(a) Upon the ~~preparation approval~~ of the request for proposals, the board shall give notice of the request for proposals by:

- (1) Posting the notice in three (3) public places:
- (2) Publication of the notice once each week for two (2) weeks in two (2) newspapers of general circulation in the city; and
- (3) Mailing of the notice to any person the board knows to be interested in submitting an application.

The board may, in its discretion, publish the notice in any newspaper of national circulation and in trade magazines or publications of the cable television industry.

(b) The notice shall name a date upon which applications must be received at the office of the ~~board clerk~~ and shall state that the forms of the request for proposals are available at the office of ~~cable communications~~ the board. The date for the receipt of the applications shall not be ~~more sooner~~ than thirty (30) days following the first publication of the notice required by section 8½-23(a)(5).

(c) All responses to a request for proposals shall be filed with the clerk and referred to the council committee assigned to review cable franchises.

Sec. 8½-24. Contents of applications.

The ~~board council committee~~ shall reject any application which does not contain the following:

- (a1) A description of the area of the requested franchise; provided that during the hearing process the board and council may consider modifications to the description of the area of franchise in any bid application.
- (b2) A construction schedule. Such schedule must specify the period of time from the execution of the franchise contract within which cable television service shall be made available to areas having the density required under section 8½-22(a)(5).
- (c3) A schedule indicating the initial tap-in and connection charges and the monthly rates to be charged subscribers.
- (d4) A description of the insurance policies to be acquired in satisfaction of the requirements of this chapter.
- (e5) A detailed statement of the corporate or other business entity organization of the applicant, including, but not limited to the following, and to whatever extent required by the city:
 - (i) The names, residence and business address of all officers, directors and associates of the applicant.
 - (ii) The names, residence and business addresses of all officers, persons and entities having, controlling or being entitled to have or control five (5) per cent or more of the ownership of the applicant and the respective ownership share of each such person or entity.
 - (iii) The names and addresses of any affiliate of the applicant and a statement describing the nature of any such affiliate's business activity, including but not limited to cable television systems owned or controlled by the applicant, its affiliates, and the area served thereby.
 - (iv) A detailed description of all previous experience of the applicant in providing cable television system service and in related or similar fields.
 - (v) A detailed and complete financial statement of the applicant, prepared by a certified public accountant, for the fiscal year next preceding the date of the application hereunder, or a letter or other acceptable evidence in writing from a recognized lending institution or funding source, addressed to both the applicant and the board, setting forth a clear statement of its intent as a lending institution or funding source to provide whatever capital shall be required by the

applicant to construct and operate the proposed system in the city, or a statement from a certified public accountant, certifying that the applicant has available sufficient free net and uncommitted cash resources to construct and operate the proposed system in the city, or other acceptable evidence in writing that the applicant is financially capable of constructing and operating the proposed system.

- (vi) A statement identifying, by place and date, any other cable television franchises awarded to the applicant or its affiliates; the status of such franchise(s) with respect to completion thereof; the total cost of completion of such system(s); and the amount of the applicant's and its affiliate's resources committed to the completion thereof.

- (g) A copy of any agreement covering the franchise area, if existing between the applicant and any public utility subject to regulation by the Indiana Public Service Commission, providing for use of any facilities of the public utility, including but not limited to poles, lines or conduits.

Sec. 8½-25. Report on application and notification of operators.

Upon receipt of the applications for a franchise, the ~~board may clerk shall~~ refer the same to the ~~director of the cable communications office, who shall prepare~~ board, which may cause to be prepared an evaluation of the applications and a recommendation of which applicant, if any, should be granted a franchise. The ~~director's board's~~ evaluation and recommendation shall be filed with the ~~board clerk~~ within sixty (60) days. The ~~director clerk~~ shall also send written notification of the receipt of such application(s) to all cable television system operators which have a franchise governed by this chapter.

Section. 8½-26. Hearing on application.

(a) Within ~~forty (40)~~ seventy-five (75) days of receipt of the applications, ~~or receipt of the report and recommendations of the director of the cable communications office, if applicable,~~ the ~~board~~ council committee shall hold a public hearing to take evidence and hear argument on whether to grant a cable television franchise to one or more of the applicants either in the form proposed in an application, or as proposed by the board, or otherwise, and if so, the nature and extent thereof. The ~~board~~ council committee shall base its determination hereunder on the criteria contained in section 8½-27. ~~The clerk shall give~~ Notice of such hearing ~~shall be given by publication~~ in accordance with IC 5-3-1, and if the council committee or board deems appropriate, in one or more trade journals of the cable television industry.

(b) At the time set for such hearing, or an adjournment thereof, the ~~board~~ council committee shall proceed to hear all written protests and other submissions and to hear evidence and argument from any interested persons in addition to any applicants or potential applicants. A record shall be kept of such hearing and the evidence presented therein.

(c) The ~~board~~ council or its committee may propound regulations to govern the conduct of such hearings so as to allow for the orderly and efficient presentation of evidence and argument, and to prevent unnecessary duplication or delay.

Sec. 8½-27. Factors governing ~~board's~~ council's determination.

(a) In making any determination hereunder, the ~~board~~ council committee shall base its decision on the following factors:

- (a1) The quality of the service which the applicant promises and of which the applicant is capable;
- (b2) The rates to the subscribers;
- (c3) The income and expense to the city;
- (d4) The needs of other users of the public right-of-way;
- (e5) The effect on the ability of existing franchisees to perform their obligations under their franchise contracts;
- (f6) The experience, character, background and financial responsibility of any applicant, its management and owners; and

- (g7) The technical and performance quality of facilities and equipment related to the establishment or operation of a cable system; and
- (h8) The demonstrated willingness and ability of any applicant to meet construction and physical requirements and to abide by policies and limitations imposed by law of franchise agreements; and
- (i9) Any other considerations deemed pertinent by the board to its task of safeguarding the public health, safety and welfare, and facilitating and encouraging the orderly and responsible development of cable television service which will provide the people of the city with cable television system which is versatile, reliable, and efficient.

(b) The ~~board~~ council committee shall make its determinations based on the record with a written statement of its findings and conclusions, and the reasons therefor.

Sec. 8½-28. ~~Board~~ Council action on application.

Within forty-five (45) days after the conclusion of the hearing provided for in section 8½-26, the ~~board~~ council committee shall determine whether to grant a franchise to one or more of the applicants.

- (a1) If the ~~board~~ council committee shall determine after hearing that any application should be denied, such determination shall be final, subject to the appeal provisions of section 8½-30.
- (b2) If the ~~board~~ council committee shall determine after hearing that a franchise should be granted to one or more the applicants, it shall ~~adopt by resolution the~~ approve a proposed form of franchise contract, to which the applicant shall indicate its agreement in writing within fifteen (15) days. If the applicant does not agree in writing to the terms of such form of a franchise contract within fifteen (15) days, then its application shall be deemed denied.
- (c3) An application may not be amended after it is received by the ~~board clerk~~, except in any case in which only one application is received, said application may be amended for cause shown upon the unanimous consent of the ~~board~~ council committee.
- (d4) The grantee or grantees shall pay the city a sum of money sufficient to reimburse it for all of its publication and other expenses incurred in connection with the granting of a franchise pursuant to the terms of this ordinance.
- (e5) No provision of this division shall be construed to require the city to grant any franchise contract and ~~the board or the council~~ may reject any and all applications.

Sec. 8½-29. Additional powers of the board.

(a) The board may also at any time, on its own motion, conduct public hearings to determine whether it is feasible or desirable to grant any cable television franchise by issuing a request for proposals. The board shall base its determination on the criteria contained in section 8½-21. Such hearings shall be advertised in accordance with the provisions IC 5-3-1.

(b) The board or council may for good cause extend any of the time limits imposed in sections 8½-21 through 8½-28.

Sec. 8½-30. Council review of rejections.

Any person whose application is rejected by the ~~board committee~~ may, within ten (10) days of such action, petition the council for a review of that decision by filing notice thereof ~~and a copy of the resolution of the board~~ with the clerk of the council. If the council determines that the rejection is improper under this division, it may by resolution direct ~~the board~~ its committee to reconsider its action. In making its determination hereunder the council shall consider as evidence, and give due weight to, the findings and conclusions of ~~the board~~ its committee and shall consider the criteria contained in section 8½-27.

Sec. 8½-31. Council action on recommended contracts.

Within thirty (30) days of the ~~board's resolution~~ council committee's recommending of a franchise and contract, the council shall introduce an ordinance approving and confirming the contract as accepted ~~in the~~

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~~board's resolution~~ by its committee. The council shall act upon the ordinance within sixty (60) days of its introduction, except that such time may be extended by the council for good cause. The council may:

- (a1) Adopt the ordinance, subject to the veto of the mayor, in which case the ~~director of the cable communications office~~ chairman of the cable franchise board and the mayor will be directed to execute the franchise contract, and ten (10) days after the mayor signs the ordinance, the franchise contract holder shall pay an award fee by certified check payable to the city, in an amount equal to twenty cents (\$0.20) for every home or apartment, hotel or motel unit in the geographic area covered by the franchise, provided that such award fee shall not be less than five hundred dollars (\$500.00), or;
- (b2) Defeat the ordinance, in which case the application shall be denied, or;
- (c3) By resolution direct ~~the board~~ its committee to consider certain modifications or amendments for the franchise contract, in which case the ~~board~~ committee shall reconsider the application.

In making its determination hereunder, or under section 8½-30, the council shall review the record of proceedings before ~~the board~~ its committee, and it may, in its discretion, consider new evidence. In making its determination hereunder, the council shall consider as evidence, and give due weight to, the findings and conclusions of ~~the board~~ its committee, and shall consider the criteria contained in section 8½-27. Under no circumstances shall the council by ordinance approve or confirm any franchise contract unless the precise language has been accepted by ~~the board~~ its committee prior to the council's action.

Sec. 8½-32. Renewal Procedures. Whenever the board or franchise holder desires to commence renewal proceedings under sec. 626(a) of the Act, the request for such proceedings shall be filed with the clerk who shall refer it to the council committee responsible for cable franchise renewals. Upon receipt of such request the committee shall establish rules for the conduct of such renewal proceedings as it deems appropriate, consistent with the Act. All franchise holders, the cable franchise board and the city official designated by the mayor shall be parties to such proceedings. If more than one franchise is subject to renewal at that time, the proceedings with respect to one or more franchises may be conducted concurrently. The committee may hire such counsel and consultants as it deems advisable to assist in such proceedings. The committee's final recommendation on renewal or denial of renewal shall be subject to final action by the council as provided in sec. 8½-30 and 8½-31.

SECTION 3. Sec. 8½-126 through 8½-129 and Sec. 8½-138 through 8½-140 of Chapter 8½ of the Code of Indianapolis and Marion County, Indiana, is hereby superseded and repealed as of the effective date of this ordinance.

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

SECTION 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. 281, 1992. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 281, 1992 on July 2, November 23, December 7, December 14 and December 30, 1992. The proposal concerns the reorganization of the Mayor's Office, Department of Administration, Information Services Agency and the City-County Administrative Board. This proposal is a recodification of the existing ordinance to match the new structure of the Mayor's reorganization of the Department of Administration. By a 6-0 vote on December 30, 1992, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Rhodes moved to amend Proposal No. 281, 1992, Committee Report, sec. 221-501, as follows:

- (1) in paragraph (1) in the fourth line after the word "respective" add the words "county elected,"
- (2) in paragraph (6) in the first line after the word "agreement" add the words "with affected officials," and
- (3) in paragraph (9) in the second line delete the words "authorities" and insert in lieu thereof the words "county elected officials."

This motion was seconded by Councillor Curry and passed by a unanimous voice vote. Proposal No. 281, 1992, as amended, was adopted on the following roll call vote; viz:

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

1 NAY: Short

1 NOT VOTING: Borst

Councillor Short asked for consent to explain his vote. Consent was given. Councillor Short explained that he voted against this ordinance because the Department of Administration is already being managed in this manner.

Proposal No. 281, 1992, as amended, was retitled GENERAL ORDINANCE NO. 2, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 2, 1993

A GENERAL ORDINANCE recodifying and amending Article III of Chapter 2, Article I of Chapter 3, and Article VI of Chapter 2, of the Code concerning the reorganization of the Mayor's Office, Department of Administration and Information Services Agency and to transfer the power to select and contract for telephone service providers from the City-County Administrative Board to the Information Services Agency Board.

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

SECTION 1. The "Revised Code of the Consolidated City and County" be, and is hereby amended to add NEW Chapters 201 and 202 (which are revisions of portions of Chapters 2 and 3 of the Code of Indianapolis and Marion County that delete the stricken-through text and insert the underlined text) as follows:

~~ARTICLE III~~ CHAPTER 201. THE MAYOR

Sec. ~~2-140~~ 201-1. ~~To be~~ Chief executive and administrative officer; duties generally.

The mayor ~~shall be~~ is the chief executive and administrative officer of the ~~consolidated city and the chief executive of Marion County~~. It shall be ~~his~~ the duty of the mayor by state law to cause the provisions of this Code and other ordinances of the city and county to be executed and to see to their enforcement together with state law. The mayor shall supervise the work of the ~~consolidated city's~~ departments, its special taxing districts and special service districts and, in connection therewith, ~~he~~ shall have the power to examine any records, make any investigations and require any report from any personnel.

Sec. ~~2-141~~ 201-2. Exercise of powers to be subject to ordinances and resolutions; exception.

The exercise of any power given to the mayor by state law may be regulated by ordinance or resolution of the city-county council unless the regulation should conflict with the provisions of state law as they apply to the office of the mayor.

Sec. ~~2-142~~ 201-3. Appointments; tenure of appointees.

The mayor shall appoint the directors of the various departments of city government for one-year terms, subject to the approval of the city-county council. All employees of the city departments and agencies shall serve at the pleasure of the mayor unless specifically given tenure pursuant to state law or a merit system.

Sec. ~~2-143~~ 201-4. Deputy mayors.

There shall be ~~a senior deputy mayor and two (2) additional~~ one or more deputy mayors, each of whom shall be appointed by the mayor, subject to the approval of the city-county council, for terms of one (1) year at the pleasure of the mayor. The deputy mayors shall have only such powers of the mayor as are specifically and explicitly delegated by the mayor and then only pursuant to authority established by ordinance of the city-county council. The city-county council may, pursuant to state law, create additional deputy mayors by ordinance and specify the extent of their authority.

Sec. ~~2-144~~ 201-5. Compensation.

~~Effective January 1, 1984, the compensation for the mayor of Indianapolis as an annual salary for the calendar year 1984 and thereafter until modified, shall be sixty thousand dollars (\$60,000.00); which amount for each year shall be in addition to the use of an automobile, an account for expenses incurred in the performance of the duties of office, participation in a deferred compensation plan funded by contributions equalling fifteen (15) per cent of the mayor's annual salary and participation in other employee benefits on the same basis as other city employees is established by the annual budget ordinance. Should the annual budget ordinance fail to fix the compensation of the mayor it shall remain as last fixed in the budget ordinance unless modified by ordinance.~~

CHAPTER 202. MAYOR'S OFFICE
ARTICLE II. OFFICE OF CORPORATION COUNSEL

~~Sec. 202-101. Legal division. (a) Corporation Counsel. The administrator of the legal division shall be~~ corporation counsel shall be appointed by and serve at the pleasure of the mayor as required by IC 36-3-5-2(d). The corporation counsel shall be responsible to the mayor for the functions of the office.

~~Sec. 202-102. Duties of Corporation Counsel. (b) The legal division~~ corporation counsel shall:

- (1) Supervise and coordinate the activities of the office;
- (2) Oversee the daily operations of the office;
- (3) Prepare and submit the office's budget to the controller;
- (4) Approve the hiring and dismissal of the personnel of the office subject to the limitations prescribed by law and rules adopted by the mayor;
- (5) Manage the personnel of the office;
- (6) Delegate to the personnel of the office authority to act on corporation counsel's behalf;
- (7) Execute contracts subject to the authority of the city-county administrative board, the mayor and any other limitations prescribed by law; and
- (8) Exercise any other powers which may be granted by statute or ordinance or delegated by the mayor.

~~Sec. 202-103. Powers of Office of Corporation Counsel. The Office of Corporation Counsel shall:~~

- (1) It shall be the duty of the legal division to Furnish all legal services to the mayor, the city-county council (except those services provided pursuant to Council Rules by the Council's General Counsel and assistant attorney as specified in Chapter 151 of this Code), all departments and divisions of the city and all county officials (except those services provided to judicial offices and the prosecuting attorney by the Indiana Attorney General pursuant to IC 33-2.1-9-1) and agencies;
- (2) Prepare ordinances for introduction before the city-county council and prepare legislative proposals to be introduced in the general assembly;

- (3) Prepare leases, deeds, contracts and other legal ~~papers~~ documents;
- (4) Institute legal action for the purpose of enforcing the ordinances of the ~~consolidated~~ city and county;
- (5) Employ the services of outside legal counsel when in the best interests of the ~~consolidated~~ city with the approval of the mayor;
- (6) Furnish legal advice and opinions when such legal advice or opinion is requested by persons entitled to representation by the office of corporation counsel;
- (7) Compromise litigation and effect settlement of impending litigation affecting the ~~consolidated~~ city with the approval of the mayor;
- (8) Enter an appearance as attorney for and represent and defend the ~~consolidated~~ city, the mayor, the members of the city-county council, all departments and divisions of the ~~consolidated~~ city, county agencies, all officers, agents and employees thereof in all causes of action wherein they are parties by reason of their official capacity and to conduct all appellate litigation arising therefrom or timely advise any such officer or agency if such representation is declined and the reasons therefor; and
- (9) Contract with independent counsel to represent and defend officers or agencies entitled to defense by the city or county when representation is declined by the corporation counsel for reason of conflicts of interest, if such officer or agency requests the same; and
- (10) Exercise any other powers which may be granted by statute or ordinance or delegated by the mayor.

ARTICLE III. OFFICE OF CITY CONTROLLER

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

Sec. 202-201. City Controller. ~~(b) City Controller Appointment. The administrator of the finance division shall be city controller shall be appointed by and serve at the pleasure of the mayor as required by IC 36-3-5-2(d). The city controller shall have an appropriate seal. The city controller may appoint deputies for whose acts the city controller shall be responsible.~~

Sec. 202-202. Duties of City Controller. ~~(c) The city controller or his deputies shall:~~

- (1) Supervise and coordinate the activities of the office;
- (2) Oversee the daily operations of the office;
- (3) Prepare and submit the office's budget;
- (4) Approve the hiring and dismissal of the personnel of the office subject to the limitations prescribed by law and rules adopted by the mayor;
- (5) Manage the personnel of the office;
- (6) Delegate to the personnel of the office authority to act on his behalf;
- (7) Execute contracts subject to the authority of the city-county administrative board, the mayor and any other limitations prescribed by law; and
- (8) Exercise any other powers which may be granted by statute or ordinance or delegated by the mayor.

Sec. 202-203. Powers of the Office of City Controller.

- (a) The Office of City Controller shall:

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- (1) Administer and be responsible for the accounting, budget, payroll, investment, purchasing, and Barrett law assessment and collection functions of the city;
- (42) Prepare estimates of city expenditures pursuant to IC 36-3-6-4(g) and IC 36-3-6-5;
- (23) Prepare, with the assistance of the corporation counsel, proposed appropriations ordinances for the city and special service districts and proposed ordinances fixing the rate of taxation for the taxes to be levied for city departments, offices and agencies;
- (34) Examine, from time to time, the officers, department and division heads and members of boards of the ~~consolidated~~ city as to their organization, accounting records, personnel and other requirements, to ascertain that their respective budgets are being followed and their functions performed and recommend any improvements or economies which might be made in the administrative practices of all the departments and divisions of the ~~consolidated~~ city;
- (45) Organize and maintain accounting systems for all of the departments of the ~~consolidated~~ city to be kept in accordance with generally accepted accounting principles for governments;
- (6) Provide suitable instruction for the use of forms and the methods of keeping all accounting records and preparation of all financial reports of the city;
- (7) Examine all contracts, purchase orders and other documents which would result in or involve financial obligations for the city and approve the same only upon ascertaining that there is an unexpended, unencumbered and unimpounded balance in the account or fund from which money may be drawn for payment;
- (8) Submit a monthly financial report to the mayor, for his presentation to the city-county council, showing the financial condition of the various accounts and funds of the city, including estimated revenues, revenues received, appropriations and allotments for such appropriations, and to furnish to all of the departments, monthly financial reports of their fiscal conditions;
- (9) Designate banks and other financial depositories in which the funds of the city shall be deposited in accordance with applicable law and designate the municipal, state and federal securities which shall constitute proper legal investments for the city;
- (10) Prescribe the time and manner in which moneys received by the city shall be deposited in the designated banks or depositories;
- (11) Make investments of all city moneys, including pension funds, sinking funds and all other funds of the city except as otherwise provided and subject to the ordinances of the city-county council and be responsible for the preparation and sale of all bonds and securities issued by the city;
- (12) Issue all city licenses to qualified applicants upon receipt of the fee established and fixed therefor by ordinance;
- (13) Direct the administrative procedure for, and the accounting collection and payment of, all Barrett law assessments within the limits of the city, attend to the enforcement of said assessments and provide for the issuance and payment of Barrett law bonds;
- (14) Sign and issue all orders for money from the various funds of the city. No money shall be paid out by the treasurer except upon such order;
- (15) Require a claim form or order to be presented to the controller from the director or administrator of a department or division of the city as a requisite to issuing any order for the payment of money from funds of the city, and incidental thereto, the controller shall have power to require evidence that amounts claimed are justly due;
- (16) Keep a register of all bonds of the city and of the transfers thereof, where so provided in any such bond, and an account of all outstanding securities;
- (17) Audit or provide for the audit of the accounts of the departments of the city;

(18) Purchase or authorize the purchase of and maintain records of insurance for city officers and employees and purchase or authorize the purchase of and maintain records of surety bonds for city officers and for county officers or township assessors if requested to do so by such officers;

(19) Allocate parking spaces in the city-county building parking garage and other parking facilities owned or leased by the city;

(20) Exercise any other powers which may be granted by statute or ordinance or delegated by the mayor.

(b) The Office of the City Controller may contract for assistance in the collection of money owed to the city, its departments, special districts or other agencies and to add the costs of collection, if the amount owed exceeds twenty-five dollars (\$25.00) and became delinquent after July 1986, to the amount owed and collected.

Sec. 202-204. Purchasing division. The Office of the City Controller shall include a purchasing division, the powers and duties of which shall include:

(1) Act as the agent in obtaining materials, supplies, equipment or contractual services, other than personal services, for city departments, divisions or county offices. Any such department, division or office shall requisition such materials, supplies, equipment or services from the purchasing agent who shall, upon determining that appropriations are available for such purposes, acquire the items requisitioned in accordance with public purchase law. All contracts of purchase shall be made in the name of the city department or division or county office and be subject to the approval of the department, division or office;

(2) Establish such purchasing and contractual procedures as may best be suited to obtain the greatest economic value to the city and the county;

(3) Where bidding and publication of notice are required by law, prepare specifications and notice to bidders and see that the required notices are published;

(4) Ensure that adequate funds are available prior to making necessary purchases and acquisitions and that such purchases and acquisitions are within the limits of the budget appropriations of the department division, office or body in need of the material;

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

(6) Exercise any other powers which may be granted by statute or ordinance or delegated by the mayor.

SECTION 2. The "Revised Code of the Consolidated City and County" be, and is hereby amended to add a NEW Chapter 221 (which is a revision and recodification of Article I of Chapter 3 of the Code of Indianapolis and Marion County that deletes the stricken-through text and inserts the underlined text) as follows:

CHAPTER 221. DEPARTMENT OF ADMINISTRATION
ARTICLE I. DEPARTMENT ESTABLISHED

Sec. ~~3-4~~ 221-1. Department ~~created established;~~ duties, powers.

~~(a) Created.~~ There is hereby ~~created established~~ a department of administration for the ~~consolidated city as successor to the department of administration established by IC 18-4-7 (repealed)~~ pursuant to IC 36-3-5-4 subject to IC 36-3-4-23.

Sec. 221-2. (b) Duties, powers. It shall be the responsibility of the department of administration to carry out the general administrative functions of the ~~consolidated city as stated in this article.~~ In addition the department shall have any other powers and duties ~~assigned by law or granted by statute or ordinance or delegated by the Mayor. The department shall have all powers prescribed for it as of August 31, 1983, subject to IC 36-3-4-23.~~

ARTICLE II. ORGANIZATION

Sec. ~~3-2~~ 221-11 Director, ~~duties~~.

(a) ~~The chief administrative officer~~ director of the department of administration shall be a ~~director who shall be appointed by the mayor with subject to the approval of the city-county council as required by IC 36-3-5-2-~~ to ~~The director is appointed for a term of one (1) year and until his successor is appointed and qualified, but serves at the pleasure of the mayor for a term ending December 31 of the year the appointment is effective and until a successor is appointed and qualifies. The mayor may appoint a deputy mayor to serve as the director of the department or as the administrator of the division of administrative services, or both, by virtue of the deputy mayor's office.~~

Sec. 221-12. Duties of Director. (b) ~~The director of the department of administration shall have the following powers and duties:~~

- (1) ~~To~~ Supervise and coordinate the activities of divisions within the department;
- (2) ~~To~~ Oversee the daily operations of the department;
- (3) ~~To~~ Prepare and submit the department's budget to the controller as required by IC 36-3-6-4;
- (4) ~~To~~ Appoint an administrator to ~~be the head of~~ manage each division ~~except the legal division and the finance division~~ subject to the approval of the mayor as provided in IC 36-3-5-5;
- (5) ~~To~~ Approve the hiring and dismissal of the personnel of the department subject to the limitations prescribed by law and rules adopted by the mayor as provided in IC 36-3-5-5(c);
- (6) ~~To~~ Manage the personnel of the department;
- (7) ~~To~~ Delegate to the personnel of the department authority to act on ~~his~~ behalf of the director as provided in IC 36-3-5-5(c);
- (8) ~~To~~ Execute contracts subject to the authority of the city-county administrative board, the mayor and any other limitations prescribed by law; and
- (9) Exercise any other powers which may be granted by ~~law statute or ordinance~~ or ~~assigned~~ delegated by the mayor.

Sec. ~~3-3~~ 221-13. Divisions established.

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

- (1) ~~Management~~ Administrative services division.
- (2) Human resources division.
- (3) Central equipment management division.
- (4) Equal opportunity division.
- (5) Real estate services division.

ARTICLE III. DIVISIONS

Sec. 221-101 (A) Administrative services division. ~~Office of the director.~~ The administrative services division ~~office of the director~~ shall:

- (1) ~~Purchase or authorize the purchase of and maintain records of insurance and administer fringe benefits for city officers and employees;~~
- (2) ~~Purchase or authorize the purchase of and maintain records of surety bonds for city and county offices and employees and for township assessors if requested to do so by the assessors;~~

- ~~(3) Allocate parking spaces in the city-county building parking garage;~~
- (41) Provide public relations and citizens' complaint services for the department;
- ~~(5) Be the cable communications office as provided in section 8-1/2-126 of the Code of Indianapolis and Marion County, Indiana;~~
- (62) Develop and manage an energy efficiency program for the city;
- (3) Oversee and be accountable for the cataloging, storage and microfilming of records of the city, its departments and agencies;
- (4) Oversee and be accountable for the cataloging, storage and microfilming of records of the county offices, courts and agencies as shall be requested by the lawful custodians of such records;
- (5) Coordinate the acquisition, maintenance and operation of such data processing equipment related to such cataloging, storage and microfilming as may be authorized to effectively automate the processing of the information and statistical material; and
- (6) Exercise any other powers which may be granted by statute or ordinance or delegated by the mayor.

Sec. 221-201. ~~(C)~~ *Human resources division.* The human resources division shall:

~~(a) The chief administrator of the human resources division shall be the administrator director of human resources. The administrator director of human resources shall report to a person designated by the mayor and shall have specific authorization:~~

- ~~(1) To Promulgate and codify personnel policies and procedures provided such actions are not in conflict with any federal, state or local laws;~~
- ~~(2) To Recommend the hiring, promotion, transfer, layoff and dismissal of any city employee, including salary reviews;~~
- ~~(3) To Fulfill the duties of wage and salary administrator;~~

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

- ~~(4) To Recruit, advertise and post a list of all available city positions unless otherwise exempt from posting as determined by the administrator of human resources;~~
- ~~(5) To Approve the creation of all new positions in the city, including the reclassification of any existing position;~~
- ~~(6) To Promulgate and enforce a uniform system of job descriptions, job classification and salary range schedules for the city;~~
- ~~(7) To Screen and interview all applicants for employment and to determine whether the applicant meets the minimal qualifications for a city position as provided in the job description;~~
- ~~(8) To Exclusively refer qualified applicants for interview by the specific city department;~~
- ~~(9) To Issue written offers of employment and letters of rejection to applicants for employment with the city;~~
- ~~(10) To Prepare and maintain the master personnel file for each city employee;~~
- ~~(11) To Develop and administer tests to be used for interviewing and placement purposes;~~
- ~~(12) To Prepare the wage control for all city employees;~~
- ~~(13) To Develop and administer all personnel and management training programs for the city departments;~~

- (14) ~~To~~ Represent the city in all unemployment compensation and workmen's compensation proceedings and ~~to~~ coordinate the handling of claims processing in these areas;
- (15) ~~To~~ Participate and assist in labor negotiations with any city bargaining representative;
- (16) ~~To~~ Develop, administer and coordinate a comprehensive safety program for the city including completion of any reports necessary for governmental compliance;
- (17) ~~To~~ Identify any safety violation in accordance with federal, state or local laws which exists in any city department and ~~to~~ determine and enforce applicable safety standards;
- (18) Administer fringe benefits for city officers and employees;
- (19) ~~To~~ Perform any and all other duties related to personnel management and administration ~~or any other duty or responsibility delegated to it by the mayor or city county council; and~~
- (20) Exercise any other powers which may be granted by statute or ordinance or delegated by the mayor.

~~(D) Division of occupational and community services: The division of occupational and community services shall administer and, subject to the approval of the director contract for the administration of federally and state funded employment and training programs, programs for youth, neighborhood health programs and programs for senior citizens.~~

~~(E) Purchasing division.~~

~~(a) Purchasing agent. The purchasing agent shall be head of the purchasing division.~~

~~(b) Duties and powers. The purchasing division shall:~~

- ~~(1) Act as the agent in obtaining materials, supplies, equipment or contractual services, other than personal services, for city departments, divisions or county offices. Any such department, division or office shall requisition such materials, supplies, equipment or services from the purchasing agent who shall, upon determining that appropriations are available for such purposes, acquire the items requisitioned in accordance with public purchase law. All contracts of purchase shall be made in the name of the city department or division or county office and be subject to the approval of the department, division or office;~~
- ~~(2) Establish such purchasing and contractual procedures as may best be suited to obtain the greatest economic value to the consolidated city and the county;~~
- ~~(3) Where bidding and publication of notice are required by law, the purchasing department shall prepare specifications and notice to bidders and see that the required notices are published;~~
- ~~(4) Cooperate and consult with the controller or the auditor for the purpose of ensuring that adequate funds are available prior to making necessary purchases and acquisitions to assure they are within the limits of the budget appropriations of the department division, office or body in need of the material;~~
- ~~(5) Act as the agent of any executive department to sell or exchange any personal property ordered to be sold by a city department or division or county office in accordance with procedures prescribed by law.~~

Sec. 221-301. ~~(F)~~ *Central equipment management division.* The central equipment management division shall:

- (1) Maintain and service, or authorize contracts or other methods of service or maintenance of, all vehicular equipment, accessories and other related equipment owned by the city;
- (2) Operate maintenance garages;
- (3) Make a determination that it is in the best interest of the city for a department of the city to lease all or a portion of that department's vehicular capital equipment or other automotive maintenance property from central equipment management division. Upon such a determination by the administrator of central management division, the affected department and the board of that department shall cease to have the authority to acquire or approve the acquisition of the subject capital equipment or other property other than by lease from central equipment management division. Such authority to acquire

or approve the acquisition of capital equipment or other property other than by lease from the central equipment management division may be restored by the administrator of the central equipment management division only by a determination by ~~him~~ such administrator that such a restoration of authority is in the best interest of the city;

- (4) Purchase and dispense fuel for authorized governmental vehicles and charge the cost of the same to the appropriate division or agency; and
- (5) Exercise any other powers which may be granted by statute or ordinance or delegated by the mayor.
- ~~(G) Microfilm archives division. The microfilm archives division shall:~~
 - ~~(1) Catalog, store and microfilm records of the consolidated city, its departments and agencies;~~
 - ~~(2) Catalog, store and microfilm records of the county offices, courts and agencies as shall be requested by the lawful custodians of such records;~~
 - ~~(3) In addition, the division may acquire, maintain and operate such data processing equipment as may be authorized to effectively automate the processing of the information and statistical material.~~

Sec. 221-401. (4) Division of Equal opportunity division. The ~~division of equal opportunity division and its administrator shall:~~

- (1) Be empowered to carry out the duties and responsibilities enumerated in Chapter 16 of the Code of Indianapolis and Marion County, Indiana; and
- ~~(2) In addition each division shall have all~~ Exercise any other powers and duties which may be granted by law, the city-county council or statute or ordinance or delegated by the mayor.

Sec. 221-501. Real estate services division. The real estate services division shall:

- (1) Develop and coordinate a long-term real estate plan for city and county facility needs, including project financing (including public and private sector funding sources) for real estate transactions, in concert with the respective county elected officials, departments and agencies responsible for such facilities;
- (2) Provide project planning, negotiate project agreements, and manage project agreements for real estate transactions involving the city or county when requested to do so by the mayor or other responsible official or agency;
- (3) Develop, analyze, negotiate, implement, and manage real estate purchases, leases, and disposals on behalf of city departments;
- (4) Negotiate and manage easement rights for all city departments;
- (5) Coordinate the disposal of surplus city property;
- (6) Assist, when appropriate and by mutual agreement with affected officials, the Indianapolis-Marion County Building Authority with the management of city and county occupied facilities, including but not limited to the City-County Building, the Marion County Jail, the Central Equipment Management Division garages, Department of Parks and Recreation facilities, and fire and police stations;
- (7) Coordinate and advise city and county officials, departments and agencies with respect to contractual maintenance responsibilities, including but not limited to the IRT building, the City Market, and the Capitol tunnel;
- (8) Oversee maintenance of improvements in redevelopment areas;
- (9) Perform any of the above services for the county officials or agencies upon request by appropriate county elected officials; and
- (10) Exercise any other powers which may be granted by statute or ordinance or delegated by the mayor.

SECTION 3. The "Revised Code of the Consolidated City and County" be, and is hereby amended to add a NEW Article I in Chapter 281 (which is a revision and recodification of sec. 3-6 of the Code of Indianapolis and Marion County that deletes the stricken-through text and inserts the underlined text) as follows:

CHAPTER 281 ADMINISTRATION BOARDS AND COMMISSIONS
ARTICLE I. CITY-COUNTY ADMINISTRATIVE BOARD.

~~Sec. 3-6 281-101~~ (1) *Members.* The city-county administrative board (board) shall consist of the director of the department of administration who shall serve as its presiding officer, the county auditor, the controller and two (2) members appointed by the city-county council. Each appointed member shall serve a ~~one-year~~ term ending December 31 of the year the appointment is effective and until a successor is appointed and qualifies; ~~however, all such appointed members shall serve~~ at the pleasure of the appointing authority. If a vacancy occurs on the board, the appointing authority shall appoint a replacement for the remainder of the unexpired term.

Sec. 281-102. (2) *Meetings.* Regular meetings of the board shall be held at least once a month at times and places established by resolution of the board or incorporated in its rules. No notice need be given any board member for holding or taking any action at a regular meeting.

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

Sec. 281-103. (3) *Powers.* The powers of the board shall be as follows:

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

~~i~~(1) Contracts for the lease or purchase of capital equipment or other property if such lease or purchase is required to be bid under IC 36-1-9;

~~ii~~(2) Contracts for acquisition of and leases for real estate;

~~iii~~(3) Any contract for public construction which must be bid under IC 36-1-12.

(4) Any contract by the county auditor or city controller for assistance in the collection of money owed to the city or county.

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

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

~~i~~(1) All officers and agencies of city and county government shall furnish complete information to the board respecting all insurance and surety bond coverage.

~~ii~~(2) The board may hire or contract for the services of a professional insurance advisor, auditor or consultant to assist in compiling records and making recommendations on types, kinds or amounts of coverage.

~~iii~~(3) The board shall determine, subject to the approval of the mayor and the city-county council, and subject to IC 5-4-1 the appropriate kind, amount, coverage, acquisition and consolidation of the insurance and surety bonds of those governmental departments and officials subject to the board.

~~iv~~(4) The board may designate an ex officio subcommittee composed of the presiding officer of the board, the president of the Indianapolis Professional Firefighters Union local 416, ~~the president of the Indianapolis Police Department,~~ the president of the FOP Indianapolis Fraternal Order of Police Local 86, the presidents of AFSCME, locals 725, 1831, 1887, and 3131 or their duly appointed

representatives. The ex officio subcommittee shall review and make recommendations to the board as to medical and life insurance for employees, and other such related employee benefits.

~~¶~~(5) In addition the board may designate any additional ex officio subcommittees as in its judgment will aid the board in effectuating the purposes of subsection ~~(3)~~(c).

~~(d) The board shall have exclusive power to select and contract with long distance telephone service providers to be accessed directly through the central telephone system of the city county building. This subsection shall not limit the power of city, county and township agencies to select and contract for long distance service with providers other than those selected by the board so long as these services are not directly accessed through the central telephone system of the city county building.~~

SECTION 4. The "Revised Code of the Consolidated City and County" be, and is hereby amended to add a NEW Article II in Chapter 281 (which is a revision and recodification of Article VI Chapter 2 of the Code of Indianapolis and Marion County that deletes the stricken-through text and inserts the underlined text) as follows:

ARTICLE ~~VI~~ II. INFORMATION SERVICES AGENCY

Sec. ~~2-238~~ 281-20I. Definitions.

As used in this article the following terms shall have the meanings ascribed to them:

- (a) *Board* means the Marion County Information Services Board.
- (b) *Director* means the director of the information services agency.
- (c) *ISA* means the Information Services Agency of Indianapolis and Marion County.
- (d) *Council* means the City-County Council of Indianapolis and Marion County.
- (e) *Subject agencies* means any and all agencies, officers, offices, boards, commissions, divisions and departments of the City of Indianapolis, of the County of Marion, units of township assessors government in Marion County, and any court or prosecutor funded by Marion County.
- (f) User means any and all subject agencies as defined herein and any and all other entities which use the services of ISA.

Sec. ~~2-239~~ 281-21I. Board created; members; compensation.

(a) There is hereby created the Marion County Information Services Board, which shall consist of the following persons, who shall be appointed for the following terms:

- (1) Two (2) city officers ~~of senior status~~, appointed by the mayor of the City of Indianapolis, to serve at the pleasure of the mayor;
- (2) Two (2) county constitutional officeholders, limited to the Auditor and the Clerk or Treasurer of Marion County, to be appointed by, and serve at the pleasure of, the council;
- (3) The Presiding Judge of Marion County Municipal Court, representing the judicial branch of local government, to serve by virtue of ~~his~~ that office;
- (4) Two (2) persons, each of whom must have senior management experience with organizations which are located in Marion County, which utilize large data processing installations comparable to the city-county installation, and which are not in the business of selling data processing equipment or services. Further, each such person must hold line authority over the manager of the organization's data processing area. One such person shall be appointed by the council and the other by the mayor. The terms of such citizen appointments shall be staggered by the initial appointment of the mayor's appointment to a three-year term and the council's appointment to a two-year term; thereafter each to serve for two-year terms but at the pleasure of the respective appointing authority.

(b) Board members shall serve in person and not by proxy, and without compensation, except that personal expenses incurred through service to the board, travel, lodging and fees may be reimbursed to the board member upon authorization of the board.

Sec. ~~2-240~~ 281-212. Powers and duties.

The board shall have the following powers and duties; provided, however, no power or duty herein prescribed shall in any way be permitted to derogate the powers, duties or responsibilities of any elected official:

(a) To determine the means of financing any information or telephone services, subject to the approval of the council where applicable, and to fix rates and formulas for invoicing users ~~agencies~~ for information services rendered;

(b) To review and approve all information budgets, operating systems, contracts and expenditures for information or telephone services, equipment purchase, rent or lease, consultants, management or technical personnel, studies, programs and information or telephone materials or supplies for any and all ~~subject agencies~~ users;

(c) To conduct studies and evaluations of any and all information or telephone needs and current systems operating ~~in the subject agencies~~ of users;

(d) To contract for technical and specialized assistance in administering its duties;

(e) To require annual information or telephone services plans and resources inventories from all ~~subject agencies~~ users;

(f) To develop, maintain and communicate information or telephone services policy and administrative procedures for ~~the entities within the subject agencies~~ users and an information or telephone services master plan for all ~~subject agencies~~ users;

(g) To develop, maintain and distribute personnel job descriptions and salary level recommendations for the director and for information or telephone services staff of ISA or ~~subject agencies~~ users, and to approve all technical positions therein, in conjunction with the department of administration of the city where applicable;

(h) To employ, or retain by personal services contract, a director for the information services agency, who shall have such duties as established herein, to serve at the pleasure of the board;

(i) To promulgate rules and regulations for the efficient administration of its policies and procedures for ~~the subject agencies~~ users;

(j) To develop and oversee adherence to standards for privacy of personally identifiable confidential information and security of systems and records;

(k) The exclusive power to select and contract with telephone service providers for all city and county offices and agencies, whose expenditures for such services are paid from funds subject to appropriation by the city-county council.

~~(k)~~ (l) To delegate any functions to the director, subject to review by the board.

Sec. ~~2-241~~ 281-213. Officers; quorum; meetings.

(a) The officers of the board shall be a ~~chairman~~ person and a secretary, one of whom shall be a senior city official and the other a county officer. The ~~chairman~~ person shall be named by the mayor, and the secretary by the board. All contracts, agreements, resolutions and official communications of the board shall be in writing and be executed by these officers upon being authorized by motion passed by the board by simple majority of its members present.

(b) A quorum of the board for official action in session shall be three (3) members. For this purpose, the director shall not be considered a member. Official minutes of meetings shall be kept by the director.

(c) The board shall meet monthly at such place and time as may be set by the ~~chairman~~ person, and may meet at such other times and places as may be needed in special session called by the ~~chairman~~ person for a particular purpose. All meetings, whether regular or special, shall be open to the public. No official action may

be taken by the board except at a public meeting, whether regular or special. Board members may confer from time to time in executive session without the necessity of calling a public meeting as applicable by law.

Sec. ~~2-242~~ 281-221. Director-Qualifications; responsibilities generally.

The board shall employ or retain by personal services contract a director. The director shall meet with the board as a nonvoting member. The director shall have such qualifications and experience as set by the board. The director shall be the senior administrator of the information services agency (ISA) and shall act as technical advisor and provide staff support for the board in its deliberations. The director shall have the authority and responsibility to act for the board in its name on a daily operational basis when the board is not in session, but all such action shall be subject to the review of the board.

Sec. ~~2-243~~ 281-222. Same--Powers and duties.

The director shall have the following additional specific duties:

- (a) To review information or telephone services activities, operations, requests and technical personnel of the ~~subject agencies users~~ and provide recommendations on same to the subject agency or board; to oversee the overall management information or telephone services activities which are subject to this article;
- (b) To receive and review with comment and recommendations all reports, requests and documents for the board;
- (c) To communicate for and on behalf of the board with the users, including subject agencies, other governmental units, and the private sector when the board is not in session;
- (d) To receive budget proposals for information or telephone services and operations for agencies of the consolidated city, the county, the courts and other ~~subject agencies users~~ and to assist the board in review and evaluation of the budgets prior to their submission to the city-county council;
- (e) To review all contracts for information or telephone services, equipment lease, rent or purchase, materials, supplies, consultants, technical personnel, studies or programs for ~~the subject agencies users~~, including specifically, ISA, and submit same with comment and recommendations to the board for its action;
- (f) To coordinate the preparation of a master plan for information or telephone services operations for all ~~subject agencies users~~, within the direction given from the board;
- (g) To implement all administrative rules and regulations promulgated by the board.

Sec. ~~2-244~~ 281-223. Board approval required for services.

~~No subject agency, as defined in section 2-238 herein, or officer, employee or agent thereof, shall, after September 7, 1978, purchase, lease, rent or contract for the use of any data processing services, equipment, materials, supplies, data processing studies, programs, technical personnel or consultants without first obtaining written approval of the board.~~

(a) The written approval of the board shall be obtained before any subject agency, as defined in sec. 281-201, shall:

- (1) Acquire by contract, purchase, lease, or rental of any data processing services, equipment, materials, supplies, programs or software, or
- (2) Acquire by contract, purchase, lease or rental of telephone or telecommunications services, equipment, materials or supplies, or
- (3) Authorize or contract for studies, technical personnel or consultants regarding data processing or telecommunications services.

(b) No subject agency, as defined in section ~~2-238~~ 281-201 herein or officer, employee or agent thereof, shall, after August 31, 1981, purchase, lease, rent or contract for the use of any information or telephone

services, equipment, materials, supplies, information or telephone services studies, programs, technical personnel or consultants without first obtaining written approval of the board. Any such purchase, lease, rental or contract entered into by a subject agency without the prior written approval of the board shall be voidable at the option of the board.

Sec. ~~2-245~~ 281-224. Appeal procedure.

(a) Any subject agency or user which, in the opinion of that agency ~~head manager~~, feels aggrieved at a decision of the board concerning that agency's data processing or telephone operations, may file a written request for review of such decision with the ~~chairman~~person of the board, who shall place such request on the agenda of the special meeting of the board for the purpose of appellate review. The board shall call a special meeting to hear the appeal, and for the purpose of special meetings for appeals, the board shall consist of the regular board members, plus the Mayor of the City of Indianapolis or ~~his~~ the Mayor's designee and the president of the city-county council ~~who may designate the vice-president of the council to attend for him or such president's designee~~. The decision of this board shall be final, except as provided in subsection (b) below, and shall be entered of record in the minutes of the board. In order to hear the appeal, the board shall have present at least (4) of its regular members plus either the mayor (or ~~his~~ designee) or the president of the city-county council (or ~~his~~ such president's designee).

(b) Should an elected official feel aggrieved at the decision resulting from appeal to this board, the matter shall be heard and finally resolved by majority vote at a special meeting of the committee on rules and public policy ~~committee~~ of the city-county council with at least five (5) members present and voting. Such meeting shall be held within twenty-one (21) days of written request by the elected official.

Sec. ~~2-246~~ 281-231. Information services agency created.

There is created the information services agency (ISA) which shall be under the policy supervision of the Marion County Information Services Board through the director. ISA shall be the functional operating information and telephone services facility for such portions and agencies of local government and other users as the board may prescribe. The board shall approve the organization of ISA along such lines as are consistent with principles of good management and the provisions of this article.

Sec. ~~2-247~~ 281-232. Duties of director with respect to information services agency.

~~CDP~~ ISA shall be managed and supervised by the director. The director will be responsible for the planning, organization and management of ~~CDP~~ ISA, within the organization plans and policies approved by the board.

Sec. ~~2-248~~ 281-233. Agency function.

ISA shall provide information and telephone services to those local government subject agencies and other users designated by the board according to the direction given by the board and to the master plan for the county as developed by the board in conjunction with the subject agencies, including ISA and other users. ISA, subject to the board's direction, shall be the primary provider of services for the city, the county, ~~and~~ the courts and all other approved users and shall receive systems and service requests from its users, evaluate same, and submit requests of a type specified by the board to the director for ~~his~~ the director's evaluation and to the board for its approval.

Sec. ~~2-249~~ 281-234. Information services users committee created; duties; procedure.

There is created an information services users committee, which shall be made up of representatives of each city, county, township or other local governmental unit and other entity which receives information services subject to this article. The representative members may be ~~heads~~ managers of user agencies or technical administrators from user agencies designated by the agency ~~head~~ manager. The users committee shall be charged with the duty of monitoring the quality and cost of service. The users committee shall meet bimonthly or more frequently if needed. A ~~chairman~~person, vice-~~chairman~~person and a secretary shall be chosen from among its members, but the office of vice-~~chairman~~person must be filled by a township assessor as a representative of the various entities receiving services from ISA. Regular meetings shall be established by the ~~chairman~~person and special meetings shall be called by the ~~chairman~~person whenever three (3) or more user representatives so request, stating the subject matter involved and reason immediate action is necessary. Upon the majority vote of a quorum of the users committee in an official meeting, the users committee may cause the board to meet in a special meeting to hear any items the users committee approves to be agenda items at the special board meeting. The appeal procedure provided by section ~~2-245~~ 281-224 shall also be available to the users committee in the event that such special board meetings held under the provisions of this section do not

yield results acceptable to a majority vote of a quorum of a subsequent official users committee meeting. The users committee shall advise the mayor, the city-county council, the director and the board on matters pertaining to the service received and shall recommend changes and suggestions for improvement where thought necessary.

SECTION 5. Articles III and VI of Chapter 2 and Article I of Chapter 3 of the Code of Indianapolis and Marion County, Indiana, are hereby superseded and repealed as of the effective date of this ordinance.

SECTION 6. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 7. 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 8. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 570, 1992. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 570, 1992 on November 5 and December 30, 1992. The proposal, sponsored by Councillor Beadling, amends the Code concerning the sale of city or county property to an Indiana not-for-profit corporation. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Rhodes moved, seconded by Councillor Beadling, for adoption.

Councillor Williams questioned Sec. 2-515(n) of the proposal. She said that she would like to see that subsection deleted because it subjects the Community Development Corporations to penalties and it renders them not eligible to apply for purchases. Councillor Borst said there are other corporations which would be affected, such as Indianapolis Neighborhood Housing Partnership, the Indianapolis Sports Corporation and the Commission for Downtown. Councillor Beadling moved to strike Sec. 2-515(n) of Proposal No. 570, 1992, as amended. This motion was seconded by Councillor Short and the motion passed by unanimous voice vote.

Proposal No. 570, 1992, as amended, was 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. 570, 1992, as amended, was retitled GENERAL ORDINANCE NO. 3, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 3, 1993

A GENERAL ORDINANCE amending the Code of Indianapolis and Marion County to modify the procedure for the sale of city or county property to an Indiana not-for-profit corporation.

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

SECTION 1. Chapter 2, Secs. 2-513 - 2-515, of the Code of Indianapolis and Marion County, Indiana, is hereby amended by deleting the language stricken-through and adding the language underlined so that the section reads as follows:

ARTICLE XIII. DISPOSAL OF PROPERTY
DIVISION 1.
SALE OR LEASE TO INDIANA NOT-FOR-PROFIT CORPORATIONS

Sec. 2-513. Definitions.

As used in this article:

(a) *Disposing agent* means the board, commission or officer of the city or county which has the power to award contracts for which public notice is required, with respect to property of the city or county; and which has been designated to exercise that power with respect to the property to be disposed of by statute or by the City-County Council.

In the absence of such designation, the board of public works shall be the disposing agent.

(b) *Eligible corporation* means a not-for-profit corporation formed under the provisions of IC 23-7-1.1, or that has elected, or that is eligible to elect, to accept the provisions of IC 23-7-1.1 by filing articles of acceptance as provided therein, and which is organized for educational, literary, scientific, religious, or charitable purposes and which is exempt from federal income taxation under Section 501 of the Code.

Sec. 2-514. Authority to Sell or Lease Property

A disposing agent may sell or lease property to an eligible corporation only in the manner set forth in this article. Nothing contained in this article shall be construed to require a disposing agent to sell or lease property.

Sec. 2-515. Procedures for Sale or Lease of Real Property

A disposing agent who wishes to sell or lease real property to an eligible corporation shall follow the procedures set forth in this section.

(a) The disposing agent shall appoint an appraiser to make an appraisal of either the fair market value or the fair rental value of the real property. The Appraiser must be:

- (1) Professionally engaged in making appraisals;
- (2) Licensed under IC 25-34.1; or
- (3) An employee of the city or county familiar with the valuation of property or the nature of the property being appraised.

In lieu of hiring an appraiser to perform the appraisal, the disposing agent may accept an appraisal provided by an eligible corporation if the disposing agent finds the appraisal to be reasonable and that the person performing the appraisal has the qualification listed in paragraphs (1) and (2) of this subsection.

(b) Upon receipt of the appraisal the disposing agent may negotiate for the sale or lease of the real property to any eligible corporation upon such terms and conditions for such compensation, including a nominal compensation, as the disposing agent shall deem to be in the best interests of the city or county, provided that, except as provided in subsection (c) of this section, no real property (except for the city market) having an appraised fair market value in excess of fifty thousand dollars (\$50,000) or a fair rental value in excess of five thousand dollars (\$5,000) per year may be sold or leased for an amount less than ninety (90) per cent of the fair market value or the fair rental value.

(c) With respect to real property which has an appraised fair market or fair rental value in excess of the amounts specified in subsection (b) of this section (except for the city market), the disposing agent may sell or lease such property at a nominal cost to an eligible corporation if the following conditions are met:

- (1) No public funds have been expended on improvements made to the real property; and
- (2) The city or county acquired the property by donation or without the expenditure of public funds.

(d) Upon the completion of negotiations for the sale or lease of the real property, the disposing agent shall publish notice, in accordance with IC 5-3-1, of a public hearing to be held before the disposing agent.

(e) The notice must state the date, place and hour of the public hearing and provide a summary of the principal terms of the proposed sale or lease, the location and character of the real property proposed to be sold or leased, the purchase price or rental to be paid and, in the case of a lease, the number of years the lease is to be in effect and, if the lease contains an option to purchase, a summary of the terms of such option.

(f) The proposed contract of sale or lease shall be open to public inspection.

(g) All persons appearing at the hearing are entitled to be heard on the following issues:

- (1) Whether the real property is no longer needed or is unfit for the purpose for which it was intended; or
- (2) Whether the proposed sale or lease of the property is in the public interest.

(h) At the conclusion of the public hearing the disposing agent shall make a determination on the two issues specified in paragraphs (1) and (2) of subsection (g) and if the disposing agent finds that the real property is not needed by the city or county or is unfit for the purpose for which it was intended or that the proposed sale or lease of the property is in the public interest, the disposing agent may:

- (1) Approve the sale or lease, in which case the disposing agent shall execute the contract of sale or lease,
- (2) Reject the sale or lease, or
- (3) Propose modifications to the terms of the sale or lease and negotiate with the prospective purchaser or lessee with respect to such modifications;

(i) If the disposing agent proposes modifications to the terms of sale or lease at the public hearing, and the prospective purchaser or lessee subsequently agrees, in writing, to such modifications, the disposing agent may execute the contract of sale or the lease without further proceedings. If the prospective purchaser or lessee proposes further modifications the disposing agent may either reject such proposed modifications or may consider them at a public hearing after following the procedures specified in subsections (d) through (h).

(j) The decision of the disposing agent under subsection (h) and (i) is conclusive and binding on all parties.

(k) Pursuant to Sec. 2-230(d), any lease or sale of the city market must be approved by the city-county council prior to execution.

(l) Any eligible corporation desiring to acquire surplus property must file with the disposing agent, or the board of public works if applicable, a statement, in writing, at least ten (10) days, prior to any real property sale declaring:

- (1) A description of the property;
- (2) The corporation's intended use of the property;
- (3) The sources of funding to execute that intended use within a defined reasonable time; and
- (4) A timetable for accomplishing the intending use.

(m) An eligible corporation desiring to purchase such surplus property must sign a project agreement with the disposing agent and pay in full within one hundred twenty (120) days after the disposing agent or board of public works receives written notice from the eligible corporation to acquire the property, or the property shall automatically revert back to public auction eligibility.

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

PROPOSAL NOS. 618 and 619, 1992. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal Nos. 618 and 619, 1992 on December 15, 1992. PROPOSAL NO. 618, 1992. This proposal, sponsored by Councillor Gilmer, amends the

Revised Code to add a Parking Management Division to the Department of Transportation (DOT). PROPOSAL NO. 619, 1992. This proposal amends the Revised Code by moving the Ordinance Violations Bureau from the Controller's Office to within the Parking Management Division of the Department of Transportation. By a 5-1 vote, the Committee reported the proposals to the Council with the recommendation that they do pass as amended. Councillor Curry moved, seconded by Councillor Gilmer, for adoption.

Councillor Gilmer introduced Don Waterman, Deputy Administrator, Administrative Services, DOT. Mr. Waterman introduced Jo Ann Rodriguez, Manager, Ordinance Violations Bureau.

Councillor Borst asked the following questions concerning the changes in the Ordinance Violation Bureau : (1) what is the present and what is the projected number of personnel, (2) what is the present and what is the projected amount of income and expense, and (3) will the same people be writing the tickets that are writing them now, and if so, why is it expected that they will they do a better job working for DOT than the Department of Public Safety.

E. Mitchell Roob, Jr., Director, DOT, stated that there has to be one agency that has the authority and responsibility for traffic. Currently there are five different departments involved. Moving the Ordinance Violations Bureau to DOT should be more efficient because (1) it will bring all the people who write tickets under one division, and (2) the people writing tickets will now be equipped with hand-held computers. He believes that income will increase, but expense will not decrease. Mr. Waterman added that the Parking Management Division started with thirty-six people and has been reduced by four.

Matt Ridenour, Director of Management Services, Office of the Mayor, explained that in the worst case this would be net income neutral; in the best case revenue would increase, and collections and customer service expense would remain the same or decrease.

Proposal No. 618, 1992, as amended, was 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. 618, 1992, as amended, was retitled GENERAL ORDINANCE NO. 4, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 4, 1993

A GENERAL ORDINANCE amending Chapter 271 of the Revised Code to add a Parking Management Division to the Department of Transportation.

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

SECTION 1. Chapter 271, Secs. 271-13, 271-301 and Sec. 271-401, of the "Revised Code of the Consolidated City and County" be, and are hereby, amended by deleting the stricken-through text and inserting the underlined text so that the sections read as follows:

Sec. 271-13. Divisions.

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

- (1) Facilities Management Division.
- (2) Operation Division.
- (3) Finance and Administration Division.
- (4) Parking Management Division.

Sec. 271-301. Finance and administration division. The finance and administration division shall:

- (1) Develop, implement and manage all department financial, budget administration, accounting, payroll, and purchasing programs and procedures;
- (2) Develop, implement and manage all department administrative programs including, but not limited to, programs concerning data processing, equipment services, property management, fleet management, and personnel services;
- (3) Develop, implement and manage all department citizens services programs, including, but not limited to, programs concerning public information, citizen relations and neighborhood coordination;
- (4) Develop, implement and manage all department training and safety programs;
- (5) Exercise the powers granted the department of transportation in IC 36-9-11.1.; and
- ~~(6) Develop, implement and manage the installation, operation and maintenance of parking meters within the jurisdiction of the consolidated city; and~~
- (7) Exercise any other powers which may be granted by statute or ordinance or delegated by the mayor.

Sec. 271-401. Parking Management Division.

- (1) Establish under one management unit all parking operations in the consolidated city;
- (2) Develop, implement and manage the installation, operation and maintenance of parking meters within the jurisdiction of the consolidated city;
- (3) Provide personnel to supplement Department of Public Safety officers in the enforcement of ordinances pertaining to parking meter and other ordinance violations as directed by the Department of Public Safety;
- (4) Manage and operate the Ordinance Violations Bureau established in accordance with Section 271-521, 271-522 and 271-523 of this code;
- (5) Establish and operate an ordinance violations processing section within the Ordinance Violations Bureau to assist in the timely processing of all unpaid citations;
- (6) Maintain management and statistical information of all parking operations in the consolidated city; and
- (7) Exercise any other powers which may be granted by statute or ordinance or delegated by the mayor.

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 has 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.

January 4, 1993

Proposal No. 619, 1992, as amended, was adopted on the following roll call vote; viz:

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

0 NAYS:

2 NOT VOTING: *Brents, West*

Proposal No. 619, 1992, as amended, was retitled GENERAL ORDINANCE NO. 5, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 5, 1993

A GENERAL ORDINANCE amending Chapters 221 and 271 of the Revised Code to move the Ordinance Violations Bureau from the Office of the City Controller to the Department of Transportation.

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

SECTION 1. Chapters 221 and 271 of the "Revised Code of the Consolidated City and County" be, and is hereby, amended to move the Ordinance Violations Bureau from Chapter 221 to Chapter 271, by deleting the stricken-through text and inserting the underlined text so that the sections read as follows:

CHAPTER 271. DEPARTMENT OF TRANSPORTATION
ARTICLE ~~2~~ IV. ~~DEPARTMENT OF FINANCE~~ ORDINANCE VIOLATIONS BUREAU

Sec. ~~221-221~~ 271-521. Ordinance Violations Bureau. An ordinance violations bureau is established within the ~~Finance~~ Parking Management Division of the Department of ~~Administration~~ Transportation for purposes authorized by Chapter 3 of Article 6 of Title 33 of the Indiana Code (IC 33-6-3).

Sec. ~~221-222~~ 271-522. Violations Clerk, Appointment. The ordinance violations bureau shall be administered by the violations clerk. The violations clerk shall be appointed by, and serve at the pleasure of, the ~~City Controller~~ Director of the Department of Transportation.

Sec. ~~221-223~~ 271-523. Duties of violations clerk and ordinance violations bureau. The violations clerk and ordinance violations bureau shall be responsible for processing code and ordinance violations which are enforced pursuant to the procedures set forth in Article ~~II~~ III of Chapter 103 of this Code and for those duties transferred as successor to the traffic violations bureau existing under Chapter 29 of the Code.

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 has 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.

NEW BUSINESS

The President stated that the Committee on Committees will consider meeting to resolve any requests for committee reassignments.

Leon Younger, Director of the Department of Parks and Recreation, gave a brief report on golf services.

ANNOUNCEMENTS AND ADJOURNMENT

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:45 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 4th day of January, 1993.

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



President

ATTEST:



Clerk of the Council

(SEAL)