

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

**REGULAR MEETINGS  
MONDAY, DECEMBER 13, 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 7:13 p.m. on Monday, December 13, 1993, with Councillor SerVaas presiding.

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

**ROLL CALL**

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

*28 PRESENT: 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*  
*1 ABSENT: Beadling*

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

**OFFICIAL COMMUNICATIONS**

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

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

Ladies and Gentlemen:

*Journal of the City-County Council*

You are hereby notified that REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, December 13, 1993.

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

November 29, 1993

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in The Indianapolis NEWS and The Indianapolis COMMERCIAL on Thursday, December 2, 1993, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 645, 646, 648, 649, 650, 651, 652, 653, and No. 673, 1993, to be held on Monday, December 13, 1993, at 7:00 p.m., in the City-County Building.

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

November 29, 1993

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in The Indianapolis NEWS and The Indianapolis COMMERCIAL on Thursday, December 2, 1993, a copy of a LEGAL NOTICE on General Ordinance No. 156, 1993.

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

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

Ladies and Gentlemen:

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

FISCAL ORDINANCE NO. 110, 1993 - transferring and appropriating \$24,900 for the Marion County Public Defender Agency to pay public defender salaries for the Marion County Drug Court

FISCAL ORDINANCE NO. 111, 1993 - authorizing tax anticipation borrowing for the City during the period from January 1, 1994 through December 31, 1994

FISCAL ORDINANCE NO. 112, 1993 - authorizing tax anticipation borrowing for the County General Fund and the Welfare General Fund during the period from January 1, 1994 through December 31, 1994

FISCAL ORDINANCE NO. 113, 1993 - appropriating \$7,463 for the Superior Court, Criminal Division, Room 3, to cover overtime expenses due to jury trials and reducing the appropriations of certain other courts

FISCAL ORDINANCE NO. 114, 1993 - transferring and appropriating \$165,500 for the Sheriff to pay for inmate housing at the Riverside Community Corrections facility from October 15 through December 31, 1993

FISCAL ORDINANCE NO. 115, 1993 - transferring and appropriating \$6,800 for the Superior Court, Criminal Division, Room Five, to cover staff salaries through December 31, 1993

*December 13, 1993*

FISCAL ORDINANCE NO. 116, 1993 - transferring and appropriating \$24,000 for the County Coroner to pay contractual expenses

GENERAL ORDINANCE NO. 163, 1993 - amending the Revised Code dealing with the organization of the Departments of Public Works and Transportation

GENERAL ORDINANCE NO. 164, 1993 - creating a Court Violations Bureau administrative fee and fund

GENERAL ORDINANCE NO. 165, 1993 - revising the enforcement procedures for civil zoning violations in order to comply with state statute, by making certain violations subject to admission and payment through the Ordinance Violations Bureau, in lieu of citations with increasing fine amounts

GENERAL ORDINANCE NO. 166, 1993 - amending the Code by authorizing the county to contract with the sheriff for salary compensation in lieu of collection fees and by repealing Sec. 2-21 of the Code

SPECIAL ORDINANCE NO. 15, 1993 - approving the issuance of City of Indianapolis, Indiana Adjustable Rate Economic Development Revenue Refunding Bonds, Series 1993 (Calderon Development Company Project) in an aggregate principal amount not to exceed \$1,250,000

SPECIAL ORDINANCE NO. 16, 1993 - approving the issuance of City of Indianapolis, Indiana Economic Development Revenue Bonds, Series 1993A (The Meadows Section 8 Assisted Project) in the aggregate principal amount not to exceed \$3,900,000 and City of Indianapolis, Indiana Taxable Economic Development Revenue Bonds, Series 1993B (The Meadows Section 8 Assisted Project), in the aggregate principal amount not to exceed \$100,000

SPECIAL ORDINANCE NO. 17, 1993 - authorizing the amendment of documents relating to the previously issued \$8,100,000 City of Indianapolis, Indiana Economic Development Revenue Bond (Webb/Henne Indianapolis Venture I Project) dated as of December 1, 1985

SPECIAL ORDINANCE NO. 18, 1993 - authorizing the amendment of documents relating to the previously issued \$4,350,000 City of Indianapolis, Indiana Economic Development Revenue Bonds, Series A (Monument Circle Associates Project) dated as of April 1, 1985

SPECIAL ORDINANCE NO. 19, 1993 authorizing the issuance and sale to the Indianapolis Local Public Improvement Bond Bank of the Park District Note, for the purpose of procuring funds to refund a certain obligation of the Park District in an amount not to exceed \$3,500,000 (Brookville/Senour Economic Development Area)

SPECIAL RESOLUTION NO. 87, 1993 - recognizing the 1993 state football champion Roncalli High School Rebels

SPECIAL RESOLUTION NO. 88, 1993 - recognizing the service of Robert A. O'Neal

SPECIAL RESOLUTION NO. 89, 1993 - recognizing Rupert Daily's 48 years of service to the City of Indianapolis

SPECIAL RESOLUTION NO. 90, 1993 - extending condolences to the family and friends of LaShunda Davis and seeking to create meaning to an otherwise senseless act of shooting violence

SPECIAL RESOLUTION NO. 91, 1993 - commending the Indianapolis Police Department for their quick action in the LaShunda Davis killing, commending citizens for their role, and encouraging all citizens to "tell" when their communities are being threatened or damaged

SPECIAL RESOLUTION NO. 92, 1993 - authorizing the lease of space for the Family Advocacy Center located at 233 McCrea Street

SPECIAL RESOLUTION NO. 93, 1993 - amending S.R. 72, 1990, as amended, by extending the expiration date on the Inducement Resolution for Homeward Partners, Inc. through February 28, 1994

SPECIAL RESOLUTION NO. 94, 1993 - amending S.R. 84, 1990, as amended, by extending the expiration date on the Inducement Resolution for Meadows Revival, Inc. through June 30, 1994

SPECIAL RESOLUTION NO. 95, 1993 - amending S.R. 39, 1992, as amended, by extending the expiration date on the Inducement Resolution for Herff Jones, Inc. through June 30, 1994

Respectfully,  
s/Stephen Goldsmith  
Stephen Goldsmith

## **ADOPTION OF THE AGENDA**

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

## **APPROVAL OF JOURNALS**

President SerVaas called for additions or corrections to the Journal of November 22, 1993. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 697, 1993. This proposal, sponsored by Councillors Coughenour and Mullin, recognizes the 1993 state football champion Roncalli High School Rebels. Councillor Coughenour read the resolution and presented a copy of the document to Coach Bruce Scifres, who expressed appreciation for the recognition. Councillor Coughenour moved, seconded by Councillor Mullin, for adoption. Proposal No. 697, 1993 was adopted by unanimous voice vote.

Proposal No. 697, 1993 was retitled SPECIAL RESOLUTION NO. 87, 1993 and reads as follows:

### **CITY-COUNTY SPECIAL RESOLUTION NO. 87, 1993**

A SPECIAL RESOLUTION recognizing the 1993 state football champion Roncalli High School Rebels.

WHEREAS, 1993 was an especially good football season for the Roncalli Rebels; and

WHEREAS, the Rebels earned a perfect 14-0 season, handed seven other teams their first defeat of the year, and won the Class 3A state championship title in an exciting 14-12 win over formerly undefeated North Wood; and

WHEREAS, Roncalli's Mike Bohn broke the state record in rushing, his 38 touchdowns for 228 points was the highest in Indiana this season, and his 3,165 yards rushing was the highest in the nation in 1993; and

WHEREAS, everyone associated with Roncalli can be proud of this accomplishment; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes with pride the 1993 Class 3A state champions, Indianapolis' Roncalli Rebels.

SECTION 2. The Council extends a special recognition to the graduating seniors on the team: Jack Holloran, Mike Tinder, Brent Carver, Joe Spitznagel, David Lauck, Mike Bohn, Craig Cothron, Christian Gaskill, Packy Meehan, Jason Jaffe, Greg Hurtle, Andy Roell, Joe Shelburn, Mike Walsh, Brad Bell, Brian Montgomery, Jason Simmons, Jason Hasty, Jim Cissell and Doug Rechten; and to Head Coach Bruce Scifres, and Assistant Coaches Bob Tully, Tim Puntarelli, Steve Stim, Jeff Palmer, Dan Hyde and Scott Stewart.

SECTION 3. Coach Scifres reminds Indiana that there are 43 underclassmen on this team who have experienced the taste of victory!

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

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



PROPOSAL NO. 698, 1993. This proposal, sponsored by Councillors Shambaugh and Golc recognizes the service of Robert A. O'Neal. Councillor Shambaugh read the resolution and presented a copy of the document to Mr. O'Neal, who expressed appreciation for the recognition. Councillor Shambaugh moved, seconded by Councillor Golc, for adoption. Proposal No. 698, 1993 was adopted by unanimous voice vote.

Proposal No. 698, 1993 was retitled SPECIAL RESOLUTION NO. 88, 1993 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 88, 1993

A SPECIAL RESOLUTION recognizing the service of Robert A. O'Neal.

WHEREAS, Robert A. O'Neal was appointed by the County Commissioners to the Marion County Board of Review for successive one-year terms from January 1, 1986 through the end of 1993; and

WHEREAS, the Board of Review hears all appeals of property tax assessments and taxable status of property in Marion County; and

WHEREAS, Mr. O'Neal is "Mr. Law Enforcement," having been Speedway Police Commissioner, Marion County Sheriff, Superintendent of the Indiana State Police under Governors Gates, Schricker and Branigin, a United States Marshal, Safety Director of the Indianapolis Motor Speedway, and is the son of a 38-year Indianapolis Police Department veteran; and

WHEREAS, O'Neal is also "Mr. Speedway," having been the leader of a committee to build the first baseball diamonds at Leonard Park, a youth baseball coach, Treasurer of Speedway's 50th Anniversary Committee in 1976, Chairman of St. Christopher Parish's 50th Anniversary, and Secretary of the School Building Corporation which sold and paid off the bonds for the present high school; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes the dedicated service of Robert A. O'Neal as a member of the Marion County Board of Review from 1986 through 1993.

SECTION 2. Government functions well because solid citizens such as Mr. O'Neal are willing to volunteer their time to serve on impartial boards and commissions.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

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

PROPOSAL NO. 699, 1993. This proposal, sponsored by Councillor O'Dell, recognizes Rupert Daily's 48 years of service to the City of Indianapolis. Councillor O'Dell read the resolution and presented a copy of the document to Mr. Daily, who expressed appreciation for the recognition. Councillor O'Dell moved, seconded by Councillor Coughenour, for adoption. Proposal No. 699, 1993 was adopted by unanimous voice vote.

Proposal No. 699, 1993 was retitled SPECIAL RESOLUTION NO. 89, 1993 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 89, 1993

A SPECIAL RESOLUTION recognizing Rupert Daily's 48 years of service to the City of Indianapolis.

WHEREAS, Rupert Daily is a native of Indianapolis, graduated from Arsenal Technical High School, and served in the United States Army Air Corps; and

WHEREAS, on October 2, 1945, Mr. Daily went to work for the city when Robert H. Tyndall was Mayor, Paul V. Brown was Director of Parks and Recreation, and a year before the current Mayor Stephen Goldsmith was born; and

WHEREAS, Mr. Daily is a living witness to the many changes to the city's parks and recreation during the past 48 years; and

WHEREAS, he has been affectionately known as "The Man Behind the Camera" at the Parks Department; and

WHEREAS, on December 17, 1993, Mr. Daily will cover his Parks Department camera lens for the last time; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes the 48 years of outstanding service that Mr. Rupert Daily has given to the people of Indianapolis.

SECTION 2. The Council wishes Rupert the best of health and happiness as he shares his retirement years with his beloved wife Lillian, their four children, and his Army Air Corps buddies for many years to come.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

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

PROPOSAL NO. 700, 1993. This proposal, sponsored by Councillors Boyd, Brents, Franklin, Gray, Jimison, and Jones, extends condolences to the family and friends of LaShunda Davis and seeks to create meaning to an otherwise senseless act of shooting violence. Councillor Boyd read the resolution and presented a copy of the document to LaShunda's mother, Georgia Swan, who expressed appreciation for the resolution. Councillor Boyd moved, seconded by Councillor Brents, for adoption. Proposal No. 700, 1993 was adopted by unanimous voice vote.

Proposal No. 700, 1993 was retitled SPECIAL RESOLUTION NO. 90, 1993 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 90, 1993

A SPECIAL RESOLUTION extending condolences to the family and friends of LaShunda Davis and seeking to create meaning to an otherwise senseless act of shooting violence.

WHEREAS, on Monday evening, October 25, 1993, in the apartment complex known as Blackburn Terrace, sixteen year old LaShunda Davis became the victim of a fatal, unprovoked and senseless violent shooting; and

WHEREAS, murder occurring at any age is regrettable but is particular saddening when inflicted on children who have had little time to dream, hope and achieve; and

WHEREAS, in recent years there has been a significant increase in the number of persons falling victim to deliberate drive-by shootings as well as incidental and gang related cross fire; and

WHEREAS, though the closeness of living within the urban setting and the interrelatedness of its activities does not allow for total separation and insulation of one Indianapolis community from others, it is now apparent that such shootings are particularly damaging within the African-American community; and

WHEREAS, the increasing frequency of such acts of violence should not allow us to become more callous and less sensitive to their impact on personal, family and community life, nor allow us to become more accepting of living in an atmosphere of fear and intimidation with self-imposed restrictions on movement, speech and association; and

December 13, 1993

WHEREAS, apprehension about being safe in your home community is antithetical to living in the democratic state; now, therefore

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

SECTION 1. That the citizens of Indianapolis, acting through their elected City-County Council, extend condolences to the family, friends and schoolmates of LaShunda Davis.

SECTION 2. That we hereby resolve to earnestly seek meaning to the violent death of LaShunda Davis and others who have died similarly in this community and try to create positive purpose to an otherwise senseless shooting and disregard for human life.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

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

PROPOSAL NO. 701, 1993. This proposal, sponsored by Councillor Boyd, commends the Indianapolis Police Department for their quick action in the LaShunda Davis killing, commends citizens for their role, and encourages all citizens to "tell" when their communities are being threatened or damaged. Councillor Boyd read the resolution and presented a copy of the document to Chief James D. Toler, who expressed appreciation for the recognition. Councillor Boyd moved, seconded by Councillor Jones, for adoption. Proposal No. 701, 1993 was adopted by unanimous voice vote.

Proposal No. 701, 1993 was retitled SPECIAL RESOLUTION NO. 91, 1993 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 91, 1993

A SPECIAL RESOLUTION commending the Indianapolis Police Department for their quick action in the LaShunda Davis killing, commending citizens for their role, and encouraging all citizens to "tell" when their communities are being threatened or damaged.

WHEREAS, on Monday evening, October 25, 1993, in the apartment complex known as Blackburn Terrace, sixteen year old LaShunda Davis became the victim of a fatal, unprovoked and senseless violent shooting; and

WHEREAS, by their very nature such shootings are most often done without clear motive thus generally making them difficult to track and solve; and

WHEREAS, the quick arrests made in the Davis case were largely the result of concerned and courageous citizens coming forward to tell authorities what they know about the shooting; and

WHEREAS, for those who would inflict bodily harm and property damage, such quick response based upon citizen vigilance and input is a strong inhibiting influence; and

WHEREAS, the surveillance strength and the eyes of the Police Department are increased in direct proportion to the number of citizens who are willing to tell what they know about criminal activity; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes the continuing high performance and continuing positive contributions of all members of the Indianapolis Police Department to the public safety of all persons in the Indianapolis community.

SECTION 2. Particular recognition is made and thanks is given to Police Chief James L. Toler and all of the IPD Officers who worked on this case for their persevering, concentrated and successful efforts in very quickly identifying and apprehending the prime suspects.

SECTION 3. The citizens of Indianapolis, acting through their elected Council, applaud the effective cooperative efforts of police and community, commend especially residents and others in the Blackburn Terrace area for telling what they knew, and encourage all citizens to step forward and tell when they become aware of actual or potential illegal and damaging activity in their communities.

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

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

Councillor Short asked for consent to hear Proposal Nos. 450 and 664, 1993 after the Introduction of Proposals. Consent was given.

### **INTRODUCTION OF PROPOSALS**

PROPOSAL NO. 682, 1993. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE creating the Revenue Enhancement Division of the Office of the City Controller"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 683, 1993. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by increasing the number of directors of the City Market Corporation from nine to ten"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 684, 1993. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION approving an amendment to the lease between the City, by and through its Department of Administration, and the City Market Corporation"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 685, 1993. Introduced by Councillors Dowden and Ruhmkorff. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION authorizing the lease of office space by the Auditor's Office on behalf of Marion County for incarceration of prisoners"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 686, 1993. Introduced by Councillors Dowden and Moriarty. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$67,375 for the Prosecuting Attorney to cover the salary of the Executive Director of the Family Advocacy Center funded by a state grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 687, 1993. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code to provide for the use of automated ordinance violation citations"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 688, 1993. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection controls for Hickory Park subdivision (District 25)"; and the President referred it to the Transportation Committee.



PROPOSAL NO. 689, 1993. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection controls for Country Place subdivision (District 25)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 690, 1993. Introduced by Councillor Ruhmkorff. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection controls for the Maple Creek subdivision (District 12)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 691, 1993. Introduced by Councillor Ruhmkorff. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection controls for Lappin Way subdivision (District 12)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 692, 1993. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection controls for various locations in the Butler-Tarkington neighborhood (Districts 6, 9)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 693, 1993. Introduced by Councillor Williams. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing changes in parking restrictions for various segments of 22nd Street (District 22)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 694, 1993. Introduced by Councillor Golc. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing weight limit restrictions on Harris Street from Washington Street to Vandalia Avenue (District 17)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 695, 1993. Introduced by Councillor Williams. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by deleting the No Left Turn on College Avenue onto 14th Street (westbound) (District 22)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 696, 1993. Introduced by Councillor Curry. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Revised Code, approving uniform fees established by the MAGIS Board on behalf of the Department of Public Works for inspection or copies of any portion of the IMAGIS Land Base Map and establishing a dedicated Electronic Map Generation Fund"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 702, 1993. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Ray Battey to the City-County Administrative Board"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 703, 1993. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Ruby Miller to the

City-County Administrative Board"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 704, 1993. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing C. Richard Petticrew to the Indianapolis Economic Development Commission"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 705, 1993. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Jack H. Hall, M.D. to the Metropolitan Development Commission"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 706, 1993. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Michael Rodman to the Metropolitan Development Commission"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 707, 1993. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Randolph L. Snyder to the Metropolitan Development Commission"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 708, 1993. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Diana Wilson Hall to the Board of Parks and Recreation"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 709, 1993. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Charles E. Kendall to the Board of Parks and Recreation"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 710, 1993. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Rudy Hightower to the Board of Public Safety"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 711, 1993. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Elliott Nelson to the Board of Public Safety"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 712, 1993. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Tony A. Buford to the Board of Public Works"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 713, 1993. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Holley Holmes to the Board of Public Works"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 714, 1993. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Arno Haupt to the Board of Capital Asset Management"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 715, 1993. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Howard Howe to the Board of Capital Asset Management"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 716, 1993. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION conforming terms of appointments to the Public Defender Board to comply with amendments to the current ordinance"; and the President referred it to the Public Safety and Criminal Justice Committee.

### **SPECIAL ORDERS - FINAL ADOPTION**

PROPOSAL NO. 664, 1993. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 664, 1993 on November 29, 1993. This proposal authorizes the lease of space for the Family Advocacy Center located at 233 McCrea Street. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Rhodes moved, seconded by Councillor Short, for adoption. Proposal No. 664, 1993 was adopted on the following roll call vote; viz:

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

*0 NAYS:*

*3 NOT VOTING: Franklin, Ruhmkorff, Schneider*

*1 NOT PRESENT: Beadling*

Proposal No. 664, 1993 was retitled SPECIAL RESOLUTION NO. 92, 1993 and reads as follows:

#### **CITY-COUNTY SPECIAL RESOLUTION NO. 92, 1993**

A SPECIAL RESOLUTION determining that the lease of space is needed for the investigation and prosecution of family violence and other related offices for the Family Advocacy Center located at 233 McCrea Street, Indianapolis, Indiana 46225.

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

SECTION 1. The Marion County Prosecutor's Office desires Marion County to lease space for the Family Advocacy Center and other related offices located at 233 McCrea Street, Indianapolis, Indiana 46225.

SECTION 2. The property is owned by One Jackson Place Associates, General Partners, Robert A. Borns, Sandra S. Borns, and NBD Bank as Trustee of Trust 211251.



SECTION 3. The City-County Council, pursuant to IC 36-1-10-7, has investigated the conditions requiring the need for space and hereby determines that the lease of space for the use of the Family Advocacy Center is necessary.

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

PROPOSAL NO. 450, 1993. Councillors Coughenour and Gilmer reported that the Public Works and Transportation Committees heard Proposal No. 450, 1993 on December 7, 1993. The proposal amends the Revised Code dealing with the organization of the Departments of Public Works and Transportation. By a 4-1-3 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Gilmer stated that City Legal has assured the Public Works and Transportation Committees of the legality of this proposal. Mr. Gilmer called E. Mitchell Roob, Jr., Director of the Department Transportation (DOT), and Michael Stayton, Director of the Department Public Works (DPW), to address the Council's questions.

Councillor Moriarty asked both of the directors if there would be layoffs in DOT and DPW. Mr. Stayton stated that he had affirmed this issue with the union officials involved. He said that the departments are trying to improve the quality of service for the same budgeted funds. He stated that DOT and DPW do not need to reduce the work force in order to become more efficient.

Councillor Moriarty expressed concern about transfers and future pay levels. Mr. Stayton stated that he has addressed three seniority lists with the union officials. One will be the current DOT list; the second will be a Sewer Maintenance seniority list; and the third list will involve the merger of DPW and DOT employees. Mr. Roob said there will be no difference in pay levels with this proposal.

Councillor Black asked about the number of employees in DOT and DPW. Mr. Stayton stated that prior to this proposal there are 811 positions budgeted in DPW for 1994. Mr. Roob stated that DOT has 320 employees.

Councillor Black stated that he understood that this proposal would affect approximately 300 employees. Mr. Roob stated that 233 employees from DOT's Street Maintenance would combine with DPW's 170 Sewer Maintenance employees. DPW will then consist of 403 employees. Forty-eight engineers from DPW's Asset Management Division will transfer and combine with DOT's engineers.

Councillor Black expressed concern about DPW employees losing jobs during this reorganization.

Mr. Roob stated that there will be no jobs lost as a result of Proposal No. 450, 1993 in DPW and DOT. Mr. Roob stated that the employees Councillor Black is referring to work in DPW's Advanced Waste Treatment (AWT), Solid Waste Division and the Environmental Resource Management areas and will not be affected by this proposal.

Councillor Williams stated that in her opinion the DPW employees have not been dealt with properly in terms of seniority during the privatization of the AWT plant nor with respect to this proposal that reorganizes DPW and DOT.



Councillor Coughenour explained that there has been a promise by the City to help AWT employees find jobs at the same salary level. The promise also included keeping jobs and seniority levels at DPW and DOT.

The President stated that he had asked Robert Elrod, General Counsel to the Council, to investigate the dispute between the local chapters of the American Federation of State, County and Municipal Employees (AFSCME). Mr. Elrod stated that he has reviewed documents and correspondence between the City and the union on this matter. The union raised two issues. The first issue deals with whether or not the City will violate any contract with the union in passing this ordinance. The executive branch cannot bind the City-County Council legally in any way to keep it from exercising its authority to reorganize departments. The second issue deals with the respective rights and seniority levels of the union employees. There is an agreement between the City and AFSCME's State Council #62 of Indiana and not with the union's locals who have raised the issues. The administration has agreed to protect the rights and seniority of the employees involved.

The President asked Oliver Webb, representative of AFSCME, to give his opinion of the proposal at this time. Mr. Webb said that negotiating issues between the union, DPW and DOT change everyday. He said that union employees who interviewed for AWT jobs recently were asked to sign a job release form and could not have union representation in the job interviews.

Councillor West moved, seconded by Councillor Coughenour, for adoption.

Proposal No. 450, 1993 was adopted on the following roll call vote; viz:

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

Proposal No. 450, 1993 was retitled GENERAL ORDINANCE NO. 163, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 163, 1993

A GENERAL ORDINANCE amending the sections of the Revised Code dealing with the organization of the Department of Public Works and 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 261 of the Revised Code of the Consolidated City and County, Indiana is hereby amended by inserting the language underlined and deleting the language stricken-through to read as follows:

CHAPTER 261. DEPARTMENT OF PUBLIC WORKS  
ARTICLE I. DEPARTMENT ESTABLISHED

Sec. 261-I. Department established.

[Created]. There is hereby established a department of public works for the consolidated city pursuant to ~~IC 36-3-5-4~~ subject to IC 36-3-4-23.

Sec. 261-2. Duties, powers.

It shall be the duty of department of public works to ensure the environmental safety of the consolidated city in the areas of stormwater and wastewater management, solid waste management, and environmental resources management, to maintain public streets and ways, including snow removal, and to implement the programs and policies, as appropriate, for maintenance operations. The department shall exercise powers granted by this ~~article chapter~~ and any additional powers granted by statute or ordinance or delegated by the mayor. ~~The department of public works shall exercise all powers prescribed by law for it as of August 31, 1983, subject to IC 36-3-4-23.~~

ARTICLE II. ORGANIZATION

Sec. 261-11. Director, duties.

The director of the department of public works shall be appointed by the mayor subject to the approval of the city-county council as required by IC 36-3-5-2 to serve 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.

Sec. 261-12. Duties of director.

The director shall:

- (1) Manage the wastewater management, solid waste management, and environmental resources management divisions within the department, provide policy direction and develop strategic management and capital improvement plans;
- (2) Manage the maintenance operations division and provide policy direction;
- (23) Oversee the daily operation of the department;
- (34) Prepare and submit the department's budget to the fiscal officer as required by IC 36-3-6-4(b)(I);
- (45) Appoint division administrators, assistant division administrators and an executive officer subject to the approval of the mayor as provided in IC 36-3-5-5;
- (56) 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;
- (67) Provide administrative support to the department;
- (78) Delegate to the personnel employed in the department authority to act in the director's behalf as provided in IC 36-3-5-5(c);
- (89) Execute contracts on behalf of the department subject to the powers of the mayor and the board of public works;
- (910) Provide for the management of surplus real property acquired by the city due to nonpayment of taxes or any other reason and for the disposal of such property pursuant to IC 36-1-11; and
- (11) Exercise all powers formerly granted to the director of the department of public works not transferred to the department of capital asset management pursuant to IC 36-3-4-23;
- (4012) Exercise any other powers which may be granted by statute or ordinance or delegated by the mayor.

Sec. 261-13. Divisions.

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

- (1) ~~Stormwater and~~ Wastewater Management Division.
- (2) Solid Waste Management Division.

(3) Environmental Resources Management Division.

(4) Maintenance Operations Division.

Sec. 261-21. Board of public works established.

There is hereby established a board of public works pursuant to ~~IC 36-3-5-6~~ and IC 36-3-4-23.

Sec. 261-22. Members.

The board of public works shall be composed of five (5) members; the department director, who serves as presiding officer of the board; two (2) members appointed by the mayor and two (2) members appointed by the city-county council. Each appointed member shall serve a one-year term and until such member's successor is appointed and qualified, but serves at the pleasure of the appointing authority. In the event of a vacancy prior to the expiration of a term, the appointing authority shall appoint a member for the remainder of the unexpired term.

Sec. 261-23. Meetings.

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

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

Sec. 261-24. Powers.

The board of public works shall have the following powers:

- (1) To review all budgets prepared by the department and recommend to the city-county council any revisions the board feels desirable;
- (2) To hold any hearings to be held following public notice and make findings and determinations required by applicable law;
- (3) To approve the award and amendment of contracts let by the department for the purchase or lease of capital equipment or other property where the contract is required to be bid under IC 36-1-9;
- (4) To approve the award and amendment of public construction contracts let by the department which are required to be bid under IC 36-1-12;
- (5) To approve the acquisition of and leases for real estate by the department;
- (6) To approve the employment of persons engaged by the department by contract to render professional or consulting services;
- (7) To approve the disposal of property by the department as specified in IC 36-1-11;
- (8) To exercise ~~flood control power as described in IC 36-9-29.1, drainage power as described in IC 36-9-27; and~~ waste collection and disposal powers as described in IC 36-9-31;
- ~~(9) To authorize abutments as stated in section 7-2 of the Code of Indianapolis and Marion County, Indiana;~~
- (10) To exercise the powers given to the board in Chapters ~~10 1/2, 17 1/2, 19 and 27~~ 671, Articles I, III, IV and VI, of the Code of Indianapolis and Marion County, Indiana;

(10) To exercise all powers not specifically stated herein formerly granted to the board of public works and not transferred to the board of capital asset management according to IC 36-3-4-23;

(11) To contract with any individual or corporation for supplying the city with gas, water, steam, power, heat or electricity, but any such contract shall be submitted to the city-county council for approval. No such contract shall be for a term of longer than twenty-five (25) years. This power shall not interfere with the exclusive power of the board of transportation to enter into contracts for the lighting of public streets pursuant to Chapter 271;

(12) Any other powers granted by statute or ordinance or delegated by the mayor.

Sec. 261-25. Promulgation of rules and regulations.

(a) Notice of hearing. Before any rule, regulation or standard is adopted by the board of public works as authorized by this Code, it shall use the procedures in this section unless otherwise provided for by state law. The board shall cause a notice to be published in a newspaper of general circulation printed and published in the county at least ten (10) days prior to the date set for a hearing. The notice shall include a statement of the time and place of the hearing, a reference to the subject matter of the proposed rule or regulation and reference to the fact that a copy of the proposed rule or regulation is on file in the office of the department of public works and in the office of the city clerk where it may be examined; however, no rule or regulation shall be invalid because the reference to the subject matter thereof in such notice is inadequate or insufficient.

(b) Filing of proposal. At least five (5) copies of a proposed rule or regulation shall be on file in the office of the department of public works and in the office of the city clerk from the date of publication of the notice required by subsection (a) continuously to the time of the hearing. Any interested persons shall be given an adequate opportunity to examine a copy of the proposed rule or regulation. The city clerk shall furnish to each member of the city-county council a copy of each proposed rule or regulation filed in the office of the city clerk.

(c) Hearing. On the date set for a hearing on a proposed rule or regulation, any interested party shall be afforded an adequate opportunity to participate in the formulation of the proposed rule or regulation through the presentation of facts or arguments or the submission of written data or facts. All relevant matters presented shall be given full consideration by the board of public works. All hearings conducted by the board of public works shall be open to the public. Any person may appear and testify at a hearing, either in person or by a duly authorized representative or attorney.

(d) Publication of adopted rules and regulations and review by the city-county council. At the conclusion of a public hearing held pursuant to this section, the board of public works may adopt such rules and regulations or may provide for the continuation of the hearing as the board may deem appropriate, which further hearing may be held without the requirement of publication notice.

After adoption of such rules and regulation, the secretary of the board shall file a copy of the same with the clerk of the city-county council. The board shall publish a notice once a week for two (2) consecutive weeks after each board meeting at which rules and regulations were adopted, that the board of public works has adopted certain rules and regulations, giving the number of the same and the general title thereof and stating that copies are available for examination in the office of the department of public works and the office of the city clerk. The rules and regulations shall not become effective or enforceable until thirty (30) days after the date upon which the regulations are filed with the clerk. During such thirty (30) day period, the city-county council may further stay, up to a maximum of ninety (90) days, the taking effect of such rules and regulations for review by the city-county council or for legislation by the city-county council within the subject matter of the rules and regulations or may by resolution or ordinance disapprove or reject such rules or regulations, in which latter case the action of the board of public works in adopting such rules and regulations shall be of no effect. After complying with the requirements for publication, and if the city-county council has not stayed the taking effect of such rules and regulations or disapproved or rejected them, such rules and regulations as are adopted by the board shall become effective.

(e) Alteration of existing rules or regulations. In case the board of public works desires to repeal, rescind or amend any rule or regulation, the same procedures shall be followed as are provided in this section for the promulgation of rules or regulations.

(f) Enforcement of rules and regulations promulgated under this section. A violation of any rule or regulation promulgated under this section constitutes a municipal violation. Any person convicted of violating



any rule or regulation promulgated under this section shall be subject to the general penalty provisions contained in section 101-3 of this Code.

ARTICLE III. DIVISIONS

Sec. 261-10I. ~~Stormwater and~~ Wastewater Management Division.

The ~~stormwater and~~ wastewater management division shall:

- (1) Provide for the treatment of ~~Treat~~ wastewater;
- (2) Provide for the design, construction, operation and maintain maintenance of ~~wastewater collection and treatment facilities;~~
- (3) Provide for the billing and collection of sewer service accounts;
- (4) ~~Approve plans and issue permits for sewer construction and connection as required in Chapter 27 of the Code of Indianapolis and Marion County, Indiana;~~
- (5) ~~Provide engineering services to the department;~~
- (6) ~~Be responsible for flood control projects within the flood control district;~~
- (7) ~~Approve, design, construct and maintain drains, ditches, rivers, creeks and other watercourses as provided by law;~~
- (8) ~~Approve, design, construct and maintain levees throughout the flood control district as provided by law;~~
- (9) ~~Maintain Eagle Creek Dam and regulate the water level of the Eagle Creek Reservoir;~~
- (10) ~~Approve plans and issue permits as provided in Chapter 10 1/2 of the Code of Indianapolis and Marion County, Indiana;~~
- (11) ~~Design, construct, operate and maintain the stormwater collection system except as provided by law;~~
- (12) ~~Measure wastewater flows in sewers and locate sources of clear water entering sanitary sewers; and~~
- (134) Exercise any other powers which may be granted by statute or ordinance or delegated by the mayor.

Sec. 261-20I. Solid Waste Management Division.

The solid waste management division shall:

- (1) Provide for collection and disposal of residential solid waste in the Solid Waste Collection and Disposal Service Districts;
- (2) Ticket, tow and dispose of abandoned vehicles in the consolidated city, except to the extent the department of public safety disposes of vehicles impounded and stored by the Indianapolis Police Department and subject to disposal as abandoned vehicles pursuant to Chapter 29 of the Code of Indianapolis and Marion County, Indiana;
- (3) Facilitate solid waste reduction programs;
- (4) Be responsible for weed abatement on public and private property within the consolidated city other than that for which the township trustee is responsible;
- (5) Facilitate ordinance enforcement related to solid waste management;
- (6) Provide for disposal of dead animal bodies and body parts as provided for in Chapter 6 of the Code of Indianapolis and Marion County;
- (7) Be responsible for solid waste management activities as provided by law; and

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

Sec. 261-301. Environmental Resources Management Division.

The environmental resources management division shall:

- (1) Provide management and support to the department in the areas of environmental policy and planning for air, water and land pollution control;
- (2) Perform pollution control programs and services to improve the environmental quality in the consolidated city with regard to groundwater, surface water and hazardous waste;
- (3) Approve plans and issue permits for, and otherwise monitor and regulate, industrial, commercial, and any other non-domestic discharges into the sewer system, as described in Chapter 27 of the Code of Indianapolis and Marion County, Indiana;
- (4) Monitor and regulate septage hauling;
- (5) Respond to hazardous waste spills and other emergencies which threaten contamination of sewers, groundwater, or surface water;
- (6) Provide engineering and technical services to other divisions as necessary;
- (7) Carry out strategies to achieve and maintain acceptable air purity in the county as provided in Chapter 4 of the Code of Indianapolis and Marion County, Indiana;
- (8) Provide training and safety, including but not limited to hazardous material safety and operational training and safety; and
- (9) Exercise any other powers which may be granted by statute or ordinance or delegated by the mayor.

Sec. 261-401 Maintenance Operations Division. The operations division shall:

- (1) Maintain drains, ditches, rivers, creeks and other watercourses as provided by law;
- (2) Maintain levees throughout the flood control district as provided by law;
- (3) Maintain Eagle Creek Dam and regulate the water level of the Eagle Creek Reservoir;
- (4) Maintain the stormwater and wastewater collection systems as provided by law;
- (5) Implement and manage department infrastructure maintenance projects, including maintenance of streets and traffic control devices and snow removal;
- (6) Develop, implement and manage department reactive service and emergency programs;
- (7) Exercise any other powers which may be granted by statute or ordinance or delegated by the mayor; and
- (8) Develop public works maintenance improvement plans and implement and manage other maintenance services as may be agreed with other departments.

SECTION 2. Chapter 271 of the Revised Code of the Consolidated City and County, Indiana is hereby amended by inserting the language underlined and deleting the language stricken-through to read as follows:

CHAPTER 271. DEPARTMENT OF CAPITAL ASSET MANAGEMENT ~~TRANSPORTATION~~  
ARTICLE I. DEPARTMENT ESTABLISHED

Sec. 271-1. Department established.

There is hereby established a department of capital asset management ~~transportation~~ for the consolidated city pursuant to ~~IC 36-3-5-4, subject to IC 36-3-4-23.~~

Sec. 271-2. Duties, powers.

It shall be the responsibility of the department of ~~capital asset management transportation~~ to plan, ~~budget, design, finance, and construct, maintain and operate~~ roads, streets, bridges and other public ways, ~~sanitary and stormwater systems, drains, levees, flood control projects and other public infrastructure~~; plan mass transportation systems, ~~develop preventive maintenance criteria and grant and withhold permits or other rights for the use of transportation rights-of-way or for connection with the stormwater or wastewater systems~~ within the consolidated city. ~~The department shall exercise powers granted by this article and any additional powers granted by statute or ordinance or delegated by the mayor. The department shall have all powers and duties prescribed by law for it as of August 31, 1983, subject to IC 36-3-4-23, conferred by IC 36-9-6.5, or other Statutes or ordinances or delegated by the mayor.~~

Sec. 271-3. Office of quality control.

(a) The office of quality control shall be a separate and independent office reporting directly to the director.

(b) The office of quality control shall provide support to both the department of public works and the department of capital asset management as follows:

- (1) Establish quality and compliance standards for all work done either by the department, other governmental entities, utilities, or by private contractors either in or upon the right-of-way.
- (2) Oversee department quality control programs, including programs for inspections for compliance with standards and specifications for materials and workmanship on all new street construction, reconstruction, resurfacing, and curb and sidewalk programs, programs for placement and operation of traffic control devices, signs, signals, pavement markings, and symbols.
- (3) Develop, implement and enforce, as authorized, the standards and specifications governing excavations in the public right-of-way.
- (4) Implement all programs related to requirements for ensuring compliance with departmental standards for construction, maintenance, repair, and all other work performed by the department, other governmental entities, utilities, or private contractors, in or upon the right-of-way.
- (5) Inspect all work performed in or upon the right-of-way, either by the department, other governmental entities, utilities or private contractors, noting noncompliance with departmental standards, and making recommendations to ensure compliance with such standards.
- (6) Implement programs designed to ensure compliance with departmental standards and specifications by the department, other governmental entities, utilities, and private contractors.

Secs. 271-4 - 271-10. Reserved.

ARTICLE II. ORGANIZATION

Sec. 271-11. Director.

The director of the department of ~~capital asset management transportation~~ shall be appointed by the mayor subject to the approval of the city-county council as required by IC 36-3-5-2 to serve 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.

Sec. 271-12. Power and duties.

The director of the department of ~~transportation~~ capital asset management shall:

- (1) Manage the divisions within the department, provide policy direction, develop strategic management and develop capital improvement plans;
- (2) Establish capital improvement plans;
- (3) Coordinate funding and resource levels for all public infrastructure;

- (24) Oversee the daily operations of the department;
- (35) Prepare and submit the department's budget to the city controller as required by IC 36-3-5-5;
- (46) Appoint division administrators subject to the approval of the mayor as provided in IC 36-3-5-5;
- (57) Approve the hiring and dismissal of the personnel of the department subject to the limitations prescribed by the law and rules adopted by the mayor as provided in IC 36-3-5-5(c);
- (68) Provide administrative support to the department;
- (79) Delegate to the personnel employed in the department authority to act on behalf of the director as provided in IC 36-3-5-5(c);
- (810) Execute contracts subject to the authority of the transportation board, the mayor, and any other limitations prescribed by law;
- (911) Approve or disapprove disbursement of funds subject to limitations prescribed by law; and
- (12) Exercise all powers formerly granted to the director of the department of transportation not transferred to the department of public works pursuant to IC 36-3-4-23.
- (1013) Exercise any other powers which may be conferred by statute or ordinance or delegated by the mayor.

Sec. 271-13. Divisions.

The department of ~~transportation~~ capital asset management shall be composed of the following divisions:

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

Secs. 271-14 - 271-20. Reserved.

Sec. 271-21. Board of capital asset management ~~transportation~~ established.

There is hereby established a board of capital asset management ~~transportation~~ pursuant to IC 36-3-4-23.

Sec. 271-22. Members.

The board of capital asset management shall be composed of five (5) members; the department director, who serves as presiding officer of the board, two (2) members appointed by the mayor and two (2) members appointed by the city-county council. Each appointed member shall serve a one-year term and until his successor is appointed and qualified but serves at the pleasure of the appointing authority. In the event of a vacancy prior to the expiration of a term, the appointing authority shall appoint a member for the remainder of the unexpired term.

Sec. 271-23. Meetings.

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



Sec. 271-24. Board action.

A majority of all members of the board constitutes a quorum. A majority vote of all board members is required to pass a resolution.

Sec. 271-25. Powers.

The capital asset management ~~transportation~~ board shall:

- (1) Review all budgets of the metropolitan thoroughfare district and the department prepared for or proposed by the department and shall recommend to the city-county council any revisions or adjustments as the board deems desirable.
- (2) Hold any hearings to be held following public notice and make such findings and determinations required by applicable law to be made after such hearing, including but not limited to the issuance of special taxing district bonds.
- (3) Approve the award and amendment of contracts by the department for the purchase or lease of capital equipment, supplies, materials, services, or other property where the contract is required to be bid under IC 36-I-9.
- (4) Approve the award and amendment of public construction contracts required to be bid under IC 36-I-12.
- (5) Approve the acquisition of and leases for real estate.
- (6) Approve the disposal of property by department as specified in IC 36-I-11.
- (67) Approve the employment of persons engaged by contract to render professional or consulting services.
- (78) Accept streets and roads into the public road system after dedication pursuant to the procedure set forth in chapter 28 of the 1975 Code of Indianapolis and Marion County.
- (89) Hold hearings on appeal from denial of permits or waivers under the jurisdiction of the department of ~~transportation~~ capital asset management.
- (910) Exercise the powers of the ~~works~~ Board of public works in IC 36-9-18, IC 36-9-19, and IC 36-9-20, IC 36-9-21, IC 36-9-22, IC 36-9-37, IC 36-9-38 and IC 36-9-39, ~~insofar as these powers apply to sidewalks, curbs, streets, alleys, other paved public places, parking facilities, lighting and electric signals.~~
- (4011) Exercise all powers granted to the transportation board by IC 36-9-6.5 and IC 36-9-11.1.
- (4112) Contract with any individual or corporation for providing streetlights, maintenance for streetlights and lighting for streets, alleys or public places, but any such contract shall be submitted to the city-county council for approval. No such contract shall be for a term of longer than twenty-five years.
- (4213) To enter into a franchise, grant or contract authorizing a telephone, telegraph, electric light, gas, water, steam, railroad, or interurban company or any other person or corporation to erect and use structures in streets, alleys or other public places in the city. Any such franchise, grant, or contract is subject to conditions imposed by chapter 31 of the 1975 Code. This power shall not be construed in any way to interfere with the exclusive power of the cable franchise board established in section 8 I/2-40 of the 1975 Code of Indianapolis and Marion County or the power of the board of public works pursuant to IC 36-9-31.
- (13) ~~Exercise any additional powers conferred by statute, established by ordinance or delegated by the mayor.~~
- (14) Exercise flood control power as described in IC 36-9-29.1, and drainage power as described in IC 36-9-27.
- (15) Exercise all powers not specifically stated herein formerly granted to the board of transportation and not transferred to the board of public works pursuant to IC 36-3-4-23.

- (16) Exercise the powers given to the board of public works or transportation in Chapters 7, 10½, 28, 29 (except Article 4, Division 3), 31, and 671, Articles 2 and 5.

Sec. 271-31. Promulgation of rules and regulations.

(a) Notice of hearing. Before any rule, regulation or standard is adopted by the boards of capital asset management as authorized by this Code, it shall use the procedures in this section unless otherwise provided for by state law. The appropriate board shall cause a notice to be published in a newspaper of general circulation printed and published in the county at least ten (10) days prior to the date set for a hearing. The notice shall include a statement of the time and place of the hearing, a reference to the subject matter of the proposed rule or regulation and reference to the fact that a copy of the proposed rule or regulation is on file in the office of the department of capital asset management and in the office of the city clerk where it may be examined; however, no rule or regulation shall be invalid because the reference to the subject matter thereof in such notice is inadequate or insufficient.

(b) Filing of proposal. At least five (5) copies of a proposed rule or regulation shall be on file in the office of the department of capital asset management and in the office of the city clerk from the date of publication of the notice required by subsection (a) continuously to the time of the hearing. Any interested persons shall be given an adequate opportunity to examine a copy of the proposed rule or regulations. The city clerk shall furnish to each member of the city-county council a copy of each proposed rule or regulation filed in the office of the city clerk.

(c) Hearing. On the date set for a hearing on a proposed rule or regulation, any interested party shall be afforded an adequate opportunity to participate in the formulation of the proposed rule or regulation through the presentation of facts or arguments or the submission of written data or facts. All relevant matters presented shall be given full consideration by the appropriate board of capital asset management. All hearings conducted by such board of capital asset management shall be open to the public. Any person may appear and testify at a hearing, either in person or by a duly authorized representative or attorney.

(d) Publication of adopted rules and regulations and review by the city-county council. At the conclusion of a public hearing held pursuant to this section, the above board of capital asset management may adopt such rules and regulations or may provide for the continuation of the hearing as the board may deem appropriate, which further hearing may be held without the requirement of publication notice.

After adoption of such rules and regulations, the secretary of the board shall file a copy of the same with the clerk of the city-county council. The above board shall publish a notice once a week for two (2) consecutive weeks after each board meeting at which rules and regulations were adopted, that the above board of capital asset management has adopted certain rules and regulations, giving the number of the same and the general title thereof and stating that copies are available for examination in the office of the department of capital asset management and the office of the city clerk. The rules and regulations shall not become effective or enforceable until thirty (30) days after the date upon which the regulations are filed with the clerk. During such thirty (30) days period, the city-county council may further stay, up to a maximum of ninety (90) days, the taking effect of such rules and regulations for review by the city-county council or for legislation by the city-county council within the subject matter of the rules and regulations or may by resolution or ordinance disapprove or reject such rules or regulations, in which latter case the action of the above board of capital asset management in adopting such rules and regulations shall be of no effect. After complying with the requirements for publication, and if the city-county council has not stayed the taking effect of such rules and regulations or disapproved or rejected them, such rules and regulations as are adopted by the above board shall become effective.

(e) Alteration of existing rules or regulations. In case the appropriate board of capital asset management desires to repeal, rescind or amend any rule or regulation, the same procedures shall be followed as are provided in this section for the promulgation of rules or regulations.

(f) Enforcement of rules and regulations promulgated under this section. A violation of any rule or regulation promulgated under this section constitutes a municipal violation. Any person convicted of violating any rule or regulation promulgated under this section shall be subject to the general penalty provisions contained in section 101-3 of this Code.

ARTICLE III. DIVISIONS

Sec. 271-101. ~~Asset Facilities M~~management division.

The ~~asset Facilities M~~management division shall:

- (1) Develop, ~~and implement and manage an asset facilities~~ management plan for capital improvements, stormwater and flood control, sanitary and wastewater, street, bridge, sidewalk and other public right-of-way resurfacing and maintenance projects;
- (2) Develop, implement and manage a program for the planning, design, engineering, ~~and land acquisition, construction, and maintenance of all public infrastructure department~~ projects;
- (3) Develop, implement and manage a project funding program;
- (4) Develop, implement and manage an asset inventory system;
- (5) Develop, implement and manage a program for the provision of streetlighting; ~~and~~
- (6) Establish priorities with the maintenance operations division of the department of public works. Issue permits involving the use of the public right-of-way;
- (7) Approve plans and issue permits involving the use of the public right-of-way; for sewer construction and connection as required in chapter 671 of the Code of Indianapolis and Marion County, Indiana; and as provided in chapter 10½ of the Code of Indianapolis and Marion County;
- (78) Provide for the efficient and safe movement of pedestrian and vehicular traffic within the public rights-of-way; and
- (9) Implement and manage contractual services for department;
- (810) Exercise any other powers which may be granted by statute or ordinance or delegated by the mayor.

Sec. 271-201. ~~Operations division~~ Strategic planning division.

The ~~operations~~ division shall:

- ~~(1) Develop, implement and manage department pavement, bridge, drainage and right-of-way maintenance programs.~~
- ~~(2) Develop, implement and manage department reactive service programs for snow removal, street cave-ins and other emergencies.~~
- ~~(3) Develop, implement and manage department signal maintenance, sign manufacturing and installation, pavement marking programs.~~
- ~~(4) Develop, implement and manage contractual maintenance services for drainage, asphalt, concrete and signal repair.~~
- ~~(5) Exercise any other powers which may be granted by statute or ordinance or delegated by the mayor.~~

The strategic planning division shall develop, implement and manage strategic planning services for all public infrastructure in the following areas:

- (1) Finance;
- (2) Setting Priorities;
- (3) Risk assessment and management; and
- (4) Master planning.

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) 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.

ARTICLE IV. ORDINANCE VIOLATIONS BUREAU

Sec. 271-521. Ordinance Violations Bureau.

An ordinance violations bureau is established within the Parking Management Division of the Department of ~~Transportation~~ Capital Asset Management for purposes authorized by Chapter 3 of Article 6 of Title 33 of the Indiana Code (IC 33-6-3).

Sec. 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 Director of the Department of ~~Transportation~~ Capital Asset Management.

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

### SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 675, 1993. Councillor Giffin reported that the Economic Development Committee heard Proposal No. 675, 1993 on December 8, 1993. The proposal amends S.R 72, 1990, as amended, by extending the expiration date on the Inducement Resolution for Homeward Partners, Inc. through February 28, 1994. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Giffin moved, seconded by Councillor Ruhmkorff, for adoption. Proposal No. 675, 1993 was adopted on the following roll call vote; viz:

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

Proposal No. 675, 1993 was retitled SPECIAL RESOLUTION NO. 93, 1993 and reads as follows:

#### CITY-COUNTY SPECIAL RESOLUTION NO. 93, 1993

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

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

WHEREAS, City-County Special Resolution No. 72, 1990, as amended, (the "Inducement Resolution") has been previously adopted by the City-County Council of the City of Indianapolis and Marion County, Indiana concerning certain proposed economic development facilities to be developed by Homeward Partners, Inc. (the "Company") which Inducement Resolution set an expiration date of December 31, 1993 unless the economic development revenue bonds for the Project (as defined in the Inducement Resolution) had been issued prior to the aforesaid date or unless, upon a showing of good cause by the Company, the City, by official action, extends the terms of the Inducement Resolution; and

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

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

SECTION 1. The City-County Council finds, determined, ratifies and confirms that the Inducement Resolution is hereby amended by deleting the expiration date of December 31, 1993, contained therein and replacing said date with the date of February 28, 1994.

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

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

PROPOSAL NO. 676, 1993. Councillor Giffin reported that the Economic Development Committee heard Proposal No. 676, 1993 on December 8, 1993. The proposal amends S.R. 84, 1990, as amended, by extending the expiration date on the Inducement Resolution for Meadows Revival, Inc. through June 30, 1994. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Giffin moved, seconded by Councillor Smith, for adoption. Proposal No. 676, 1993 was adopted on the following roll call vote; viz:

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

0 NAYS:

3 NOT VOTING: Boyd, Shambaugh, West

1 NOT PRESENT: Beadling

Proposal No. 676, 1993 was retitled SPECIAL RESOLUTION NO. 94, 1993 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 94, 1993

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

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

WHEREAS, City-County Special Resolution No. 84, 1990, as amended, (the "Inducement Resolution") has been previously adopted by the City-County Council of the City of Indianapolis and Marion County, Indiana concerning certain proposed economic development facilities to be developed by Meadows Revival, Inc. (the "Company") which Inducement Resolution set an expiration date of December 31, 1993 unless the economic development revenue bonds for the Project (as defined in the Inducement Resolution) had been issued prior to the aforesaid date or unless, upon a showing of good cause by the Company, the City, by official action, extends the terms of the Inducement Resolution; and

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

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

SECTION 1. The City-County Council finds, determined, ratifies and confirms that the Inducement Resolution is hereby amended by deleting the expiration date of December 31, 1993, contained therein and replacing said date with the date of June 30, 1994.

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

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

PROPOSAL NO. 677, 1993. Councillor Giffin reported that the Economic Development Committee heard Proposal No. 677, 1993 on December 8, 1993. The proposal amends S.R. 39, 1992, as amended, by extending the expiration date on the Inducement Resolution for

Herff Jones, Inc. through June 30, 1994. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Giffin moved, seconded by Councillor Ruhmkorff, for adoption. Proposal No. 677, 1993 was adopted on the following roll call vote; viz:

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

*0 NAYS:*

*3 NOT VOTING: Boyd, Shambaugh, West*

*1 NOT PRESENT: Beadling*

Proposal No. 677, 1993 was retitled SPECIAL RESOLUTION NO. 95, 1993 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 95, 1993

A SPECIAL RESOLUTION amending City-County Special Resolution No. 39, 1992, as amended, and approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

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

WHEREAS, City-County Special Resolution No. 39, 1992, as amended, (the "Inducement Resolution") has been previously adopted by the City-County Council of the City of Indianapolis and Marion County, Indiana concerning certain proposed economic development facilities to be developed by Herff Jones, Inc. (the "Company") which Inducement Resolution set an expiration date of December 31, 1993 unless the economic development revenue bonds for the Project (as defined in the Inducement Resolution) had been issued prior to the aforesaid date or unless, upon a showing of good cause by the Company, the City, by official action, extends the terms of the Inducement Resolution; and

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

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

SECTION 1. The City-County Council finds, determined, ratifies and confirms that the Inducement Resolution is hereby amended by deleting the expiration date of December 31, 1993, contained therein and replacing said date with the date of June 30, 1994.

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

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-I4.

PROPOSAL NO. 678, 1993. Councillor Giffin reported that the Economic Development Committee heard Proposal No. 678, 1993 on December 8, 1993. The proposal approves the issuance of City of Indianapolis, Indiana Adjustable Rate Economic Development Revenue Refunding Bonds, Series 1993 (Calderon Development Company Project) in an aggregate principal amount not to exceed \$1,250,000. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Ruhmkorff



moved, seconded by Councillor Smith, for adoption. Proposal No. 678, 1993 was adopted on the following roll call vote; viz:

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

*0 NAYS:*

*2 NOT VOTING: Giffin, West*

*1 NOT PRESENT: Beadling*

Councillor Giffin abstained from voting due to a conflict of interest.

Proposal No. 678, 1993 was retitled SPECIAL ORDINANCE NO. 15, 1993 and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 15, 1993

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Adjustable Rate Economic Development Revenue Refunding Bonds, Series 1993 (Calderon Development Company Project)" in an aggregate principal amount not to exceed \$1,250,000 and approving and authorizing other actions in respect thereto.

WHEREAS, the City of Indianapolis, Indiana (the "Issuer"), an Indiana political subdivision, is authorized by the provisions of the Constitution and laws of the State of Indiana, including, without limitation, Title 36, Article 7, Chapters 11.9 and 12 and Title 5, Article 1, Chapter 5 of the Indiana Code, as amended (collectively, the "Act"), to provide for the financing and refinancing of "economic development facilities," as defined in the Act, for the purposes set forth in the Act by issuing revenue bonds and lending the proceeds thereof to a corporation, partnership or individual for such purposes; and

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

WHEREAS, a representative of Calderon Development Company (the "Company"), has requested the Issuer to issue its economic development revenue refunding bonds to provide refinancing for an "economic development facility," as defined in the Act, which economic development facility was previously financed by the Issuer for the benefit of the Company with the proceeds of the Issuer's Economic Development Refunding Revenue Bonds, Series 1989 (Calderon Development Company Project) (the "Prior Bonds"), which Prior Bonds were issued to currently refund the Issuer's Economic Development Revenue Bonds, Series 1986 (Calderon Development Company Project) (the "Original Bonds"), and the Issuer is authorized by the Act to refund its Prior Bonds and provide refinancing for such "economic development facility"; and

WHEREAS, the Issuer, prior to the issuance of the Original Bonds, adopted its Special Resolution, preliminarily approving the Project and evidencing the Issuer's intent to issue its economic development revenue bonds in order to provide financing for the Project; and

WHEREAS, the Issuer, on August 18, 1986, issued the Original Bonds to provide financing for certain economic development facilities containing approximately 73,400 square feet of space which is used by Calderon Bros. Vending Machines, Inc. in its vending machine business (the "Project"), located in the 9700 block of East 30th Street in the City of Indianapolis, Indiana, constituting an "economic development facility" within the meaning of the Act; and

WHEREAS, the Issuer, on February 28, 1989, issued the Prior Bonds to provide refinancing of the Original Bonds; and

WHEREAS, the refinancing of the Project will comply with the purposes and provisions of the Act, and constitute the refinancing of an "economic development facility" within the meaning of the Act; and

WHEREAS, it is proposed to pay the cost of refinancing the Project through the issuance of economic development revenue refunding bonds of the Issuer pursuant to the provisions of the Act; and



WHEREAS, the Issuer, through its Economic Development Commission (the "Commission"), has held a public hearing on December 8, 1993 on the question of the refinancing of the Project in compliance with the requirements of the Section 147(f) of the Internal Revenue Code of 1986, as amended, and has determined to refinance the Project through the issuance of its economic development revenue refunding bonds pursuant to the provisions of the Act; and

WHEREAS, on December 8, 1993, the Commission adopted a Resolution, which Resolution has been previously transmitted hereto, finding that the refunding and refinancing complies with the purposes and provisions of the Act, that such refunding and refinancing will be of benefit to the health and general welfare of the Issuer and its citizens and recommending the issuance of the Bonds (as hereinafter defined) by the Issuer; and

WHEREAS, in order to refinance the Project, the Issuer now proposes to issue its Adjustable Rate Economic Development Revenue Refunding Bonds, Series 1993 (Calderon Development Company Project) (the "Bonds") in aggregate principal amount not to exceed \$1,250,000 as authorized and permitted by the Act and as hereinafter provided; and

WHEREAS, the proceeds of the Bonds will be loaned by the Issuer to the Company pursuant to a Loan Agreement, dated as of December 1, 1993 (the "Loan Agreement"), among the Issuer and the Company, in order to carry out said purposes; and

WHEREAS, pursuant to a Trust Indenture, dated as of December 1, 1993 (the "Indenture"), among the Issuer, PNC Bank, Ohio, National Association, as trustee and Fort Wayne National Bank, as co-trustee (collectively, the "Co-Trustees"), the Issuer will assign to the Co-Trustees the Issuer's right, title and interest in, under and to the Loan Agreement (except for certain rights of the Issuer to be reimbursed and indemnified by the Company, and to receive notices) as security for the payment of the Bonds; and

WHEREAS, pursuant to a Bond Placement Agreement, dated as of December 16, 1993 (the "Bond Placement Agreement") among the Issuer, the Company and Bank One, Columbus, NA (the "Placement Agent"), the Placement Agent will undertake to effect an offering of the Bonds and, pursuant to a Remarketing Agreement, dated as of December 1, 1993, between the Placement Agent and the Company, to remarket Bonds tendered for purchase under certain circumstances; and

WHEREAS, the Issuer, Company, Bank One, Indianapolis NA, as provider of a letter of credit and Peoples Bank & Trust Company, as Escrow Trustee will enter into an Escrow Agreement dated as of December 1, 1993 (the "Escrow Agreement"); and

WHEREAS, the Commission has approved the substantially final forms of the Indenture, Loan Agreement, Bond Placement Agreement, Escrow Agreement and the form of the Bonds (hereinafter referred to collectively as the "Financing Documents") by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; and

WHEREAS, in compliance with Indiana Code Title 36, Article 1, Chapter 5, Section 4, two (2) copies of the Financing Documents are on file in the office of the Clerk of the City-County Council (the "Clerk") for public inspection and the forms of the Financing Documents have been presented to this meeting; now, therefore:

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

SECTION 1. The refinancing of the Project through the issuance and sale of the Bonds, as hereinafter provided, is hereby authorized and approved, and is found and determined to be in compliance with the purposes and provisions of the Act and will be of benefit to the health or general welfare of the Issuer and its citizens.

SECTION 2. In order to provide funds to refinance the Project, there are hereby authorized to be issued by the Issuer economic development revenue refunding bonds of the Issuer in the aggregate principal amount not to exceed \$1,250,000, which economic development revenue refunding bonds shall be designated "City of Indianapolis, Indiana Adjustable Rate Economic Development Revenue Refunding Bonds, Series 1993 (Calderon Development Company Project)." The Bonds shall be issued in fully registered form and in such denominations, shall be dated as of such dates, shall bear interest from their dates on the unpaid principal amount thereof at such rates per annum, shall mature on such dates and in such principal amounts, and shall be subject to purchase on such terms as are set forth in the form of Indenture presented to this meeting. The Bonds shall be subject to redemption prior to maturity at the times, under the circumstances, in the manner, at the

prices, in the amounts and with the effect set forth in the form of Indenture presented to this meeting. The Bonds shall be executed in the name of the Issuer by the manual or facsimile signature of the Mayor, shall be attested by the manual or facsimile signature of the Clerk, shall have the corporate seal of the Issuer impressed or reproduced thereon, shall be authenticated by the endorsement thereon of the Trustee or any tender agent (the "Tender Agent") appointed pursuant to the provisions of the Indenture, and on original issuance shall be delivered by the Trustee to the Placement Agent as agent for the original purchasers thereof. Temporary Bonds may be delivered pending preparation of definitive Bonds. The Bonds shall be issued in compliance with and under authority of the provisions of the Act, this Special Ordinance and the Indenture.

SECTION 3. The Bonds and the interest thereon shall be limited obligations of the Issuer, payable solely and only from the revenues and receipts derived by the Issuer pursuant to the Loan Agreement and as otherwise provided in the Financing Documents, and shall be otherwise secured as provided in the Financing Documents. The Bonds shall not in any respect be a general obligation of the Issuer, nor shall they be payable in any manner from funds of the Issuer raised by taxation. The Bonds shall state that they have been issued under the provisions of the Act, and that they do not constitute an indebtedness of the Issuer or a loan of credit thereof within the meaning of any constitutional or statutory provision. The principal of the Bonds shall be payable at the principal corporate trust office of the Trustee, and at such other offices as may be chosen pursuant to the Indenture. The Bonds shall be payable in any medium which is then legal tender for all debts public and private. Nothing in this Special Ordinance, the Financing Documents or in any document or agreement required hereby and thereby, shall be construed as an obligation or commitment by the Issuer to expend any of its funds other than (i) the proceeds derived from the sale of the Bonds, (ii) the revenues and receipts derived from the Loan Agreement, and (iii) any moneys arising out of the investment or reinvestment of said proceeds, income, revenues, receipts or moneys.

SECTION 4. Rule 15c2-12 (b) (1) of the Securities Exchange Act of 1934, as amended (the "SEC Rule"), provides that, prior to the time a participating underwriter bids for, purchases, offers or sells municipal securities, the participating underwriter shall obtain and review an official statement that an issuer of such securities deems a "near final" official statement. The Preliminary Offering Memorandum is hereby deemed final as of its date, except for the omission of no more than the following information: the offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, ratings and other terms of the securities depending on such matters. The Mayor, the Clerk or any other officer of the Issuer familiar with the matters with respect to the Issuer set forth in the Preliminary Offering Memorandum is hereby authorized to certify to the Placement Agent that the information in the Preliminary Offering Memorandum with respect to the Issuer is deemed to be final within the meaning of the SEC Rule prior to the distribution of the Preliminary Offering Memorandum. The use of an Offering Memorandum in substantially the same form as the Preliminary Offering Memorandum approved herein is approved for use and distribution by the Placement Agent and its agents in connection with the marketing of the Bonds.

SECTION 5. The form, terms and provisions of the Financing Documents presented to this meeting are in all respects approved and all such documents shall be inserted in the minutes of the City-County Council and kept on file by the Clerk or City Controller. The Mayor and Clerk of the Issuer are hereby authorized, empowered and directed to execute, acknowledge and deliver the Financing Documents, with or without an impression of the official seal of the Issuer as required thereby. The sale of the Bonds to the purchasers designated by the Placement Agent at a price of 100% of the aggregate principal amount thereof plus accrued interest, if any, and at a stated per annum rate of interest as set forth in the Financing Documents is hereby approved. The Financing Documents, as so executed and delivered, shall be in substantially the forms now before this meeting and hereby approved, with only such changes therein as shall be approved by the officers of the Issuer executing the same, their execution thereof to constitute conclusive evidence of their approval and the approval of this City-County Council of any and all changes or revisions therein from the forms thereof now before this meeting provided that such changes do not affect terms set forth in this Special Ordinance and the Financing Documents pursuant to Indiana Code 36-7-12-27(a)(1) through (a)(10); and from and after the execution and delivery of the Financing Documents, the Mayor and the Clerk of the Issuer are hereby authorized, empowered and directed to do all such acts and things, and to execute all documents (including any certifications, financing statements, assignments and other instruments), as may be necessary, in the opinion of counsel to the Issuer, to carry out and comply with the provisions of the Financing Documents as executed, and in any other documents and instruments required to effectuate any portion of the financing transaction and to carry out and comply with the purposes of the Act and this Special Ordinance. If any of the officers of the Issuer who shall have signed or sealed any of the Bonds shall cease to be such officers of the Issuer before the Bonds so signed and sealed shall have been authenticated by the Trustee or the Tender Agent, or delivered by or on behalf of the Issuer, such Bonds, nevertheless, may be authenticated and delivered with the same force and effect as though the person or persons who signed or sealed the same had not ceased to be such officer or officers of the Issuer; and also any such Bonds may be signed and sealed on behalf of the Issuer by those persons who, at the actual date of the

execution of such Bonds, shall be the proper officers to the Issuer, although at the nominal date of such Bonds any such person shall not have been such an officer of the Issuer.

SECTION 6. The provisions of this Special Ordinance are hereby declared to be separable, and if any section, phrase or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereof.

SECTION 7. All ordinances, resolutions and orders, and parts thereof, in conflict herewith are, to the extent of such conflict, hereby repealed. The provisions of this Special Ordinance and the Financing Documents shall constitute a contract binding between the Issuer and the holder or holders of the Bonds and after the issuance of said Bonds this Special Ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder or holders so long as said Bonds or the interest thereon remains unpaid. This Special Ordinance shall take effect and be in full force upon its adoption and compliance with Title 36, Article 3, Chapter 4, Section 14 of the Indiana Code.

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

PROPOSAL NO. 679, 1993. Councillor Giffin reported that the Economic Development Committee heard Proposal No. 679, 1993 on December 8, 1993. The proposal approves the issuance of City of Indianapolis, Indiana Economic Development Revenue Bonds, Series 1993A (The Meadows Section 8 Assisted Project) in the aggregate principal amount not to exceed \$3,900,000 and City of Indianapolis, Indiana Taxable Economic Development Revenue Bonds, Series 1993B (The Meadows Section 8 Assisted Project), in the aggregate principal amount not to exceed \$100,000. By a 5-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Ruhmkorff moved, seconded by Councillor Short, for adoption. Proposal No. 679, 1993 was adopted on the following roll call vote; viz:

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

*0 NAYS:*

*2 NOT VOTING: Giffin, West*

*1 NOT PRESENT: Beadling*

Councillor Giffin abstained from voting due to a conflict of interest.

Proposal No. 679, 1993 was retitled SPECIAL ORDINANCE NO. 16, 1993 and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 16, 1993

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its Economic Development Revenue Bonds, Series 1993A (The Meadows Section 8 Assisted Project) and Taxable Economic Development Revenue Bonds, Series 1993B (The Meadows Section 8 Assisted Project) in the total aggregate principal amount not to exceed \$4,000,000 (collectively, the "Bonds"), and approving and authorizing other actions in respect thereto.

WHEREAS, Indiana Code Title 36, Article 7, Chapters 11.9 and 12 (collectively, the "Act") declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

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

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



WHEREAS, a representative of Quinn I, Ltd., an Indiana limited partnership (the "Company") has requested that the City of Indianapolis, Indiana (the "Issuer") issue bonds and lend the proceeds thereof to the Company in order to enable the Company to acquire and renovate the existing 330 unit multifamily residential rental project known as The Meadows Apartments located at 4006 Meadows Drive, Indianapolis, Indiana on approximately 10.31 acres of land; the acquisition of machinery, equipment and furnishings for use in the facility; and the acquisition, renovation, construction and installation of various site improvements at the facility (the "Project"); and

WHEREAS, the Indianapolis Economic Development Commission has rendered a report of the Indianapolis Economic Development Commission concerning the proposed financing of economic development facilities for the Company and the Metropolitan Development Commission of Marion County has commented thereon; and

WHEREAS, pursuant to and in accordance with the Act, the Issuer desires to provide funds to finance the acquisition and renovation of the Project by issuing its Economic Development Revenue Bonds, Series 1993A (The Meadows Section 8 Assisted Project) and Taxable Economic Development Revenue Bonds, Series 1993B (The Meadows Section 8 Assisted Project), in the total aggregate principal amount not to exceed \$4,000,000 (collectively, the "Bonds"); and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on December 8, 1993 pursuant to Indiana Code Title 36, Article 7, Chapter 12, Section 24 and Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the financing of the Project which will be initially owned by the Company complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of the Issuer and its citizens; and

WHEREAS, the Issuer intends to issue the Bonds pursuant to a Trust Indenture (the "Indenture") dated as of December 1, 1993 by and between the Issuer, and The Fifth Third Bank of Central Indiana (the "Trustee") in order to obtain funds to lend to the Company pursuant to a Financing Agreement (the "Financing Agreement") dated as of December 1, 1993, between the Issuer and the Company for the purpose of financing or providing reimbursement for the cost of the Project and to pay a portion of the costs of issuance of the Bonds; and

WHEREAS, the Financing Agreement provides for the repayment by the Company of the loan of the proceeds of the Bonds pursuant to which the Company will agree to make payments sufficient to pay the principal and interest on the Bonds as the same become due and payable and to pay administrative expenses in connection with the Bonds; and

WHEREAS, the financing will not have an adverse competitive effect or impact on any similar facility or facility of the same kind already constructed or operating in the same market area or in or about Marion County, Indiana; and

WHEREAS, the Indianapolis Economic Development Commission has approved the substantially final forms of the Financing Agreement, Indenture, Purchase Contract, Preliminary Official Statement and the form of the Bonds (hereinafter referred to collectively as the "Financing Documents") and this proposed form of special ordinance by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

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

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Financing Documents consisting of the Project, the issuance and sale of the Bonds, the loan of the net proceeds thereof to the Company for the purposes of financing or providing reimbursement for a portion of the cost of the Project, and the repayment of said loan by the Company will be of benefit to the health or general welfare of the Issuer and its citizens and does comply with the purposes and provisions of the Act.

SECTION 2. The forms of the Financing Documents presented herewith are hereby approved and all such documents shall be inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City-Controller. In compliance with Indiana Code Title 36, Article I, Chapter 5, Section 4, two (2) copies of the Financing Documents are on file in the office of the Clerk of the Council for public inspection.



SECTION 3. The Issuer shall issue its Bonds in the total aggregate principal amount not to exceed Four Million Dollars (\$4,000,000) for the purpose of procuring funds to loan to the Company in order to finance or provide reimbursement for a portion of the cost of the Project which Bonds will be payable as to principal and interest solely from the payments made by the Company pursuant to the Financing Agreement to evidence and secure said loan and as otherwise provided in the above described Financing Documents. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

SECTION 4. Rule 15c2-12(b)(1) of the Securities Exchange Act of 1934, as amended (the "SEC Rule"), provides that, prior to the time a participating underwriter bids for, purchases, offers or sells municipal securities, the participating underwriter shall obtain and review an official statement that an issuer of such securities deems a "near final" official statement. The Preliminary Official Statement is hereby deemed final as of its date, except for the omission of no more than the following information: the offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, ratings and other terms of the securities depending on such matters. The Mayor, the City Clerk or any other officer of the Issuer familiar with the matters with respect to the Issuer set forth in the Preliminary Official Statement is hereby authorized to certify to The Sturges Company (the "Underwriter") that the information in the Preliminary Official Statement with respect to the Issuer is deemed to be final within the meaning of the SEC Rule prior to the distribution of the Preliminary Official Statement.

SECTION 5. The City Clerk and City Controller are authorized and directed to sell such Bonds to the Underwriter at a price not less than 97% of the aggregate principal amount thereof, plus accrued interest, if any, and at a stated per annum rate of interest not to exceed 6¾%. The use of a Final Official Statement in substantially the same form as the Preliminary Official Statement approved herein is approved for use and distribution by the Underwriter and its agents in connection with the marketing of the Bonds.

SECTION 6. The Mayor and City Clerk are authorized and directed to execute those Financing Documents approved herein which require the signature of the Mayor and City Clerk and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the Issuer. The signatures of the Mayor and the City Clerk on the Bonds may be facsimile signatures. The City Clerk and City Controller are authorized to arrange for the delivery of such Bonds to the purchaser, payment for which will be made in the manner set forth in the Financing Documents. The Mayor and City Clerk may, by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures thereon, approve changes therein and also in those Financing Documents which do not require the signature of the Mayor and/or City Clerk without further approval of this City-County Council or the Commission if such changes do not affect terms set forth in Indiana Code Title 36, Article 7, Chapter 12, Section 27(a)(1) through (a)(10).

SECTION 7. The provisions of this special ordinance and the Financing Documents shall constitute a contract binding between the Issuer and the holder or holders of the Bonds and after the issuance of said Bonds, this special ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder or holders so long as said Bonds or the interest thereon remains unpaid.

SECTION 8. This special ordinance shall be in full force and effect upon adoption and compliance with Indiana Code Title 36, Article 3, Chapter 4, Section 14.

PROPOSAL NO. 680, 1993. Councillor Giffin reported that the Economic Development Committee heard Proposal No. 680, 1993 on December 8, 1993. The proposal authorizes the amendment of documents relating to the previously issued \$8,100,000 City of Indianapolis, Indiana Economic Development Revenue Bond (Webb/Henne Indianapolis Venture I Project) dated as of December 1, 1985. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Giffin moved, seconded by Councillor Ruhmkorff, for adoption. Proposal No. 680 1993 was adopted on the following roll call vote; viz:

26 YEAS: *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, Williams*

0 NAYS:

2 NOT VOTING: *Black, West*

1 NOT PRESENT: *Beadling*

Proposal No. 680, 1993 was retitled SPECIAL ORDINANCE NO. 17, 1993 and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 17, 1993

A SPECIAL ORDINANCE approving the execution of document amendments relating to the previously-issued City of Indianapolis, Indiana Economic Development Mortgage Revenue Bond (Webb/Henne Indianapolis Venture I Project) and approving and authorizing other actions in respect thereto.

WHEREAS, City of Indianapolis (the "Issuer") previously issued its City of Indianapolis, Indiana Economic Development Mortgage Revenue Bond (Webb/Henne Indianapolis Venture I Project) dated December 23, 1985 (the "Original Bond"), in the original aggregate principal amount of \$8,100,000; and

WHEREAS, the Issuer, Webb/Henne Indianapolis Venture I ("Webb/Henne") and BANK ONE, INDIANAPOLIS, NATIONAL ASSOCIATION (formerly known as American Fletcher National Bank and Trust Company) (the "Purchaser") have previously entered into a Bond Purchase Agreement dated as of December 1, 1985 ("Bond Purchase Agreement") in order to provide for the issuance of the Issuer's Original Bond; and

WHEREAS, the Issuer loaned the proceeds from the sale of the Bond to Webb/Henne in exchange for a Promissory Note (the "Note") executed pursuant to a Loan Agreement dated as of December 1, 1985 (the "Loan Agreement") and Webb/Henne granted the Purchaser a mortgage on the Project (which predominantly consists of the real estate known as 225 North New Jersey), pursuant to a Real Estate Mortgage and Security Agreement (the "Mortgage") and a security interest in the rents pursuant to a Collateral Assignment of Leases and Rents; and

WHEREAS, in August of 1988, Webb/Henne entered into an Assignment and Assumption Agreement with The Eryk-Midamco Company ("Eryk-Midamco"), the Issuer, the Purchaser, Charles W. Henne and R. Dudley Webb wherein Webb/Henne assigned all of its right, title and interest in and to the Loan Agreement, the Bond Purchase Agreement, the Mortgage, the Collateral Assignment of Leases and Rents and the Project and Eryk-Midamco assumed all of the obligations and duties of Webb/Henne under such documents, the Note and the Bond and the ownership of the Project; and

WHEREAS, on May 31, 1992, Eryk-Midamco entered into an Agreement (the "1992 Agreement") with the Purchaser approving a change in the definition of Adjustment Date (as defined in the Bond Purchase Agreement) to alter the frequency upon which the interest rate on the Bond may adjust, and the Issuer executed a revised bond (the "Revised Bond") incorporating the change approved by the 1992 Agreement; and

WHEREAS, presently Eryk-Midamco and the Purchaser have proposed rescheduling the principal repayments contained in the Bond Purchase Agreement and the Revised Bond, retroactive to September 1, 1993; and

WHEREAS, the Company and the Purchaser will execute a First Amendment to Bond Purchase Agreement, amending the Bond Purchase Agreement, providing for an amendment of the Original Bond adjusting the remaining principal repayment schedule contained therein; and

WHEREAS, the Issuer and the Company will execute a First Amendment to Loan Agreement, amending the Loan Agreement providing for the issuance of a note amending the Note originally issued in connection with the Loan Agreement and adjusting the remaining principal repayment schedule contained therein; and

WHEREAS, the Indianapolis Economic Development Commission on December 8, 1993 adopted a Resolution, which Resolution has been previously transmitted hereto finding that the execution of the First Amendment to Bond Purchase Agreement, First Amendment to Loan Agreement, and Amended and Restated Bond in the form presented at that meeting complies with the purposes and provisions of Indiana Code 36-7-11.9 and Indiana Code 36-7-12 (collectively the "Act") and that such execution will be of benefit to the health and welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the form of the First Amendment to Bond Purchase Agreement, First Amendment to Loan Agreement and Amended and Restated Bond by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

December 13, 1993

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

SECTION 1. It is hereby found that the execution of the First Amendment to Bond Purchase Agreement, First Amendment to Loan Agreement, and Amended and Restated Bond will be of benefit to the health and welfare of the City of Indianapolis and its citizens and does comply with the purposes and provisions of the Act.

SECTION 2. The form of the First Amendment to Bond Purchase Agreement, First Amendment to Loan Agreement, and Amended and Restated Bond approved by the Indianapolis Economic Development Commission are each hereby approved and shall be inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City-Controller. Two (2) copies of the First Amendment to Bond Purchase Agreement, First Amendment to Loan Agreement and Amended and Restate Bond are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Mayor and City Clerk are authorized and directed to execute the First Amendment to Bond Purchase Agreement, First Amendment to Loan Agreement and Amended and Restated Bond approved herein and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed, on behalf of the City of Indianapolis. The Mayor and City Clerk may by their execution of the First Amendment to Bond Purchase Agreement, First Amendment to Loan Agreement and Amended and Restated Bond approve changes therein and also in any documents which do not require the signature of the Mayor and/or City Clerk without further approval of this City-County Council or the Indianapolis Economic Commission if such changes do not affect terms set forth in I.C. 36-7-12-27(a)(1) through (a)(10).

SECTION 4. The provisions of this ordinance, the First Amendment to Bond Purchase Agreement, First Amendment to Loan Agreement and Amended and Restated Bond shall constitute a contract binding between the City of Indianapolis and the parties to the First Amendment to Bond Purchase Agreement, First Amendment to Loan Agreement and Amended and Restated Bond, and after the execution of the First Amendment to Bond Purchase Agreement, First Amendment to Loan Agreement and Amended and Restated Bond, this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such party so long as said First Amendment to Bond Purchase Agreement, First Amendment to Loan Agreement and Amended and Restated Bond shall remain in effect.

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

PROPOSAL NO. 681, 1993. Councillor Giffin reported that the Economic Development Committee heard Proposal No. 681, 1993 on December 8, 1993. The proposal authorizes the amendment of documents relating to the previously issued \$4,350,000 City of Indianapolis, Indiana Economic Development Revenue Bonds, Series A (Monument Circle Associates Project) dated as of April 1, 1985. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Giffin moved, seconded by Councillor Ruhmkorff, for adoption. Proposal No. 681, 1993 was adopted on the following roll call vote; viz:

*26 YEAS: 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, Williams*

*0 NAYS:*

*2 NOT VOTING: Black, West*

*1 NOT PRESENT: Beadling*

Proposal No. 681, 1993 was retitled SPECIAL ORDINANCE NO. 18, 1993 and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 18, 1993

A SPECIAL ORDINANCE approving the execution of document amendments relating to the previously-issued City of Indianapolis, Indiana Economic Development Revenue Bonds, Series A (Monument Circle Associates Project) and approving and authorizing other actions in respect thereto.



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

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

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

WHEREAS, the City of Indianapolis, Indiana (the "Issuer") has previously issued its Economic Development Revenue Bonds, Series A (Monument Circle Associates Project) (the "Original Bonds") in the aggregate principal amount of \$4,350,000 pursuant to a Trust Indenture among the Issuer and NBD Bank, N.A., formerly known as The Indiana National Bank (the "Trustee"), and dated as of April 1, 1983 and recorded on April 28, 1983, as Instrument 83-27551, in the Office of the Recorder of Marion County, Indiana (the "Original Indenture") in order to obtain funds to loan to Monument Circle Associates, L.P., an Indiana limited partnership, formerly known as Monument circle Associates (the "Borrower"), pursuant to the Loan Agreement, Mortgage, Security Agreement and Financing Statement, dated as of April 1, 1983 and recorded on April 28, 1983, as Instrument 83-27550 (the "Original Loan Agreement" or the "Original Mortgage") between the Issuer and the Borrower; and

WHEREAS, the Borrower has requested that the Issuer agree to amend and restate the Original Loan Agreement as of the Amendment Date defined in the Amended and Restated Loan Agreement (as hereinafter defined), and that the Issuer and the Trustee agree to amend and restate, as of the Amendment Date, the Original Indenture, the same hereinafter referred to as the "Indenture"; and

WHEREAS, the Amended and Restated Loan Agreement (as hereinafter defined) provides for the repayment by the Borrower of such loan and further provides (i) for the Borrower's repayment obligation to be evidenced by the Borrower's Amended and Restated First Mortgage Note, Series A (the "1993 Note") and (ii) for such loan and the 1993 Note to be secured by the lien and security interest therein provided for; and

WHEREAS, pursuant to the Amended and Restated Indenture (as hereinafter defined), the Issuer will endorse the 1993 Note without recourse and assign certain of its rights under the Loan Agreement as security for the Amended and Restated City of Indianapolis Economic Development Revenue Bonds, Series A (Monument Circle Associates Project) (the "1993 Bonds"), which are payable solely and only out of the payment to be made by the Borrower with respect to the 1993 Note, except to the extent paid out of proceeds of condemnation and insurance;

WHEREAS, the Indianapolis Economic Development Commission on December 8, 1993 adopted a Resolution, which Resolution has been previously transmitted hereto finding that the execution of the Amended and Restated Trust Indenture dated as of December 1, 1993 between the Issuer and the Trustee (the "Amended and Restated Trust Indenture") and Amended and Restated Loan Agreement, Mortgage, Security Agreement and Financing Statement dated as of December 1, 1993 between the Issuer and the Borrower (the "Amended and Restated Loan Agreement") in the form presented at that meeting complies with the purposes and provisions of the Act and that such execution will be of benefit to the health and welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the form of the Amended and Restated Trust Indenture and Amended and Restated Loan Agreement by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

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

SECTION 1. It is hereby found that the execution of the Amended and Restated Trust Indenture, the Amended and Restated Loan Agreement and the 1993 Bonds will be of benefit to the health and welfare of the City of Indianapolis and its citizens and does comply with the purposes and provisions of the Act.

SECTION 2. The form of the Amended and Restated Trust Indenture and Amended and Restated Loan Agreement approved by the Indianapolis Economic Development Commission are each hereby approved and shall be inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City-



Controller. Two (2) copies of the Amended and Restated Trust Indenture and Amended and Restated Loan Agreement are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Mayor and City Clerk are authorized and directed to execute the Amended and Restated Trust Indenture and Amended, the Amended and Restated Loan Agreement and the 1993 Bonds approved herein and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed, on behalf of the City of Indianapolis. The Mayor and City Clerk may by their execution of the Amended and Restated Trust Indenture, the Amended and Restated Loan Agreement and the 1993 Bonds approve changes therein and also in any documents which do not require the signature of the Mayor and/or City Clerk without further approval of this City-County Council or the Indianapolis Economic Commission if such changes do not affect terms set forth in I.C. 36-7-12-27(a)(1) through (a)(10).

SECTION 4. The provisions of this ordinance, the Amended and Restated Trust Indenture, the Amended and Restated Loan Agreement and the 1993 Bonds shall constitute a contract binding between the City of Indianapolis and the parties to the First Amendment to Amended and Restated Trust Indenture, the Amended and Restated Loan Agreement and the 1993 Bonds, and after the execution of the Amended and Restated Trust Indenture, the Amended and Restated Loan Agreement and the 1993 Bonds, this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such party so long as said Amended and Restated Trust Indenture, the Amended and Restated Loan Agreement and the 1993 Bonds shall remain in effect.

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

PROPOSAL NO. 717, 1993. Introduced by Councillor Borst. The Clerk read the proposal entitled: "REZONING ORDINANCE certified by the Metropolitan Development Commission on December 13, 1993". The Council did not schedule Proposal No. 717, 1993 for hearing pursuant to IC 36-7-4-608. Proposal No. 717, 1993 was retitled REZONING ORDINANCE NO. 169, 1993 and is identified as follows:

REZONING ORDINANCE NO. 169, 1993. 93-Z-138 WARREN TOWNSHIP.  
COUNCILMANIC DISTRICT # 13.  
1902 SOUTH FRANKLIN ROAD (approximate address), INDIANAPOLIS.  
SOUTHEASTERN PROPERTIES, INC., by Thomas Michael Quinn, requests the rezoning of 139.0 acres, being in the D-A District, to the D-4 classification to provide for single-family residential development.

PROPOSAL NO. 718, 1993. Introduced by Councillor Borst. The Clerk read the proposal entitled: "REZONING ORDINANCE certified by the Metropolitan Development Commission on December 13, 1993". The Council did not schedule Proposal No. 718, 1993 for hearing pursuant to IC 36-7-46-608. Proposal No. 718, 1993 was retitled REZONING ORDINANCE NO. 170, 1993 and is identified as follows:

REZONING ORDINANCE NO. 170, 1993. 93-Z-169 WARREN TOWNSHIP.  
COUNCILMANIC DISTRICT #13.  
6691 EAST WASHINGTON STREET (approximate address), INDIANAPOLIS.  
ALDI, INC., by Philip A. Nicely, requests the rezoning of 4 acres, being in the D-5 District, to the C-4 classification to provide for construction of a grocery store.

PROPOSAL NOS. 719-727, 1993. Introduced by Councillor Borst. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on December 13, 1993". The Council did not schedule Proposal Nos. 719-727, 1993 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 719-727, 1993 were retitled REZONING ORDINANCE NOS. 171-179, 1993 and are identified as follows:

REZONING ORDINANCE NO. 171, 1993. 93-Z-158 PIKE TOWNSHIP.  
COUNCILMANIC DISTRICT # 2.  
3711-3721 WEST 86TH STREET (approximate address), INDIANAPOLIS.  
STEPHEN L. HESS, by Michael D. Keele, requests the rezoning of 2.88 acres, being in the D-A and C-1 Districts, to the C-3 classification to provide for commercial development.

REZONING ORDINANCE NO. 172, 1993. 93-Z-159 WAYNE TOWNSHIP.  
COUNCILMANIC DISTRICT # 19.  
8001 WEST WASHINGTON STREET (approximate address), INDIANAPOLIS.  
DAVID FERGUSON AND ROBERT FERGUSON, by Philip A. Nicely, requests the REZONING of 12.7 acres, being in the D-3 District, to the C-S classification to provide for a business park, including offices, retail and service uses, all I-2-S permitted uses and high tech research and development.

REZONING ORDINANCE NO. 173, 1993. 93-Z-168 WARREN TOWNSHIP.  
COUNCILMANIC DISTRICT # 10.  
2440 SHADELAND AVENUE (approximate address), INDIANAPOLIS.  
GEORGE TZEIRANAKIS, by Brian J. Tuohy, requests the rezoning of 2.26 acres, being in the C-3 District, to the C-4 classification to provide for a car wash facility.

REZONING ORDINANCE NO. 174, 1993. 93-Z-170 WAYNE TOWNSHIP.  
COUNCILMANIC DISTRICT # 17.  
2803 WEST WASHINGTON STREET (approximate address). INDIANAPOLIS.  
INDIANAPOLIS DEPARTMENT OF PUBLIC SAFETY requests the rezoning of 2.0 acres, being in the HD-1 District, to the SU-9 classification to provide for the construction of a fire station.

REZONING ORDINANCE NO. 175, 1993. 93-Z-171 WASHINGTON TOWNSHIP.  
COUNCILMANIC DISTRICT # 2.  
6330 GUILFORD AVENUE (approximate address), INDIANAPOLIS.  
INDIANAPOLIS DEPARTMENT OF PUBLIC SAFETY requests the rezoning of 0.38 acres, being in the C-4 District, to the SU-9 classification to conform zoning to its use as a fire station.

REZONING ORDINANCE NO. 176, 1993. 93-Z-173 CENTER TOWNSHIP.  
COUNCILMANIC DISTRICT # 22.  
1702 LUDLOW AVENUE (approximate address), INDIANAPOLIS.  
MITCHEL & SCOTT MACHINE CO/MECK CO. requests the rezoning of 3.39 acres, being in the C-3 District, to the I-3-U classification to provide for the expansion of a manufacturing facility.

REZONING ORDINANCE NO. 177, 1993. 93-Z-176 WASHINGTON TOWNSHIP.  
COUNCILMANIC DISTRICT # 3.  
451 EAST 91ST STREET (approximate address), INDIANAPOLIS.  
METROPOLITAN SCHOOL DISTRICT OF WASHINGTON TOWNSHIP requests the rezoning of 55.53 acres, being in the D-2 District, to the SU-2 classification to provide for school use.

REZONING ORDINANCE NO. 178, 1993. 93-Z-178 CENTER TOWNSHIP  
COUNCILMANIC DISTRICT # 22.  
650-674 MASSACHUSETTS AVENUE, INDIANAPOLIS.  
FAIRWAY GROUP OF INDIANA, INC. AND MARC L. GRIFFIN request the REZONING of 0.25 acre, being in the C-4 District, to the CBD-2 classification to provide for a mixed-use residential/commercial development.

REZONING ORDINANCE NO. 179, 1993. 93-Z-179 CENTER TOWNSHIP.  
COUNCILMANIC DISTRICT # 16.  
902-948 AND 901-949 FAYETTE STREET (approximate address), INDIANAPOLIS.  
DEPARTMENT OF METROPOLITAN DEVELOPMENT - HOUSING AND DEVELOPMENT SERVICES DIVISION requests the rezoning of 2.7 acres, being in the I-3-U District, to the CBD-S classification to provide for residential redevelopment.

### **SPECIAL ORDERS - PUBLIC HEARING**

PROPOSAL NO. 588, 1993. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 588, 1993 on November 29, 1993. The proposal appropriates \$25,000 for the County Auditor to provide funds for the Indianapolis Challenge, a local coordinating council promoting a drug-free community. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken.

Councillor Williams asked why the City would not accept these funds. William G. Lantz, III, Deputy County Auditor, stated that Indianapolis Challenge is preparing a proposal for coordinating funds. The funds being asked to be appropriated were for 1993. Since the year is over they will not be able to spend the funds this year. The group may come before the Council next year with a proposal to coordinate the funds.

Councillor Rhodes moved, seconded by Councillor Short, to strike Proposal No. 588, 1993. The proposal was stricken by unanimous voice vote.

PROPOSAL NO. 643, 1993. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 643, 1993 on December 8, 1993. The proposal transfers and appropriates \$24,900 for the Marion County Public Defender Agency to pay public defender salaries for the Marion County Drug Court. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

The President called for public testimony at 8:55 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Borst, for adoption. Proposal No. 643, 1993, as amended, was adopted on the following roll call vote; viz:

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

Proposal No. 643, 1993, as amended, was retitled FISCAL ORDINANCE NO. 110, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 110, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) transferring and appropriating an additional Five Thousand Nine Hundred Dollars (\$5,900) in the County General Fund and appropriating Nineteen Thousand Dollars (\$19,000) in the State and Federal Grants Fund for purposes of the Marion County Public Defender Agency and reducing certain other appropriations for that agency and the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (ccc) of the City-County Annual Budget for 1993, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Marion County Public Defender Agency to pay the public defender salaries for the Marion County Drug Court.

SECTION 2. The sum of Twenty-four Thousand Nine Hundred Dollars (\$24,900) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

<u>MARION COUNTY PUBLIC DEFENDER AGENCY</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	\$ 5,900
	<u>STATE AND FEDERAL GRANTS FUND</u>
	<u>\$19,000</u>
3. Other Services and Charges	<u>\$24,900</u>
TOTAL INCREASE	



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

<u>MARION COUNTY PUBLIC DEFENDER AGENCY</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	\$ 5,900
	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered State and Federal Grants Fund	<u>\$19,000</u>
TOTAL REDUCTION	\$24,900

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

PROPOSAL NO. 645, 1993. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 645, 1993 on December 8, 1993. The proposal authorizes tax anticipation borrowing for the City during the period from January 1, 1994 through December 31, 1994. By a 4-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:57 p.m. There being no one present to testify, Councillor Ruhmkorff moved, seconded by Councillor Shambaugh, for adoption. Proposal No. 645, 1993 was adopted on the following roll call vote; viz:

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

Councillor Rhodes abstained from voting due to a conflict of interest.

Proposal No. 645, 1993 was retitled FISCAL ORDINANCE NO. 111, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 111, 1993

A FISCAL ORDINANCE approving temporary tax anticipation borrowing, authorizing the City of Indianapolis ("City") to make temporary loans for the use of the Consolidated City Police Force Account, the Police Pension Fund, the Consolidated City Fire Force Account, the Firemen's Pension Fund, the Park General Fund and the Consolidated County Fund during the period January 1, 1994, through December 31, 1994, in anticipation of current taxes levied in the year 1993 and collectible in the year 1994 ("Taxes"), authorizing the issuance of tax anticipation time warrants ("Warrants") to evidence such loans; pledging and appropriating the Taxes to be received in such Funds to the payment of such Warrants, including the interest thereon; and fixing a time when this ordinance shall take effect.

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

A. that there will be insufficient funds in the Consolidated City Police Force Account to meet the current expenses payable from such Account prior to the June and December 1994 distributions of Taxes levied for such Account, and the June and December 1994 distributions of Taxes to be collected for the Consolidated City Police Force Account will collectively amount to more than Thirty-four Million, Six Hundred Eighty-eight Thousand, Five Hundred Fourteen Dollars (\$34,688,514) and the interest cost of making temporary loans for the Consolidated City Police Force Account;



B. that there will be insufficient funds in the Police Pension Fund to meet the current expenses for the payment of pensions and benefits to retired members and dependents of deceased members and other death benefits payable from such Fund prior to the June and December 1994 distributions of Taxes levied for such Fund, and the June and December 1994 distributions of Taxes collected for the Police Pension Fund will collectively amount to more than Four Million, Eight Hundred Six Thousand, One Hundred Fifty-eight Dollars (\$4,806,158) and the interest cost of making temporary loans for the Police Pension Fund;

C. that there will be insufficient funds in the Consolidated City Fire Force Account to meet the current expenses payable from such Account prior to the June and December 1994 distributions of Taxes levied for such Account, and the June and December 1994 distributions of Taxes to be collected for the Consolidated City Fire Force Account will collectively amount to more than Twenty-six Million, Nine Hundred Twenty-five Thousand, Five Hundred Dollars (\$26,925,500) and the interest cost of making temporary loans for the Consolidated City Fire Force Account; and

D. that there will be insufficient funds in the Firemen's Pension Fund to meet the current expenses for the payment of pensions and benefits to retired members and dependents of deceased members and other death benefits payable from such Fund prior to the June and December 1994 distributions of Taxes levied for such Fund, and the June and December 1994 distributions of Taxes to be collected for the Firemen's Pension Fund will collectively amount to more than Four Million, Two Hundred Thirty-four Thousand, Four Hundred Seventy-five Dollars (\$4,234,475) and the interest cost of making temporary loans for the Firemen's Pension Fund; and

E. that there will be insufficient funds in the Park General Fund to meet the current expenses for the payment of current expenses payable from such Fund prior to the June and December 1994 distributions of Taxes levied for such Fund, and the June and December 1994 distributions of Taxes to be collected for the Park General Fund will collectively amount to more than Twelve Million, Five Hundred Thirty-three Thousand, Eighty-three Dollars (\$12,533,083) and the interest cost of making temporary loans for the Park General Fund; and

F. that there will be insufficient funds in the Consolidated County Fund to meet the current expenses payable from such Fund prior to the June and December 1994 distributions of Taxes levied for such Fund, and the June and December 1994 distributions of Taxes to be collected for the Consolidated County Fund will collectively amount to more than Eleven Million, Six Hundred Sixty-seven Thousand, Four Hundred Seventy-eight Dollars (\$11,667,478) and the interest cost of making temporary loans for the Consolidated County Fund; and

WHEREAS, a necessity exists for the making of temporary loans for these Funds and Accounts in anticipation of Taxes for these Funds and Accounts actually levied for the year 1993 and in the course of collection for the year 1994; now, therefore,

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

SECTION 1. The City is authorized to borrow on temporary loans for the use and benefit of the Consolidated City Police Force Account of the City in the maximum principal amount of Thirty-four Million, Six Hundred Eighty-eight Thousand, Five Hundred Fourteen Dollars (\$34,688,514) in anticipation of Taxes for the Account for the year 1994, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the Consolidated City Police Force Account and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the Consolidated City Police Force Account from the June and December 1994 distributions of Taxes for the Consolidated City Police Force Account, to the Consolidated City Police Force Account, the 1994 Budget Payments of Loans (hereby created) for the payment of the principal of the Warrants evidencing such temporary loan, and the Consolidated City Police Force Account, 1994 Budget Fund No. 160, Character 03, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on such principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 2. The City is authorized to borrow on temporary loans for the use and benefit of the Police Pension Fund of the City in the maximum principal amount of Four Million, Eight Hundred Six Thousand, One Hundred Fifty-eight Dollars (\$4,806,158) in anticipation of Taxes for the Fund for the year 1994, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the Police Pension Fund and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the Police Pension Fund from the June and December 1994 distributions of Taxes for the Police Pension Fund, to the Police Pension Fund, the 1994 Budget Payments of Loans (hereby

created) for the payment of the principal of the Warrants evidencing such temporary loans, and the Police Fund, 1994 Budget Fund No. 810, Character 03, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 3. The City is authorized to borrow on temporary loans for the use and benefit of the Consolidated City Fire Force Account of the City in the maximum principal amount of Twenty-six Million, Nine Hundred Twenty-five Thousand, Five Hundred Dollars (\$26,925,500) in anticipation of Taxes for the Account for the year 1994, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the Consolidated City Fire Force Account and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the Consolidated City Fire Force Account from the June and December 1994 distributions of Taxes for the Consolidated City Fire Force Account to the payment of the principal of the Consolidated City Fire Force Account, the 1994 Budget Payments of Temporary Loans (hereby created) for the payment of the principal of the Warrants evidencing such temporary loan, and to the 1994 Budget Fund No. 161, Character 03, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 4. The City is authorized to borrow on temporary loans for the use and benefit of the Firemen's Pension Fund of the City in the maximum principal amount of Four Million, Two Hundred Thirty-four Thousand, Four Hundred Seventy-five Dollars (\$4,234,475) in anticipation of Taxes for the Fund for the year 1994, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the Firemen's Pension Fund, and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the Firemen's Pension Fund from the June and December 1994 distributions of Taxes for the Firemen's Pension Fund to the Firemen's Pension Fund, the 1994 Budget Payments of Temporary Loans (hereby created) for the payment of the principal of the Firemen's Pension Fund 1994 Budget Fund No. 811, Character 03, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 5. The City is authorized to borrow on temporary loans for the use and benefit of the Park General Fund of the City in the maximum principal amount of Twelve Million, Five Hundred Thirty-three Thousand, Eighty-three Dollars (\$12,533,083) in anticipation of Taxes for the Fund for the year 1994, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the Park General Fund and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the Park General Fund from the June and December 1994 distributions of Taxes for the Park General Fund to the payment of the principal of the Park General Fund, the 1994 Budget Payments of Temporary Loans (hereby created) for the payment of the principal of the Warrants evidencing such temporary loan, and to the 1994 Budget Fund No. 170, Character 03, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 6. The City is authorized to borrow on temporary loans for the use and benefit of the Consolidated County Fund of the City in the maximum principal amount of Eleven Million, Six Hundred Sixty-seven Thousand, Four Hundred Seventy-eight Dollars (\$11,667,478) in anticipation of Taxes for the Fund for the year 1994, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the Consolidated County Fund and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the Consolidated County Fund from the June and December 1994 distributions of Taxes for the Consolidated County Fund to the payment of the principal of the Consolidated County Fund, the 1994 Budget Payments of Temporary Loans (hereby created) for the payment of the principal of the Warrants evidencing such temporary loan, and to the 1994 Budget Fund No. 102, Character 03, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 7. (a) All Warrants issued pursuant to this ordinance shall bear interest at the rate or rates, not to exceed a maximum rate of eight percent per annum, to be determined as provided in Section 7. The Warrants for each Fund or Account may be issued in one series, designated Series 1994 Warrants ("Series 1994 Warrants") or in two series, designated Series A and Series B ("Series A Warrants" and "Series B Warrants", respectively). The Series 1994 Warrants for each Fund or Account may be issued in an amount not to exceed the respective amounts set forth herein with interest thereon. The Series A Warrants for each Fund or Account may be issued in an amount not to exceed the amount of the distribution of Taxes scheduled for June 1994 for that Fund or Account. The Series B Warrants for each Fund or Account may be issued in amount not to exceed the amount of the December 1994 distribution of Taxes for that Fund or Account. All Series A Warrants shall

mature and be payable not later than June 30, 1994. All Series B Warrants and Series 1994 Warrants shall mature and be payable not later than December 31, 1994. The Warrants shall be dated as of the date or dates of actual delivery of the respective Warrants.

(b) The interest rate on the Warrants will be determined as provided in Section 7. The Warrants are not subject to redemption prior to their respective maturity dates if sold at public sale and may be redeemed as set forth in the purchase agreement with The Indianapolis Local Public Improvement Bond Bank ("Bond Bank") if sold to it.

SECTION 8. (a) The Controller may sell the Warrants in one or more Series as set forth in Section 6 pursuant to either subsection (b) or (c) of this section. The Controller is hereby authorized and directed to have the Warrants prepared, and the Mayor, Controller and Clerk are hereby authorized and directed to execute and attest the Warrants in the manner substantially set out in the form provided below.

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

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

SECTION 8. The Warrants shall be issued in substantially the following form (all blanks, including the appropriate amounts, date, statutory citations, and other data, to be properly completed prior to the execution and delivery thereof):

No. \_\_\_\_\_ Principal \$ \_\_\_\_\_  
CITY OF INDIANAPOLIS  
TAX ANTICIPATION TIME WARRANT, SERIES 1994 \_\_\_\_  
(\_\_\_\_\_ [FUND] [ACCOUNT])

On the \_\_\_\_ day of \_\_\_\_\_, 1994, the City of Indianapolis ("City") in Marion County, Indiana promises to pay to [bearer] [The Indianapolis Local Public Improvement Bond Bank], at the office of the Marion County Treasurer, ex officio Treasurer of the City, the sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_), or so much of the principal amount of this Warrant (set forth below) as shall have been advanced as shown in Exhibit A plus interest at the rate of \_\_\_\_% per annum on the amount advanced for the period of the advance, except that any advance in excess of the Maximum Cumulative Monthly Advance as shown on Exhibit B shall bear as a rate of \_\_\_\_% per annum. This Warrant shall be payable solely out of and from ad valorem property taxes levied in the year of 1993, and payable in the [first installment] [second installment] for the year 1994 ("Taxes"), which Taxes are now in course of collection for the \_\_\_\_\_ of the City, with which to pay general, current, operating expenses.

This Warrant is in the principal amount of \$ \_\_\_\_\_ evidencing a temporary loan in anticipation of the Taxes for the \_\_\_\_\_.

The temporary loan was authorized by an ordinance duly adopted by the City-County Council at a meeting thereof duly and legally convened and held on the \_\_\_\_ day of December, 1993, for the purpose of providing funds for the \_\_\_\_\_ of the City, in compliance with IC 36-3-4-22.



The consideration for this Warrant is a loan made to the City in anticipation of Taxes levied for the \_\_\_\_\_ of the City for the year of 1993, payable in the [first installment] [second installment] for the year 1994, and the Taxes so levied are hereby specifically appropriated and pledged to the payment of this Tax Anticipation Time Warrant.

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

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1994.

CITY OF INDIANAPOLIS

By: \_\_\_\_\_  
Mayor, City of Indianapolis

COUNTERSIGNED

By: \_\_\_\_\_  
Controller, City of Indianapolis

ATTEST:

By: \_\_\_\_\_  
Clerk, City of Indianapolis

EXHIBIT A  
(Advances)  
(to be placed on a separate page)

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

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

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

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

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

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

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

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

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

PROPOSAL NO. 646, 1993. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 646, 1993 on December 8, 1993. The proposal authorizes tax anticipation borrowing for the County General Fund and the Welfare General Fund during the period from January 1, 1994 through December 31, 1994. By a 4-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:57 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Short, for adoption. Proposal No. 646, 1993 was adopted on the following roll call vote; viz:

*24 YEAS: Black, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Ruhmkorff, SerVaas, Shambaugh, Short, Smith, West, Williams*

*1 NAY: Borst*

*3 NOT VOTING: Giffin, Rhodes, Schneider*

*1 NOT PRESENT: Beadling*

Councillor Rhodes abstained from voting due to a conflict of interest.

Proposal No. 646, 1993 was retitled FISCAL ORDINANCE NO. 112, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 112, 1993

A FISCAL ORDINANCE approving temporary tax anticipation borrowing, authorizing Marion County, Indiana ("County") to make temporary loans for the use of the County General Fund and the County Welfare Fund ("Funds") during the period from January 1, 1994, through December 31, 1994, in anticipation of current taxes levied in the year 1993 and collectible in the year 1994 ("Taxes"), authorizing the issuance of tax anticipation time warrants ("Warrants") to evidence such loans; pledging and appropriating the Taxes to be received in the Funds to the payment of such Warrants, including the interest thereon; and fixing a time when this ordinance shall take effect.

WHEREAS, the Auditor of the County has filed with the Mayor of the City of Indianapolis ("City") an estimate and statement showing the amount of money needed to pay current expenses from the County General Fund and the County Welfare Fund pending the receipt of Taxes actually levied in 1993 and in the process of collection in 1994, and the Mayor did make and enter of record a finding and the Auditor and the Mayor have requested the City-County Council of Indianapolis and of Marion County ("City-County Council") to authorize temporary borrowing to procure funds necessary for use by the Funds to pay the incidental expenses necessary to be incurred in connection with the issuance and sale of the Warrants;

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

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

amount to more than Sixty-six Million, Four Hundred Sixty-nine Thousand Seven Hundred Eleven Dollars (\$66,469,711) and the interest cost of making temporary loans for the County General Fund; and

- B. that there will be insufficient funds in the County Welfare Fund to meet the current expenses payable from such Fund prior to the distributions of Taxes levied for such Fund, and the distributions of Taxes to be collected for the County Welfare Fund will collectively amount to more than Twenty-four Million, Four Hundred Seventy-six Thousand Nine Hundred Seventy-three Dollars (\$24,476,973) and the interest cost of making temporary loans for the County Welfare Fund; and

WHEREAS, a necessity exists for the making of temporary loans for these Funds in anticipation of Taxes for these Funds actually levied for the year 1993 and in the course of collection for the year 1994; now, therefore,

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

SECTION 1. The Auditor of the County and the Mayor of the City are authorized to borrow in the name of the County on temporary loans for the use and benefit of the County General Fund of the County in the maximum principal amount of Sixty-six Million, Four Hundred Sixty-nine Thousand Seven Hundred Dollars (\$66,469,711) in anticipation of Taxes for the Fund for the year 1994, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the County General Fund and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the County General Fund from the June and December 1994 distributions of Taxes for the County General Fund, for the payment of the principal of the Warrants evidencing such temporary loan and the amount of interest on such principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 2. The Auditor of the County and the Mayor of the City are authorized to borrow on temporary loans for the use and benefit of the County Welfare Fund of the County in the maximum principal amount of Twenty-four Million, Four Hundred Seventy-six Thousand, Nine Hundred Seventy-three Dollars (\$24,476,973) in anticipation of Taxes for the Fund for the year 1994, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the County Welfare Fund and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the County Welfare Fund from the June and December 1994 distributions of Taxes for the County Welfare Fund, to the County Welfare Fund for the payment of the principal of the Warrants evidencing such temporary loans and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 3. (a) All Warrants issued pursuant to this ordinance shall bear interest at the rate or rates, not to exceed a maximum rate of eight percent per annum, to be determined as provided in Section 4 and subsection (b). The Warrants for each Fund may be issued in one series, designated Series 1994 Warrants ("Series 1994 Warrants") or in two series, designated Series A and Series B ("Series A Warrants" and "Series B Warrants", respectively). The Series 1994 Warrants for each Fund may be issued in an amount not to exceed the respective amounts set forth herein with interest thereon. The Series A Warrants for each Fund may be issued in an amount not to exceed the amount of the distribution of Taxes scheduled for June 1994 for that Fund. The Series B Warrants for each Fund may be issued in amount not to exceed the amount of the December 1994 distribution of Taxes for that Fund. All Series A Warrants shall mature and be payable not later than on June 30, 1994. All Series B Warrants and Series 1994 Warrants shall mature and be payable not later than December 31, 1994. The Warrants shall be dated as of the date or dates of actual delivery of the respective Warrants.

(b) The interest rate on the Warrants will be determined as provided in Section 4. The Warrants are not subject to redemption prior to their respective maturity dates if sold at public sale and may be redeemed as set forth in the purchase agreement with The Indianapolis Local Public Improvement Bond Bank ("Bond Bank") if sold to it.

SECTION 4. (a) The Auditor may sell the Warrants in one or more series as set forth in Section 3 pursuant to either subsection (b) or (c) of this section. The Auditor is hereby authorized and directed to have the Warrants prepared, and The Board of Commissioners of the County ("Commissioners"), Mayor and Auditor are hereby authorized and directed to execute and attest the Warrants in the manner substantially set out in the form provided below.



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

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

SECTION 5. The Warrants shall be issued in substantially the following form (all blanks, including the appropriate amounts, date, statutory citations, and other data, to be properly completed prior to the execution and delivery thereof):

No. \_\_\_\_\_ Principal \$ \_\_\_\_\_  
MARION COUNTY  
TAX ANTICIPATION TIME WARRANT, SERIES 1994 \_\_\_\_\_  
( \_\_\_\_\_ FUND)

On the \_\_\_\_ day of \_\_\_\_\_, 1994, the Board of Commissioners of Marion County, Indiana ("County") promises to pay to [bearer] [The Indianapolis Local Public Improvement Bond Bank], at the office of the Marion County Treasurer the sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_), or so much of the principal amount of this Warrant (set forth below) as shall have been advanced as shown in Exhibit A646 plus interest at the rate of \_\_\_\_% per annum on the amount advanced for the period of the advance, except that any advance in excess of the Maximum Cumulative Monthly Advance as shown on Exhibit B shall bear interest at the rate of \_\_\_\_% per annum. This Warrant shall be payable solely out of and from ad valorem property taxes levied in the year 1993, and payable from the [first installment] [second installment] for the year 1994 ("Taxes"), which Taxes are now in course of collection for the County \_\_\_\_\_ Fund, with which to pay general, current, operating expenses.

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

The temporary loan was authorized by an ordinance duly adopted by the City-County Council at a meeting thereof duly and legally convened and held on the \_\_\_\_ day of \_\_\_\_\_, 1993, for the purpose of providing funds for the County \_\_\_\_\_ Fund, in compliance with IC 36-2-6.

The consideration for this Warrant is a loan made to the County in anticipation of Taxes levied for the County \_\_\_\_\_ Fund for the year of 1993, payable in the [first installment] [second installment] for the year 1994, and the Taxes so levied are hereby specifically appropriated and pledged to the payment of this Tax Anticipation Time Warrant.

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

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

Dated this \_\_\_\_ day of \_\_\_\_\_, 1994.

THE BOARD OF COMMISSIONERS  
OF MARION COUNTY, INDIANA

By: \_\_\_\_\_  
Commissioner  
By: \_\_\_\_\_  
Commissioner  
By: \_\_\_\_\_  
Commissioner

COUNTERSIGNED:

By: \_\_\_\_\_  
Mayor, City of Indianapolis

ATTEST:

By: \_\_\_\_\_  
Auditor, Marion County

EXHIBIT A  
(Advances)  
(to be placed on a separate page)

SECTION 6. The Warrants shall be executed in the name of the County by the manual or facsimile signatures of the Commissioners, countersigned by the Mayor of the City, the corporate seal of the County to be affixed thereto and attested by the Auditor of the County. The Warrants shall be payable at the office of the Marion County Treasurer, or the paying agent of the City. The Auditor may pay costs of issuance of the Warrants from the proceeds thereof.

SECTION 7. In order to preserve the exclusion of interest on the Warrants from gross income for federal tax purposes under Section 103 of the Internal Revenue Code of 1986 as amended and in existence on the date of issuance of the Warrants ("Code") and as an inducement to purchasers of the Warrants, the County represents, covenants and agrees that:

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

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

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

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

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

(f) It shall not be an event of default under this ordinance, including without limitation subsections (a) through (e) of this Section, if the interest on any Warrants is not excludable from gross income for federal tax

purposes or otherwise pursuant to any provision of the Code which is not currently in effect and in existence on the date of issuance of the Warrants.

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

PROPOSAL NO. 648, 1993. Councillor O'Dell reported that the Parks and Recreation Committee heard Proposal No. 648, 1993 on December 9, 1993. The proposal authorizes the issuance and sale to the Indianapolis Local Public Improvement Bond Bank of the Park District Note, for the purpose of procuring funds to refund a certain obligation of the Park District in an amount not to exceed \$3,500,000 (Brookville/Senour Economic Development Area). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 9:00 p.m. There being no one present to testify, Councillor O'Dell moved, seconded by Councillor Jones, for adoption. Proposal No. 648, 1993 was adopted on the following roll call vote; viz:

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

Proposal No. 648, 1993 was retitled SPECIAL ORDINANCE NO. 19, 1993 and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 19, 1993

A SPECIAL ORDINANCE authorizing the issuance and sale to The Indianapolis Local Public Improvement Bond Bank of the City of Indianapolis Park District Note, Series 1993, in a principal amount not to exceed Three Million Five Hundred Thousand Dollars (\$3,500,000) for the purpose of procuring funds to refund a certain obligation of the Park District and appropriating the proceeds to a note of the Park District of the City of Indianapolis, Indiana, in an amount not to exceed Three Million Five Hundred Thousand Dollars (\$3,500,000).

WHEREAS, on November \_\_, 1993, the Board of Parks and Recreation of the City of Indianapolis, Indiana (the "Board"), being the governing body of the Park District of the City of Indianapolis, Indiana (the "Park District") adopted a Note Resolution ("Note Resolution") authorizing the issuance and sale to The Indianapolis Local Public Improvement Bond Bank (the "Bond Bank") of the City of Indianapolis Park District Note, Series 1993 in a principal amount not to exceed Three Million Five Hundred Thousand Dollars (\$3,500,000) (the "Note") for the purpose of procuring funds to repay a certain Obligation ("Obligation") of the Park District as described in the Note Resolution and to pay the costs of issuance of the Note; and

WHEREAS, the prior notes of the Park District, as described in the Note Resolution, were issued in anticipation of the issuance of bonds and it remains the intent of the City-County Council that bonds supported in whole or in part by the tax increment from the Brookville/Senour Economic Development Area and other legally available funds will eventually be issued; and

WHEREAS, there are insufficient funds available or provided for in the existing budget and tax levy which may be applied to the aforementioned purposes, and an extraordinary emergency and necessity exists for the making of the additional appropriation set out herein; and

WHEREAS, the Clerk of the City-County Council has caused notice of a hearing on said appropriation to be published as required by law; now, therefore,

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



SECTION 1. The Council hereby approves the issuance of the Note and its sale to the Bond Bank, all as set forth in the Note Resolution of the Park District and further approves the purposes for which the proceeds of the Note will be expended as set forth in the Note Resolution. This approval shall constitute the approval required by Section 2-425 of the Code of Indianapolis and of Marion County, Indiana.

SECTION 2. The proceeds of the Note in an amount not to exceed Three Million Five Hundred Thousand Dollars (\$3,500,000) are hereby appropriated for the purpose of repaying the Obligation and paying costs of issuance of the Note, all as set forth in the Note Resolution.

SECTION 3. Such appropriation shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until the completion of the activities described above. Any surplus of such proceeds shall be credited to the proper fund as provided by law.

SECTION 4. The Clerk of the City-County Council is hereby authorized and directed to certify a copy of this Special Ordinance together with such other proceedings and actions as may be necessary to the Marion County Auditor for certification to the State Board of Tax Commissioners for the purpose of complying with IC 6-1.1-18-5.

SECTION 5. This Ordinance shall be effective upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 649, 1993. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 649, 1993 on December 8, 1993. The proposal appropriates \$7,463 for the Superior Court, Criminal Division, Room 3, to cover overtime expenses due to jury trials and reducing the appropriations of certain other courts. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 9:01 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Borst, for adoption. Proposal No. 649, 1993 was adopted on the following roll call vote; viz:

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

*0 NAYS:*

*1 NOT VOTING: Brents*

*1 NOT PRESENT: Beadling*

Proposal No. 649, 1993 was retitled FISCAL ORDINANCE NO. 113, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 113, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) appropriating an additional Seven Thousand Four Hundred Sixty-three Dollars (\$7,463) in the County General Fund for purposes of the Superior Court, Criminal Division, Room Three, and reducing certain appropriations for other courts.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (gg), (hh), (rr), (yy) and (zz) of the City-County Annual Budget for 1993, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Superior Court, Criminal Division, Room Three, to cover overtime expenses due to jury trials.

SECTION 2. The sum of Seven Thousand Four Hundred Sixty-three Dollars (\$7,463) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>SUPERIOR COURT, CRIMINAL DIVISION, ROOM THREE</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	<u>\$7,463</u>
TOTAL INCREASE	\$7,463

SECTION 4. The said additional appropriation is funded by the following reduction:

<u>MARION COUNTY DRUG COURT</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	\$2,400
 <u>SUPERIOR COURT, CRIMINAL DIVISION, ROOM FOUR</u>	
1. Personal Services	1,790
 <u>SUPERIOR COURT, TITLE IV-D COURT</u>	
1. Personal Services	2,300
 <u>SUPERIOR COURT, CIVIL DIVISION, ROOM SIX</u>	
1. Personal Services	<u>973</u>
TOTAL REDUCTION	\$7,463

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

PROPOSAL NO. 650, 1993. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 650, 1993 on December 8, 1993. The proposal appropriates \$197,470 for the Superior Court, Juvenile Division/Detention Center, to cover the cost of a computer system upgrade. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken. Councillor Dowden moved, seconded by Councillor Jimison, to strike Proposal No. 650, 1993. The proposal was stricken by unanimous voice vote.

PROPOSAL NO. 651, 1993. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 651, 1993 on December 8, 1993. The proposal appropriates \$33,812 for the Superior Court, Juvenile Division/Detention Center, to pay computer system expenses. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken. Councillor Dowden moved, seconded by Councillor Jimison, to strike Proposal No. 651, 1993. The proposal was stricken by unanimous voice vote.

PROPOSAL NO. 652, 1993. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 652, 1993 on December 8, 1993. The proposal appropriates \$24,000 for the Prosecuting Attorney to organize training workshops for agencies that play a role in gang prevention and intervention in Marion County recommended by Project COURAGE and funded by a state grant. By a 3-2 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken.

Councillor Dowden explained that the senior staff in the Prosecutor's Office indicated that they are willing to investigate a local resource to organize the workshops for the agencies

involved in this proposal. The grant will still be available when the local resource can be found.

Councillor Jimison urged the Council to vote against the motion to strike, and she therefore moved, seconded by Councillor Borst, to return Proposal No. 652, 1993 to Committee. The motion failed by a majority voice vote.

Councillor Dowden moved, seconded by Councillor Curry, to strike Proposal No. 652, 1993. The proposal was stricken by unanimous voice vote.

PROPOSAL NO. 653, 1993. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 653, 1993 on December 8, 1993. The proposal transfers and appropriates \$165,500 for the Sheriff to pay for inmate housing at the Riverside Community Corrections facility from October 15 through December 31, 1993. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 9:14 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Short, for adoption. Proposal No. 653, 1993 was adopted on the following roll call vote; viz:

*20 YEAS: Boyd, Coughenour, Curry, Dowden, Giffin, Gilmer, Golc, Hinkle, Jimison, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Schneider, SerVaas, Shambaugh, Short, Smith, Williams*

*3 NAYS: Black, Gray, Jones*

*5 NOT VOTING: Borst, Brents, Franklin, Ruhmkorff, West*

*1 NOT PRESENT: Beadling*

Proposal No. 653, 1993 was retitled FISCAL ORDINANCE NO. 114, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 114, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) transferring and appropriating an additional One Hundred Sixty-five Thousand Five Hundred Dollars (\$165,500) in the County General Fund for purposes of the County Sheriff and reducing certain other appropriations for that office and reducing the unappropriated and unencumbered balance in the County General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section I.02 (z) of the City-County Annual Budget for 1993, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Sheriff to pay for inmate housing at the Riverside Community Corrections facility from October 15 to December 31, 1993.

SECTION 2. The sum of One Hundred Sixty-five Thousand Five Hundred Dollars (\$165,500) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

COUNTY SHERIFF

3. Other Services and Charges  
TOTAL INCREASE

COUNTY GENERAL FUND

\$165,500  
\$165,500



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

<u>COUNTY SHERIFF</u>	<u>COUNTY GENERAL FUND</u>
I. Personal Services	\$125,000
Unappropriated and Unencumbered	
County General Fund	<u>40,500</u>
TOTAL REDUCTION	\$165,500

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

PROPOSAL NO. 673, 1993. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 673, 1993 on December 8, 1993. The proposal transfers and appropriates \$6,800 for the Superior Court, Criminal Division, Room Five, to cover staff salaries through December 31, 1993. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 9:15 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Jimison, for adoption. Proposal No. 673, 1993 was adopted on the following roll call vote; viz:

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

Proposal No. 673, 1993 was retitled FISCAL ORDINANCE NO. 115, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 115, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) transferring and appropriating an additional Six Thousand Eight Hundred Dollars (\$6,800) in the County General Fund for purposes of the Superior Court, Criminal Division, Room Five, and reducing certain other appropriations for Superior Court, Criminal Division, Room Six; Superior Court, Probate Division; and Superior Court, Civil Division, Room Four.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (ii) of the City-County Annual Budget for 1993, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Superior Court, Criminal Division, Room Five, to cover staff salaries through December 31, 1993.

SECTION 2. The sum of Six Thousand Eight Hundred Dollars (\$6,800) and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>SUPERIOR COURT, CRIMINAL DIVISION, ROOM FIVE</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	\$6,800
TOTAL INCREASE	\$6,800

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

<u>SUPERIOR COURT, CRIMINAL DIVISION, ROOM SIX</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	\$1,000
<u>SUPERIOR COURT, PROBATE DIVISION</u>	
1. Personal Services	5,300
<u>SUPERIOR COURT, CIVIL DIVISION, ROOM FOUR</u>	
1. Personal Services	<u>500</u>
TOTAL REDUCTION	\$6,800

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

### SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 6, 1992 Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard PROPOSAL NO. 6, 1992 on December 8, 1993. This proposal creates a Court Violations Bureau administrative fee and fund. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Dowden moved, seconded by Councillor Gilmer, to amend the Amended Version of Proposal No. 6, 1992 by deleting the text that is stricken-through and inserting the text that is underlined to read as follows:

Sec. 131-301. Court Violations Bureau User Fee.

In each case of a state infraction or local ordinance violation in which a defendant chooses to enter an admission of the violation or chooses to enter a plea of nolo contendere, ~~or in each case of a violation of a state infraction or local ordinance violation in which a default judgment has been entered,~~ and which admission-, or plea of nolo contendere ~~or default judgment~~ arose from such infraction or local ordinance violation filed through the Court Violations Bureau of the Municipal Court of Marion County, the Presiding Judge of the Municipal Court of Marion County, through the Court Violations Bureau, may assess a twenty dollar (\$20.00) Court Violations Bureau User Fee. The collection of this Court Violations Bureau User Fee shall be in addition to any court costs or judgment amount. The monies collected shall be deposited into the Court Violations Bureau Fund, which is hereby created.

The motion passed by unanimous voice vote.

Councillor Dowden moved, seconded by Councillor Gilmer, for adoption. Proposal No. 6, 1992, as amended, was adopted on the following roll call vote; viz:

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

2 NAYS: *Black, Gray*

1 NOT VOTING: *Giffin*

1 NOT PRESENT: *Beadling*

Proposal No. 6, 1992, as amended, was retitled GENERAL ORDINANCE NO. 164, 1993 and reads as follows:

December 13, 1993

CITY-COUNTY GENERAL ORDINANCE NO. 164, 1993

A GENERAL ORDINANCE amending the Revised Code of the Consolidated City and County by adding a new Article III in Chapter 131 to establish a Court Violations Bureau administrative fee and create the Court Violations Bureau Fund.

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

SECTION I. The Revised Code of the Consolidated City and County is hereby amended by adding new Secs. 131-301, 131-302 and 131-303 as follows:

ARTICLE III - COURT FEES

Sec. 131-301. Court Violations Bureau User Fee.

In each case of a state infraction or local ordinance violation in which a defendant chooses to enter an admission of the violation or chooses to enter a plea of nolo contendere, and which admission or plea of nolo contendere arose from such infraction or local ordinance violation filed through the Court Violations Bureau of the Municipal Court of Marion County, the Presiding Judge of the Municipal Court of Marion County, through the Court Violations Bureau, may assess a twenty dollar (\$20.00) Court Violations Bureau User Fee. The collection of this Court Violations Bureau User Fee shall be in addition to any court costs or judgment amount. The monies collected shall be deposited into the Court Violations Bureau Fund, which is hereby created.

Sec. 131-302. Court Violations Bureau Non-Payment Collection Fee.

The Presiding Judge of the Municipal Court of Marion County, through its Court Violations Bureau, may assess a ten dollar (\$10.00) Non-Payment Collection Fee for each unsatisfied judgment in which an admission or nolo contendere plea was entered or in each case in which a default judgment was entered by the Court on a violation of a state infraction or local ordinance violation, which judgment arose from the failure of the charged motorist to admit, plead nolo contendere, or deny such infraction or ordinance violation filed through the Court Violations Bureau of the Municipal Court of Marion County. The collection of this Non-Payment Collection Fee shall be in addition to any court costs, judgment, or user fee. The monies collected shall be deposited into the Court Violations Bureau Fund.

Sec. 131-303. Court Violations Bureau Fund.

(a) A Court Violations Bureau Fund is hereby created. All monies collected from the Court Violations Bureau User Fee (Sec. 131-301) and the Non-Payment Collection Fee (Sec. 131-302) shall be deposited into the Court Violations Bureau Fund. Municipal Court Expenses incurred to collect Non-Payment Collection Fees shall be paid out of and not exceed Non-Payment Collection Revenues.

(b) All monies deposited into the Court Violations Bureau Fund shall be appropriated by the City-County Council pursuant to periodic inter-agency agreements entered into by and between the Presiding Judge of the Municipal Court of Marion County and the Auditor of Marion County. All monies deposited into the Court Violations Bureau Fund shall be used for Municipal Court administrative expenses and/or costs associated with incarceration or incarceration alternatives in Marion County.

SECTION 2. Should any provision (section, paragraph, sentence, clause, or any 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 3. This ordinance shall be in effect from and after its passage by the council and compliance with IC 36-3-4-14.

PROPOSAL NO. 256, 1992. Councillor Borst reported that the Metropolitan Development Committee heard PROPOSAL NO. 256, 1992 on November 30, 1993. The proposal, sponsored by Councillor Rhodes, amends the Code concerning zoning procedures. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it be



stricken. Councillor Rhodes moved, seconded by Councillor Smith, to strike. The proposal was stricken by unanimous voice vote.

PROPOSAL NO. 622, 1993. Councillor Borst reported that the Metropolitan Development Committee heard Proposal No. 622, 1993 on November 30, 1993. This proposal revises the enforcement procedures for civil zoning violations in order to comply with state statute, by making certain violations subject to admission and payment through the Ordinance Violations Bureau, in lieu of citations with increasing fine amounts. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Brents, for adoption. Proposal No. 622, 1993 was adopted on the following roll call vote; viz:

23 YEAS: *Borst, Brents, Coughenour, Curry, Dowden, Franklin, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams*

0 NAYS:

5 NOT VOTING: *Black, Boyd, Giffin, Gilmer, Golc*

1 NOT PRESENT: *Beadling*

Proposal No. 622, 1993 was retitled GENERAL ORDINANCE NO. 165, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 165, 1993

A GENERAL ORDINANCE revising the enforcement procedures for civil zoning violations to comply with state statutes, by making certain violations subject to admission and payment through the ordinance violations bureau, in lieu of the current procedure of warning tickets and a series of citations with increasing fine amounts. (Amends Sections 6, 7 and 10, and repeals Sections 8 and 9, of Appendix D, Part 26 of the Code, and amends Sec. 103-52 of the Rev. Code.)

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

SECTION 1. Appendix D, Part 26 of the Code of Indianapolis and Marion County, Indiana, specifically Sections 6, 7, 8, 9 and 10, be and is hereby, amended by deleting the stricken-through text, and by inserting the underlined text, to read as follows:

Sec. 6. Civil Zoning Violations.

A. ~~The Following shall be deemed civil zoning violations which may be enforced by the designated enforcement entity in accordance with the procedures set forth in sections 6, 7 and 8 of this ordinance. It shall be unlawful for any person who is the owner or contract vendee of, or who has a possessory interest in, real property located in Marion County to cause, suffer or allow any of the following civil zoning violations to occur on such property:~~

1. The location, erection, or maintenance of any sign not specifically permitted by the Sign Regulations of Marion County, Indiana;
2. The failure to obtain an Improvement Location Permit when one is required by the terms and provisions of the Improvement Location Permit Ordinance of Marion County, Indiana;
3. The outdoor storage of junk, trash, or debris in any zoning district the provisions of which do not specifically permit such a use;
4. The outdoor storage of inoperable motor vehicles or motor vehicle parts in any zoning district the provisions of which do not specifically permit such a use;

5. The parking or storage, in any zoning district the provisions of which do not specifically permit such a use, of any motor vehicle used or designed: (a) for use in pulling, towing, hauling, transporting, or (b) as a temporary or permanent base, platform or support for equipment, machinery, materials or other goods. This provision shall include (including but not be limited to school buses, buses used for public transportation, stake body trucks, dump trucks, trucks or tractors having dual rear wheels or more than two (2) axles, semi-trailer tractors, semi-trailers and trailers having dual rear wheels or more than one (1) axle or having an overall length of more than twelve (12) feet). However, this provision does not apply to motor vehicles which do not exceed the three-quarter ton load classification in size and which are the sole primary source of vehicular transportation for an individual whose primary place of residence is the particular dwelling at a resident of the property upon which the commercial motor vehicle is parked or stored on a regular basis;
6. The outdoor storage or display of merchandise or goods in any zoning district the provisions of which do not specifically permit such a use or in violation of zoning district development standards regulating said use.;
7. The conduct of any activity in a dwelling zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district, and which activity has not been legally established by a currently valid variance, special exception or other approval grant;
8. Failure to comply with zoning district development standards, including but not limited to landscaping, paving or striping of parking areas, minimum parking space requirements, dumpster enclosure, fencing or screening requirements;
9. The failure to comply with the terms, provisions, conditions or commitments of a variance grant, special exception, rezoning ordinance, or other approval grant; and
10. The violation of a Stop Work Order issued pursuant to Section 5.

B. Each day a civil zoning violation remains uncorrected constitutes a second or subsequent violation. It shall be a defense to an action to enforce a civil zoning violation that the use or activity alleged to be a civil zoning violation is a legally established nonconforming use.

~~B. Any person who uses property in violation of subsection (A) shall be deemed to have committed a civil zoning violation and may be issued a citation by the designated enforcement entity pursuant to Section 7.~~

~~C. Each day a violation remains uncorrected is a distinct and separate civil zoning violation subject to an additional citation and fine in the amount prescribed by subsection (D) below provided a warning ticket, if required, has first been issued pursuant to Section 7 (B).~~

~~D. The monetary fine for each civil zoning violation shall be Fifty Dollars (\$50.00), except that for a repeated civil zoning violation, the following fines shall apply.~~

Second Citation	\$100.00
Third Citation	\$150.00
Fourth Citation	\$200.00
Each Citation in excess of four	\$300.00

~~In no event shall the total monetary fine for each civil zoning violation exceed Two Thousand Five Hundred Dollars (\$2,500.00).~~

~~E. All fines prescribed by this section for civil zoning violations shall be paid to the controller, who shall render to the person making the payment a receipt stating the amount and purpose for which the fine has been paid, a duplicate of which shall be made a part of the records of the city. All fines thus received shall be deposited with the controller.~~

Sec. 7. Citation for Civil Zoning Violations; Enforcement

~~A. The Administrator or his duly authorized designees may issue a civil citation to a person who commits a civil zoning violation or to the legal owner, the contract vendee, or any person or entity with a possessory interest in the real estate upon which the violation occurs allows a civil zoning violation to be committed on real estate in which the person has a possessory interest. The citation may be served by personal service, by certified~~

mail, by First class U.S. mail or by placement in a conspicuous place on the property where the violation occurs and shall serve a notice to a person that he has committed a civil zoning violation.

~~B. No citation shall be issued unless the person who commits a civil zoning violation or the legal owner, the contract vendee, or any person or entity with a possessory interest in the real estate upon which the violation occurs allows a civil zoning violation to be committed on real estate in which the person has a possessory interest has been issued a warning ticket not less than ten (10) days before the issuance of the citation to allow said person to correct the violation to come into compliance with the prescribed zoning ordinance or regulation. However, the issuance of a warning ticket is not required before issuing a citation for the violation of a Stop Work Order issued pursuant to Section 5.~~

~~C. If a person who receives a warning ticket or a citation elects to file a land use petition, then the person must indicate his intent to file the land use petition on the warning ticket or citation and return a copy to the Division of Development Services. A person shall have ten (10) days following the issuance of the warning ticket to file the petition, and additional monetary fines as prescribed in Section 6(D) shall be stayed upon receipt of the warning ticket by the Division or upon filing the land use petition, whichever first occurs. A person who files the petition within said time period must pursue the land use petition in an expeditious fashion. If the land use petition is denied, withdrawn, or dismissed for lack of prosecution and the civil zoning violation continues at the real estate, then a lawsuit will be commenced by the designated enforcement entity in Municipal, Circuit or Superior Court of Marion County, Indiana.~~

D. The warning ticket shall include:

1. Date,
2. Name and address,
3. Section number of ordinance in violation and name of ordinance,
4. Nature of violation,
5. Place and time of violation,
6. Range of fines which could be assessed upon continued noncompliance activity,
7. Specific time allowed to bring the violative activity into compliance,
8. Name, business address and phone number of person issuing a warning ticket, and
9. Statement to violator of option to file land use petition.

E. The citation shall appear on serialized designated form and include:

1. Date,
2. Name and address,
3. Section number of ordinance in violation and name of ordinance,
4. Nature of violation,
5. Place and time of violation,
6. Amount of fine assessed,
7. Manner and location to pay fine, and date of payment not less than seven (7) days following the issuance of the citation.
8. Notice that each day is a new violation,
9. Name, business address and phone number of person issuing citation,
10. Statement to violator of right to elect trial, and
11. Statement to violator of option to file land use petition.

A. The first civil zoning violation in any calendar year shall be subject to admission of violation and payment of the designated civil penalty through the ordinance violations bureau in accordance with Chapter 103 of the Revised Code of the Consolidated City and County.

B. In addition to the procedures listed in Chapter 103 of the Revised Code, a person who has been cited for a violation of this section may elect, within ten (10) days following the issuance of a citation, to file a land use petition. The filing of a land use petition, or subsequent issuance of a variance, special exception, rezoning or other approval of the land use petition, shall not constitute a defense of any civil zoning violation which occurs prior to the issuance of the variance, special exception, rezoning or other approval.

C. All second and subsequent violations in the calendar year are subject to the enforcement procedures and penalties provided in Sec. 1-8 of the Code of Indianapolis and Marion County, Indiana.

Sec. 8. Trial for Civil Zoning Violations.



A. A person who receives a citation may elect to stand trial for the offense by indicating on the citation his intent to stand trial and returning a copy of the citation to the Division of Development Services. The returned copy of the citation shall serve as a notice of the person's intent to stand trial, and additional monetary fines prescribed in Section 6(D) shall be stayed upon receipt of the notice. The notice shall be given at least five (5) days before the date of payment set forth in the citation. On receipt of the notice of intention to stand trial, a lawsuit will be commenced by the designated enforcement entity in Municipal, Circuit, or Superior Court of Marion County, Indiana. The matter shall be scheduled for trial, and a Summons and an Order to Appear shall be served upon the Defendant.

B. If a person who receives a citation fails to pay the assessed fine by the date of payment set forth in the citation and fails to give notice of his intention to stand trial as prescribed in subsection (A) above, the designated enforcement entity may file a civil lawsuit as provided by applicable laws and seek penalties as prescribed in section 9.

C. In proceedings before the Court for a civil zoning violation, the Indiana Rules of Trial Procedure shall govern. The designated enforcement entity has the burden of proving the civil zoning violation by a preponderance of the evidence. It shall be a defense to an action to enforce a civil zoning violation citation that the use or activity alleged to be a civil zoning violation is a legally established nonconforming use.

D. A person adjudged to have committed a civil zoning violation is liable for the Court cost and fees. No cost shall be assessed against the designated enforcement entity in any such action.

E. Seeking a civil penalty as authorized in this section, does not preclude the designated enforcement entity from seeking alternative relief for the Court in the same action, or from seeking injunctive relief or any other remedy in a separate action for the enforcement of I.C. 36-7-4 or any ordinance adopted or action taken under I.C. 36-7-4.

F. A change of venue from Marion County shall not be granted in such a case, as provided in I.C. 36-7-4-1014(d).

~~Sec. 9. General Penalties.~~

A. ~~Whenever in any chapter, article, or section of Marion County Council Ordinance No. 8-1957, as amended, Zoning Ordinance for Marion County, Indiana, or of any ordinances amendatory thereof or supplemental thereto, the doing of any act, or the omission to do any act or to perform any duty, is a violation, any person held liable by a court of competent jurisdiction for such violation shall be fined not more than Two Thousand Five Hundred Dollars (\$2,500.00) for each such violation, act or omission.~~

B. ~~For violations continued or renewed after the imposition of a fine in subsection (A) above, each day's violation shall constitute a separate offense.~~

C. ~~In addition to the foregoing penalty prescribed in subsections (A) and (B) above, the designated enforcement entity may enjoin or abate any violation of zoning ordinances and land use regulations of Marion County, Indiana by appropriate action.~~

~~Sec. 10 8. Conflict of ordinances; Severability, Partial invalidity.~~

A. If this amendment is in conflict with any existing ordinance, or any amendment thereof, the one which establishes a higher standard for promotion and protection of public health, safety, comfort, morals, convenience, and general public welfare overrides the other.

B. If for any reason any article, division, section, subsection, sentence, clause, phrase, or word of this ordinance should be declared unconstitutional or invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance which shall remain in full force and effect; therefore, the provisions of this amendment are hereby declared severable.

SECTION 2. Sec. 103-52 of the Revised Code of the Consolidated City and County, be, and is hereby, amended by inserting the underlined text, to read as follows:

Sec. 103-52. Schedule of Code Provisions and Penalties. The following code (or ordinance) provisions and respective civil penalties are designated for enforcement through the ordinance violations bureau:

*Journal of the City-County Council*

<u>Code Section</u>	<u>Subject Matter</u>	<u>Civil Penalty</u>
4-71	Open burning	50.00
6-4	Animal at large - 1st offense in calendar year	50.00
6-71	Unlicensed dog - 1st offense in calendar year	50.00
6-150	Unvaccinated dog or cat - 1st offense in calendar year	50.00
7-20	Swimming in unguarded waters - 1st offense in calendar year	50.00
17-151	Sale of tobacco products without license - 1st offense	45.00
17-154	Prohibited distributions of tobacco products - 1st offense	45.00
17-780	Unlicensed transient merchant - 1st offense in calendar year	50.00
17½-8	Littering on premises of another	45.00
17½-17	Vehicle losing its load - 1st offense in calendar year	50.00
18-2	Unlawful noise - 1st offense in calendar year	50.00
20-9	Loitering - 1st offense in calendar year	50.00
20-46	Noisy house - 1st offense in calendar year	50.00
21½-14	3rd false alarm in calendar year	20.00
21½-14	4th false alarm in calendar year	30.00
21½-14	5th through 7th false alarm in calendar year	40.00
22-2	In park after hours - 1st offense in calendar year	50.00
22-9	Alcohol in park - 1st offense in calendar year	50.00
28-16	Parking prohibited for street repairs and cleaning	12.50
29-8	Pedestrian violations	12.50
29-27	Parking when temporarily prohibited	12.50
29-97	Display of unauthorized traffic controls	12.50
29-98	Interference with traffic control devices	12.50
29-123	Unlawful use of horn or sounding device	15.00
29-223	Unlawfully parked trailer	12.50
29-252	Unlawful parking on sidewalk, in crosswalk, or adjacent yard	25.00
29-253	Unlawful parking in certain school areas	12.50
29-254	Unlawful manner of parking	12.50
29-255	No required lights on certain parked vehicles	12.50
29-256.1	Violation of handicapped parking restrictions	45.00
29-256.2	Unlawful parking in handicapped parking meter zone	45.00
29-257	Unloading perpendicular to curb without permit	12.50
29-258	Unlawful use of bus stops and taxicab stand	12.50
29-259	Unlawful use of passenger and loading zones	12.50
29-260	Unlawful parking adjacent to certain buildings	12.50
29-262	Unlawful parking for display for sale or advertising	12.50
29-263	Unlawful parking for more than 6 hours	12.50
29-264	Unlawful parking of commercial vehicles at night	12.50
29-265	Unlawful parking in alleys or on certain narrow streets	12.50
29-266	Unlawful parking in designated special parking areas	12.50
29-267	Parking on certain streets where prohibited at all times	12.50
29-268	Stopping, standing or parking on streets where prohibited at all times	12.50
29-269	Parking on certain streets where prohibited at all times on certain days	12.50
29-270	Parking on certain streets when prohibited at certain times on certain days	12.50
29-271	Stopping, standing or parking during prohibited hours on certain days on certain streets. If between hours of 6:00 a.m. - 9:00 a.m., 7:00 a.m. - 9:00 a.m., 3:00 p.m. - 6:00 p.m., 4:00 p.m. - 6:00 p.m.	25.00
29-272	Parking longer than permitted on certain streets at certain times on certain days	12.50
29-284	Parking in excess of time permitted in parking meter zone	12.50
29-291	Parking in meter zone when temporarily prohibited	12.50
29-297	Overtime parking in metered parking space	12.50
29-321	Unlawful parking during snow emergency	25.00
29-335	Leaving taxicab unattended	12.50
29-336	Unlawful parking of bus or taxicab	12.50
29-337	Unlawful parking in certain mailbox zones	12.50
29-341	Unlawful stopping, standing or parking near fire hydrant	45.00
29-342	Unlawful obstruction of fire lane	25.00
29-398	Unlawful loading or unloading of private bus	12.50
29-400	Unlawfully stopping of food vendor vehicle	12.50

29-401	Violation of noise restriction on food vendors	12.50
29-403	Failure of food vending vehicle to display required warnings	12.50
29-403.2	Unlawful vending for other than curb side of vending vehicle	12.50
29-406	Operation of bicycle without required equipment	12.50
29-407	Unlawful operation of bicycle	12.50
29-424	Operation of unregistered bicycle	7.50
29-440	Consumption or possession by operator of motor vehicle 1st offense in calendar year	50.00
29-441	Operating motor vehicle containing open alcoholic beverages 1st offense in calendar year	50.00

Appendix D.

Part 26.

<u>Sec. 6</u>	<u>Civil zoning violations - 1st offense in calendar year</u>	<u>50.00</u>
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SECTION 3. This ordinance shall be in full force and effect from and after adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 654, 1993. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 654, 1993 on December 8, 1993. This proposal amends the Code by authorizing the county to contract with the sheriff for salary compensation in lieu of collection fees and by repealing Sec. 2-21 of the Code. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Proposal No. 654, 1993 was adopted on the following roll call vote; viz:

*24 YEAS: Borst, Brents, Coughenour, Curry, Dowden, Franklin, Gilmer, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams*

*0 NAYS:*

*4 NOT VOTING: Black, Boyd, Giffin, Golc*

*1 NOT PRESENT: Beadling*

Proposal No. 654, 1993 was retitled GENERAL ORDINANCE NO. 166, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 166, 1993

A GENERAL ORDINANCE authorizing the county to contract with the sheriff for salary compensation in lieu of collection fees and repealing Sec. 2-21 of the Code.

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

SECTION 1. The Code of Indianapolis and Marion County, Indiana is hereby amended by adopting a new Sec. 2-23 to read as follows:

Sec. 2-23. Compensation of sheriff.

(a) To the extent authorized by the city-county council in fixing the compensation of elected officials, the county auditor may enter into a contract with the county sheriff providing that to the extent the county sheriff agrees to deposit fee compensation in the county general fund, additional salary will be paid to the county sheriff.

(b) Such salary contract shall provide (i) for a fixed annual salary to be paid from the county general fund as other county officials are paid, and (ii) for a fixed amount of fee compensation, which the sheriff might otherwise retain under IC 6-8.1-8-3(f)(1), that the sheriff shall deposit into the county general fund, which shall be in addition to the amount otherwise deposited under IC 6-8.1-8-3(f)(3).

(c) A contract made under the authority of this article shall be for a term ending as of the end of a calendar ending before or concurrently with the sheriff's term of office and shall in any event terminate upon the death or resignation of the sheriff making the agreement.



SECTION 2. Sec. 2-21 of the Code of Indianapolis and Marion County is hereby repealed.

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

PROPOSAL NO. 674, 1993. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 674, 1993 on November 29, 1993. This proposal transfers and appropriates \$24,000 for the County Coroner to pay contractual expenses. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Rhodes moved, seconded by Councillor Black, for adoption. Proposal No. 674, 1993 was adopted on the following roll call vote; viz:

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

0 NAYS:

2 NOT VOTING: Giffin, Golc

1 NOT PRESENT: Beadling

Proposal No. 674, 1993 was retitled FISCAL ORDINANCE NO. 116, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 116, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) transferring and appropriating an additional Twenty Four Thousand Dollars (\$24,000) in the County General Fund for purposes of the County Coroner and reducing certain other appropriations for that agency.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (g) of the City-County Annual Budget for 1993, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Coroner to pay contractual expenses.

SECTION 2. The sum of Twenty-four Thousand Dollars (\$24,000) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>COUNTY CORONER</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	<u>\$24,000</u>
TOTAL INCREASE	\$24,000

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

<u>COUNTY CORONER</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	<u>\$24,000</u>
TOTAL REDUCTION	\$24,000

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

SPECIAL SERVICE DISTRICT COUNCILS

A quorum being present, the President called the Police Special Service District Council to order at 9:35 p.m.

December 13, 1993

**SPECIAL ORDERS - PUBLIC HEARING  
POLICE SPECIAL SERVICE DISTRICT**

PROPOSAL NO. 445, 1993. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 445, 1993 on November 22, 1993. This proposal appropriates \$100,000 for the Department of Public Safety, Police Division, to cover demolition and additional site work expenses for the Indianapolis Police Division North District Project. By a 3-2 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken. Councillor Dowden moved, seconded by Councillor Jimison, to strike Proposal No. 445, 1993. The proposal was stricken by unanimous voice vote.

**OLD BUSINESS**

Councillor Curry moved, seconded by Councillor Boyd, to strike Proposals Nos. 286, 454, and 455, 1993. The proposals were stricken by unanimous voice vote.

**ANNOUNCEMENTS AND ADJOURNMENT**

Councillor Boyd moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Marshall E. Taylor and Michael Harold Lee. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:50 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 13th day of December, 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)