

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

**REGULAR MEETINGS
MONDAY, MAY 23, 1994**

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 7:00 p.m. on Monday, May 23, 1994, with Councillor SerVaas presiding.

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

[Clerk's Note: Councillor Rhodes arrived shortly thereafter.]

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor O'Dell announced that the fifth grade class from Sanders Elementary School met today with Supreme Court Justice Ruth Ginsberg. It was televised and will be shown all week on CSPAN.

Councillor Beadling commended the Indianapolis Police Department and the Sheriff's Department, and especially Sgt. Frank Evans, for the admirable job they did in the hostage situation at Denny's restaurant.

Councillor Curry introduced Louise Bogden, widow of Charles Bogden, who was known as "Mr. Wayne Township." Councillor Black recognized Harold Anderson, president of the Marion County Alliance of Neighborhood Associations (MCANA). Councillor Hinkle acknowledged the presence of his constituents in District 18 and the representatives from the LakeView Temple who are concerned with the off-track betting issue.

The President stated that he asked Jan Richart, Voter Registration, to comment on Councillor Williams' concerns that there was not proper information given to voters whose precincts have been changed.

Councillor Williams said that her concern is for the people who did not know where to go to vote during the last election. She asked how this could be remedied before the general election in November. Ms. Richart acknowledged that the Election Board erred in not publicizing that over 300 precincts had changed in Marion County. Voter Identification Cards were mailed to voters whose ward and precinct had changed. She also said that there were numerous errors made in Marion County because the federal census information is wrong. In some precincts the census information is off by almost two city blocks. This summer the Voter Registration Board will redraw every precinct in Marion County based on Department of Metropolitan Development maps and also on state highway maps.

Councillor Williams asked if the voters will receive some sort of mail that states that their precinct has changed. Ms. Richart said that a notice will be sent saying: "You might have a change in your precinct. Please call our office or call the Marion County Election Board if you have a question."

Councillor McClamroch asked Ms. Richart how many members are on the Voter Registration Board. Ms. Richart replied that there are two members on the board and both are appointed by the respective political county chairmen for two-year terms. Councillor McClamroch said that there is a republican and a democrat on the board. He asked Ms. Richart if there was unanimous consent by the board on the action that was taken concerning the mailing of the Voter Identification Cards. Ms. Richart responded in the affirmative. Councillor McClamroch asked why 300 precincts were changed this year. Mr. Richart answered that because of (1) a state law change mandating that no precinct in the state would have over 800 voters, and (2) an agreement that was reached in a federal law suit which required more precinct changes throughout the county.

Councillor Black said that his neighbors were placed in another precinct. He asked if the Voter Registration Board was going to make an effort to correct this. Ms. Richart replied that if the error was made based on the census information, there will be a correction made. If it is a precinct line change which was approved by the State Election Board, it will not be changed.

OFFICIAL COMMUNICATIONS

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

May 23, 1994

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

Ladies and Gentlemen:

You are hereby notified that REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, May 23, 1994, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

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

May 10, 1994

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, May 12, 1994, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 276, 280, 281 and 282, 1994, to be held on Monday, May 23, 1994, at 7:00 p.m., in the City-County Building.

Respectfully,
s/Suellen Hart
Clerk of the City-County Council

May 11, 1994

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, Suellen Hart, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 34, 1994 - appropriating \$137,209 for the Information Services Agency to consolidate City-County government data circuit management under its administration

FISCAL ORDINANCE NO. 35, 1994 - appropriating \$8,903 for the Superior Court, Civil Division, Room Courts in Marion County

GENERAL ORDINANCE NO. 62, 1994 - establishing the Parks Project Revenue Fund as a non-reverting operating fund

GENERAL ORDINANCE NO. 63, 1994 - amending the Revised Code concerning the Office of Youth and Family Services and the Department of Administration

GENERAL ORDINANCE NO. 64, 1994 - amending the Code to include parking restrictions for Race Day of the Brickyard 400 (District 8)

GENERAL ORDINANCE NO. 65, 1994 - amending the Code by authorizing a traffic signal at Zionsville Road and 74th Street (District 1)

GENERAL ORDINANCE NO. 66, 1994 - amending the Code by authorizing a multi-way stop at Lafayette Road and 86th Street (District 1)

GENERAL ORDINANCE NO. 67, 1994 - amending the Code by authorizing a multi-way stop at Evanston Avenue and 51st Street (District 6)

GENERAL ORDINANCE NO. 68, 1994 - amending the Code by authorizing a multi-way stop at Edgewood Avenue and Harding Street (District 25)

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GENERAL ORDINANCE NO. 69, 1994 - amending the Code by authorizing a multi-way stop at Mills Road and Mooresville Road (District 19)

GENERAL ORDINANCE NO. 70, 1994 - amending the Code by authorizing a multi-way stop at California Street and Vermont Street (District 16)

GENERAL ORDINANCE NO. 71, 1994 - amending the Code by changing the speed limit for Westwood subdivision (District 18)

GENERAL ORDINANCE NO. 72, 1994 - amending the Code by changing the speed limit on a segment of Hanna Avenue (District 20)

GENERAL ORDINANCE NO. 73, 1994 - amending the Code by changing the speed limit on a segment of Harcourt Road (District 3)

GENERAL ORDINANCE NO. 74, 1994 - amending the Code by authorizing a one-way restriction for Woodland Drive from Ohio Street to Washington Street (District 15)

GENERAL ORDINANCE NO. 75, 1994 - amending the Code by authorizing a weight limit restriction on 79th Street from Zionsville Road to Moore Road (District 1)

SPECIAL ORDINANCE NO. 7, 1994 - authorizing the issuance and sale of bonds of the City for the purpose of procuring funds to pay for the construction, reconstruction and repair of certain park facilities and appropriating an amount not to exceed \$6,700,000

SPECIAL RESOLUTION NO. 35, 1994 - recognizing the 1994 Police and Fire Sports Festival in Indianapolis

SPECIAL RESOLUTION NO. 36, 1994 - recognizing Astronaut Dr. David A. Wolf

SPECIAL RESOLUTION NO. 37, 1994 - concerning the former Tennessee Street

SPECIAL RESOLUTION NO. 38, 1994 - authorizing the execution of an amendment to the City-County Building lease between the Building Authority, the City, and the County

Respectfully,
s/Stephen Goldsmith, Mayor

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 May 9, 1994. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS AND COUNCIL RESOLUTIONS

PROPOSAL NO. 309, 1994. This proposal, sponsored by Councillors O'Dell and Ruhmkorff, remembers Jacob M. "Jake" Greene. Councillor O'Dell read the resolution and presented a copy of the document to his widow Gladys Greene, who expressed appreciation for the resolution. Councillor O'Dell moved, seconded by Councillor Hinkle, for adoption. Proposal No. 309, 1994 was adopted by unanimous voice vote.

Proposal No. 309, 1994 was retitled SPECIAL RESOLUTION NO. 39, 1994 and reads as follows:

May 23, 1994

CITY-COUNTY SPECIAL RESOLUTION NO. 39, 1994

A SPECIAL RESOLUTION remembering Jacob M. "Jake" Greene.

WHEREAS, Jacob M. "Jake" Greene (1908-1983) was a prominent Eastside resident who will long be remembered; and

WHEREAS, he had an active life and he loved people, he worked for 21 years for the New York Central Railroad, was a game warden, was Chief Bailiff for Judge Rabb, Chief Investigator for Prosecutor Tinder, Chief Jailer for Sheriffs Maganheimer and Petit; and

WHEREAS, Jake Greene was President of the Lowell Civic League, was active in the Warren Township PTA and served on the committee that chose future land sites for Warren Township Schools; and

WHEREAS, Mr. Greene was a 32nd Degree Mason, an honorary member of the Warren Township Fire Department, a Sagamore of the Wabash and Kentucky Colonel, a Republican precinct committeeman and ward chairman, President of the Warren Township Republican Club and served the community well as elected Justice of the Peace from 1956 to 1972; 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 remembers the life and civic service of Jacob M. "Jake" Greene, and asks the Indianapolis Department of Parks and Recreation to officially name the park at 16th Street and Franklin Road the GREENE PARK in memory of this exemplary Eastside leader.

SECTION 2. Jake would smile and give his full approval that free birds can sing, that the loveliest flowers can bloom, and that children from his beloved Eastside can play upon this dedicated ground.

SECTION 3. The Council extends its best wishes to his wife of over 50 years Gladys, and to their surviving children Sheriff's Lt. Kenneth R. Greene, Rhonda Clark and Janice Durham.

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. 310, 1994. This proposal, sponsored by Councillors Beadling and Gilmer, marks the 50th Anniversary of the June 6, 1944 Normandy Invasion. Councillor Beadling asked World War II veterans Councillor SerVaas, George Lynch and Harley Chapman to join her at the podium. Councillors Beadling and Gilmer read the resolution and presented copies of the document to Commander of Navel Air Warfare Center, Dennis Mitchell, and Sgt. Major Miner Dean, 5th Ranger Battalion, who expressed appreciation for the resolution. Councillor Beadling moved, seconded by Councillor Gilmer, for adoption. Proposal No. 310, 1994 was adopted by unanimous voice vote.

Proposal No. 310, 1994 was retitled SPECIAL RESOLUTION NO. 40, 1994 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 40, 1994

A SPECIAL RESOLUTION marking the 50th Anniversary of the June 6, 1944, Normandy Invasion.

WHEREAS, on June 6, 1944, the largest seaborne invasion in history occurred when the United States, Great Britain, Canada and their allies stormed ashore at Normandy, France, to open the major Second Front in Western Europe against the Axis Powers; and

WHEREAS, the operation involved over 4,000 Navy vessels including three U.S. battleships, air cover totaling over 14,000 sorties, and mountains of supplies; and

WHEREAS, before daybreak the U.S. 82nd and 101st Airborne Divisions dropped inland, and at 6:30 a.m. the 1st, 4th and 29th Infantry Divisions and the 2nd Ranger Battalion were sent ashore in the first wave; and

WHEREAS, during the first 24 hours 1,465 Americans were killed and 3,184 wounded, but the following waves of reinforcements kept the momentum going, and by the end of the month a million Allied troops were on French soil; 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 pauses to mark the 50th Anniversary of the June 6, 1944, D-Day Normandy Invasion which helped shorten the Second World War.

SECTION 2. Several young soldiers, sailors and airmen from Indianapolis and Marion County were involved in the many phases of that historic invasion.

SECTION 3. The Council commends the World War II National Commemorative Association and Fort Benjamin Harrison for organizing events which specifically focus upon the historic D-Day invasion and its far reaching effects, and calls upon all citizens to pause on Monday, June 6, 1994, to offer a moment of thanks to those heroes a half-century ago.

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. 322, 1994. This proposal, sponsored by Councillors Boyd, SerVaas and McClamroch, congratulates the Indiana Pacers. Councillor Boyd read the resolution and moved, seconded by Councillor Short, for adoption. Proposal No. 322, 1994 was adopted by unanimous voice vote.

Proposal No. 322, 1994 was retitled SPECIAL RESOLUTION NO. 41, 1994 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 41, 1994

A SPECIAL RESOLUTION congratulating the Indiana Pacers.

WHEREAS, the general spirit and a significant portion of the economic viability of a community is much determined by the spirit, determination and success of its sports teams; and

WHEREAS, the Indiana Pacers professional basketball team has already progressed further in the playoff series than any other Indianapolis team in the history of the NBA franchise; and

WHEREAS, the team members continue to present themselves as totally capable and worthy ambassadors for the city and state as they carry our good name into all places in the nation; now, therefore

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

SECTION 1. The citizens of Indianapolis, acting and speaking through their elected City-County Council, wish the Indiana Pacers well as they continue in the NBA playoff series.

SECTION 2. The Citizens and Council thank the Indiana Pacers for the job they have already done and for the added measure of pride they have brought to the City of Indianapolis and to the state.

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.

May 23, 1994

The President recognized Councillor Williams. Councillor Williams said that on Saturday, May 14, 1994, President Bill Clinton visited Indianapolis and King Park. She thanked all the City departments for their work, and especially the Department of Parks and Recreation, the Department of Public Works, and the Indianapolis Police Department. It was an incredible effort--and it was made perfect in part by excellent city employees.

PROPOSAL NO. 230, 1994. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 230, 1994 on May 11, 1994. The proposal appoints Lacy M. Johnson to the Juvenile Detention Center Advisory Board. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Curry, for adoption. Proposal No. 230, 1994 was adopted by unanimous voice vote.

Proposal No. 230, 1994 was retitled COUNCIL RESOLUTION NO. 66, 1994 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 66, 1994

A COUNCIL RESOLUTION appointing Lacy M. Johnson to the Juvenile Detention Center Advisory Board.

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

SECTION 1. As a member of the Juvenile Detention Center Advisory Board, the Council appoints:

Lacy M. Johnson

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1996. The person appointed by this resolution shall serve at the pleasure of the Council and until her respective successor is appointed and has qualified.

PROPOSAL NO. 311, 1994. The proposal, sponsored by Councillor Hinkle, requests a moratorium on issuance of improvement location permits or zoning certifications for use of property for satellite wagering facilities. Councillor Hinkle said that this resolution was discussed at the May 12th Metropolitan Development Committee meeting. Councillor West said that by a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor West moved, seconded by Councillor Hinkle, for adoption. Proposal No. 311, 1994 was adopted by a majority voice vote.

Proposal No. 311, 1994 was retitled COUNCIL RESOLUTION NO. 67, 1994 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 67, 1994

A COUNCIL RESOLUTION requesting a moratorium on issuance of improvement location permits or zoning certifications for use of property for satellite wagering facilities, licensed under IC 4-31-5.5.

WHEREAS, differences of opinion exist as to whether any current zoning classifications include satellite facilities under IC 4-31-5.5 (hereinafter satellite wagering facilities) as a permitted use, and

WHEREAS, the Metropolitan Development Commission approved Zoning Ordinance 94-AO-7 amending certain commercial zoning classifications to include satellite wagering facilities as permitted uses, and such proposal is pending before the City-County Council as Proposal No. 266, 1994; and

WHEREAS, the Council has until July 21, 1994, to act upon such proposed zoning changes; and

WHEREAS, substantial questions have been raised about the appropriate locations, if any, for satellite wagering facilities, 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 requests the Metropolitan Development Commission, the Boards of Zoning Appeals, and the Department of Metropolitan Development to establish a ninety (90) day moratorium on satellite wagering facilities and to refuse to take any action to grant or issue any rezoning petition, variance petition, improvement location permit or other certification or ruling that would allow the construction or operation of any satellite wagering facilities in Marion County.

SECTION 2. Within thirty (30) days of adoption of this resolution the Director of the Department of Metropolitan Development shall present to the full Council a comprehensive evaluation of the zoning considerations for satellite wagering facilities, and the Council shall act upon said evaluation no later than its August 8, 1994 meeting.

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.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 299, 1994. Introduced by Councillor Franklin. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE abolishing the Marion County Board of Tax Adjustment"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 300, 1994. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$2,768,358 for the Office of Youth and Family Services and appropriating \$10,962,505 for the Department of Administration, Workforce Development Division, to finance their 1994 budgets"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 301, 1994. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$276,311 for the Office of the Controller, Revenue Enhancement Division, to finance its budget from July 1 through the end of the year and to purchase software and computer equipment"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 302, 1994. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$645,060 for the Department of Metropolitan Development, Planning Division, to fund federally-mandated transportation planning services, completion of neighborhood plans, implementation of economic development initiatives, and improvement of computer-aided systems and services"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 303, 1994. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$7,053,270 for the Department of Metropolitan Development, Neighborhood and Development Services Division, to fund 1994 HOME and HOPE3 programs"; and the President referred it to the Metropolitan Development Committee.

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PROPOSAL NO. 304, 1994. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$479,277 for the Department of Metropolitan Development, Neighborhood and Development Services Division, to fund the Unsafe Building Program and a parking study for Broad Ripple Village"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 305, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$400 for the Superior Court, Title IV-D Court, to purchase an IRMA Board, and repealing Fiscal Ordinance No. 33, 1994"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 306, 1994. Introduced by Councillor Golc. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$2,821 for the Marion County Drug Court to purchase five computer terminals"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 307, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$37,595 for the Marion County Justice Agency to support the Indianapolis Challenge project, which involves coordinating comprehensive approaches to issues and problems concerning alcohol, tobacco and other drug abuse and the related violence in Marion County"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 308, 1994. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a multi-way stop at Carrollton Avenue and 50th Street and at Carrollton Avenue and 51st Street (District 21)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 312, 1994. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Richard Payne to the Audit Committee"; and the President referred it to the Administration and Finance Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 298, 1994. Councillor Borst reported that the Economic Development Committee heard Proposal No. 298, 1994 on May 17, 1994. The proposal amends S.R. No. 78, 1993 by extending the expiration date on the Inducement Resolution through November 30, 1994 for Forest City Residential Development, Inc. 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 Ruhmkorff, for adoption. Proposal No. 298, 1994 was adopted on the following roll call vote; viz:

23 YEAS: Beadling, Black, Borst, Brents, Coughenour, Curry, Dowden, Giffin, Gilmer, Golc, Hinkle, Jimison, Jones, McClamroch, Mullin, O'Dell, Ruhmkorff, Schneider, SerVaas, Shambaugh, Smith, West, Williams

0 NAYS:

5 NOT VOTING: Boyd, Franklin, Gray, Rhodes, Short

1 NOT PRESENT: Moriarty Adams

Proposal No. 298, 1994 was retitled SPECIAL RESOLUTION NO. 43, 1994 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 43, 1994

A SPECIAL RESOLUTION amending City-County Special Resolution No. 78, 1994 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 I.C. 36-7-11.9 and I.C. 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. 78, 1994 (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 Forest City Residential Development, Inc. (the "Company") which Inducement Resolution set an expiration date of May 31, 1994 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, determines, ratifies and confirms that the Inducement Resolution is hereby amended by deleting the expiration date of May 31, 1994, contained therein and replacing said date with the date of November 30, 1994.

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

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

PROPOSAL NOS. 313-321, 1994. Introduced by Councillor West. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on May 20, 1994."

Councillor Dowden made the following motion:

Mr. President:

I move that Proposal No. 313, 1994 (Rezoning Petition No. 94-Z-35, Amended) be scheduled for a hearing before this Council at its next regular meeting on June 13, 1994 at 7:00 p.m. and that the Clerk read the announcement of such hearing and enter same in the minutes of this meeting.

This motion passed by unanimous voice vote. Proposal No. 313, 1994 is identified as follows:

94-Z-35 (Amended) LAWRENCE TOWNSHIP. COUNCILMANIC DISTRICT # 4.
8010 NORTH SHADELAND AVENUE (approximate address), INDIANAPOLIS.
LOWE'S HOME CENTERS, INC., by Thomas Michael Quinn, requests the rezoning of 14.935 acres, being in the D-A District, to the C-S classification to provide for development of a hardware/home improvement store.

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The Council did not schedule Proposal Nos. 314-321, 1994 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 314-321, 1994 were retitled REZONING ORDINANCE NOS. 60-67, 1994 and are identified as follows:

REZONING ORDINANCE NO. 60, 1994. 94-Z-51 DECATUR TOWNSHIP.
COUNCILMANIC DISTRICT # 19.
6010 WEST SOUTHPORT ROAD (approximate address), INDIANAPOLIS.
CHARTER CORPORATION, by Donald M. Meyer, requests the rezoning of 80 acres, being in the D-A District, to the D-4 classification to provide for single-family residential subdivision development.

REZONING ORDINANCE NO. 61, 1994. 94-Z-27 DECATUR TOWNSHIP.
COUNCILMANIC DISTRICT # 19.
7720 REYNOLDS ROAD (approximate address), INDIANAPOLIS.
GARY and PEGGY VAN BLARICUM, by William F. LeMond, request the rezoning of 2.037 acres, being in the D-A District, to the D-1 classification to provide for single-family residential use.

REZONING ORDINANCE NO. 62, 1994. 94-Z-47 CENTER TOWNSHIP.
COUNCILMANIC DISTRICT # 22.
1418-1420 EAST 10TH STREET (approximate address), INDIANAPOLIS.
EASTSIDE COMMUNITY INVESTMENTS requests the rezoning of 0.09 acre, being in the C-2 District, to the D-8 classification to provide for residential use.

REZONING ORDINANCE NO. 63, 1994. 94-Z-53 WARREN TOWNSHIP.
COUNCILMANIC DISTRICT # 13.
131 SOUTH MITTHOEFFER (REAR) (approximate address), INDIANAPOLIS.
MORNINGSTAR GOLF CLUB INC. requests the rezoning of 12 acres, being in the D-A District, to the SU-3 classification to provide for a golf practice range.

REZONING ORDINANCE NO. 64, 1994. 94-Z-66 PERRY TOWNSHIP.
COUNCILMANIC DISTRICT # 20.
7828 MADISON AVENUE (approximate address), INDIANAPOLIS.
R.J. REALTY, INC., by Michael J. Kias, requests the rezoning of 2.5 acres, being in the D-A District, to the D-8 classification to provide for multi-family development.

REZONING ORDINANCE NO. 65, 1994. 94-Z-73 WARREN TOWNSHIP.
COUNCILMANIC DISTRICT # 13.
402 SOUTH MITTHOEFFER ROAD (approximate address), INDIANAPOLIS.
PHILIP and CHARLOTTE KROENING, by Edward E. Brown, request the rezoning of 5.0 acres, being in the I-3-S District, to the C-1 classification to provide for a chiropractic/ medical office facility.

REZONING ORDINANCE NO. 66, 1994. 94-Z-75 PIKE TOWNSHIP.
COUNCILMANIC DISTRICT # 1.
4874 NORTH HIGH SCHOOL ROAD (approximate address), INDIANAPOLIS.
DEPARTMENT OF METROPOLITAN DEVELOPMENT requests the rezoning of 18.01 acres, being in the D-4 District, to the D-2 classification to conform an existing single-family residential subdivision with the appropriate zoning designation.

REZONING ORDINANCE NO. 67, 1994. 94-Z-77 WARREN TOWNSHIP.
COUNCILMANIC DISTRICT # 13.
7759 EAST ENGLISH AVENUE (approximate address), INDIANAPOLIS.
SUN SONG, by Michael D. Keele, requests the rezoning of 13.726 acres, being in the SU-1 District, to the SU-3 classification to provide for a golf driving range and accessory uses.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 200, 1994. Councillor O'Dell reported that the Community Affairs Committee heard Proposal No. 200, 1994 on May 18, 1994. The proposal appropriates \$3,850,509 for the Marion County Office of Family and Children to pay the expenses of wards in institutions. By a 4-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:01 p.m. There being no one present to testify, Councillor O'Dell moved, seconded by Councillor Ruhmkorff, for adoption. Proposal No. 200, 1994 was adopted on the following roll call vote; viz:

22 YEAS: *Beadling, Black, Borst, Boyd, Brents, Coughenour, Franklin, Giffin, Gilmer, Gray, Hinkle, Jimison, Jones, McClamroch, Mullin, O'Dell, Ruhmkorff, SerVaas, Shambaugh, Short, West, Williams*

4 NAYS: *Curry, Dowden, Schneider, Smith*

2 NOT VOTING: *Golc, Rhodes*

1 NOT PRESENT: *Moriarty Adams*

Proposal No. 200, 1994 was retitled FISCAL ORDINANCE NO. 36, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 36, 1994

A FISCAL ORDINANCE amending the Marion County Office of Family and Children Annual Budget for 1994 (City-County Fiscal Ordinance No. 71, 1993) appropriating an additional Three Million Eight Hundred Fifty Thousand Five Hundred Nine Dollars (\$3,850,509) in the Welfare General Fund for purposes of the Marion County Office of Family and Children and reducing the unappropriated and unencumbered balance in the Welfare General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 of the Marion County Office of Family and Children Annual Budget for 1994, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Marion County Office of Family and Children to pay the expenses of wards in institutions.

SECTION 2. The sum of Three Million Eight Hundred Fifty Thousand Five Hundred Nine Dollars (\$3,850,509) 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>MARION COUNTY OFFICE OF FAMILY AND CHILDREN</u>	<u>WELFARE GENERAL FUND</u>
3. Other Services and Charges	\$3,850,509
TOTAL INCREASE	\$3,850,509

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

	<u>WELFARE GENERAL FUND</u>
Unappropriated and Unencumbered	
Welfare General Fund	\$3,850,509
TOTAL REDUCTION	\$3,850,509

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

PROPOSAL NO. 276, 1994. The proposal appropriates \$318,100 for the County Coroner to cover the following costs through the end of the year: (1) salary of one full-time autopsy assistant, (2) contractual agreements for three pathologists, six investigative deputy coroners and one part-time autopsy assistant, and (3) tuition and instruction. Councillor Rhodes asked for consent to postpone Proposal No. 276, 1994 until June 13, 1994. Consent was given.

PROPOSAL NO. 280, 1994. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 280, 1994 on May 11, 1994. The proposal

appropriates \$73,650 for the Superior Court, Criminal Division, Probation Department, to utilize a federal grant to computerize the department. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:04 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Curry, for adoption. Proposal No. 280, 1994 was adopted on the following roll call vote; viz:

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

0 NAYS:

2 NOT VOTING: *Gilmer, Rhodes*

1 NOT PRESENT: *Moriarty Adams*

Proposal No. 280, 1994 was retitled FISCAL ORDINANCE NO. 37, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 37, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) appropriating an additional Seventy-three Thousand Six Hundred Fifty Dollars (\$73,650) in the State and Federal Grants Fund for purposes of the Superior Court, Criminal Division, Probation Department, and reducing 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 (mm) of the City-County Annual Budget for 1994, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Superior Court, Criminal Division, Probation Department, to utilize a federal grant to computerize the department.

SECTION 2. The sum of Seventy-three Thousand Six Hundred Fifty Dollars (\$73,650) 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:

SUPERIOR COURT, CRIMINAL DIVISION	
<u>PROBATION DEPARTMENT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	\$13,950
4. Capital Outlay	<u>\$9,700</u>
TOTAL INCREASE	\$73,650

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>\$73,650</u>
TOTAL REDUCTION	\$73,650

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

PROPOSAL NO. 281, 1994. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 281, 1994 on May 11, 1994. The proposal appropriates \$24,550 for the Superior Court, Criminal Division, Probation Department, to provide the 25% matching funds necessary for the federal grant awarded to the department

to be used solely for computerization. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:05 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Franklin, for adoption. Proposal No. 281, 1994 was adopted on the following roll call vote; viz:

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

0 NAYS:

2 NOT VOTING: *Rhodes, Smith*

1 NOT PRESENT: *Moriarty Adams*

Proposal No. 281, 1994 was retitled FISCAL ORDINANCE NO. 38, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 38, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) appropriating an additional Twenty-four Thousand Five Hundred Fifty Dollars (\$24,550) in the Supplemental Adult Probation Fees Fund for purposes of the Superior Court, Criminal Division, Probation Department, and reducing the unappropriated and unencumbered balance in the Supplemental Adult Probation Fees 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 (mm) of the City-County Annual Budget for 1994, be and is hereby amended by the increases and reductions hereinafter stated for purposes of Superior Court, Criminal Division, Probation Department, to provide the 25% matching funds necessary for the federal grant awarded to the department to be used solely for computerization.

SECTION 2. The sum of Twenty-four Thousand Five Hundred Fifty Dollars (\$24,550) 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</u>	
<u>PROBATION DEPARTMENT</u>	<u>SUPPLEMENTAL ADULT PROBATION FEES FUND</u>
3. Other Services and Charges	\$ 4,650
4. Capital Outlay	<u>19,900</u>
TOTAL INCREASE	\$24,550

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

	<u>SUPPLEMENTAL ADULT PROBATION FEES FUND</u>
Unappropriated and Unencumbered	
Supplemental Adult Probation Fees Fund	<u>\$24,550</u>
TOTAL REDUCTION	\$24,550

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

PROPOSAL NO. 282, 1994. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 282, 1994 on May 11, 1994. The proposal

appropriates \$114,000 for the County Auditor to cover costs associated with preparing the Marion County Hazardous Materials Response Plan and providing the community with the Right-to-Know information. By a 6-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Schneider stated he will be voting against this proposal because it is a waste of funds since this same information can be obtained from various township fire departments.

The President called for public testimony at 8:16 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor West, for adoption.

The President stated that he believes that there is a great deal of uncertainty in the minds of the public as to what really constitutes hazardous material. More and more agencies and bureaucracies are becoming involved with this issue. He suggested that the Public Safety and Criminal Justice Committee simplify this issue for the public so they can understand what measures local government is doing to protect them concerning hazardous material.

Proposal No. 282, 1994 was adopted on the following roll call vote; viz:

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

Proposal No. 282, 1994 was retitled FISCAL ORDINANCE NO. 39, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 39, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) appropriating an additional One Hundred Fourteen Thousand Dollars (\$114,000) in the Local Emergency Planning and Right to Know Fund for purposes of the County Auditor and reducing the unappropriated and unencumbered balance in the Local Emergency Planning and Right to Know 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 (b) of the City-County Annual Budget for 1994, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Auditor to cover costs associated with preparing the Marion County Hazardous Materials Response Plan and providing the community with the Right-to-Know information.

SECTION 2. The sum of One Hundred Fourteen Thousand Dollars (\$114,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	LOCAL EMERGENCY PLANNING AND RIGHT TO KNOW FUND
3. Other Services and Charges	<u>\$114,000</u>
TOTAL INCREASE	\$114,000

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

LOCAL EMERGENCY PLANNING
AND RIGHT TO KNOW FUND

Unappropriated and Unencumbered	
Local Emergency Planning and Right to Know Fund	<u>\$114,000</u>
TOTAL REDUCTION	\$114,000

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

[Clerk's Note: Councillor Rhodes arrived at this time, 8:15 p.m.]

PROPOSAL NO. 297, 1994. Councillor Borst reported that the Economic Development Committee heard Proposal No. 297, 1994 on May 17, 1994. The proposal approves the issuance of (i) City of Indianapolis, Indiana, Health Care Facilities Revenue Refunding Bonds (FHA Insured Mortgage--Regency Place of Castleton) Health Quest Realty XXI Issue Series 1994A in an amount not to exceed \$4,500,000, and (ii) City of Indianapolis, Indiana, Health Care Facilities Taxable Revenue Bonds (FHA Insured Mortgage--Regency Place of Castleton) Health Quest Realty XXI Issue Series 1994B in an amount not to exceed \$400,000 to finance a skilled nursing home facility located at 5226 East 82nd Street. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:17 p.m. There being no one present to testify, Councillor Borst moved, seconded by Councillor Mullin, for adoption. Proposal No. 297, 1994 was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT PRESENT: Moriarty Adams

Proposal No. 297, 1994 was retitled SPECIAL ORDINANCE NO. 8, 1994 and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 8, 1994

A SPECIAL ORDINANCE authorizing the issuance and sale of an aggregate principal amount not to exceed \$4,500,000 of City of Indianapolis, Indiana, Health Care Facilities Revenue Refunding Bonds (FHA Insured Mortgage Loan--Regency Place of Castleton), Health Quest Realty XXI Issue Series 1994A and an aggregate principal amount not to exceed \$400,000 of City of Indianapolis, Indiana, Health Care Facilities Taxable Revenue Bonds (FHA Insured Mortgage Loan--Regency Place of Castleton) Health Quest Realty XXI Issue Series 1994B; designating the bonds as limited obligations of the city; approving the form of, and authorizing the execution and delivery of, the trust indenture, the loan agreement, placement agreement and other documents related to the issuance and sale of the bonds; requesting authentication; appointing bond counsel; and authorizing proper officers to do all other things deemed necessary or advisable in connection herewith and approving and authorizing other actions in respect thereto.

WHEREAS, pursuant to Title 36, Article 7, Chapters 11.9 and 12 of the Indiana Code, as amended (the "Act"), the City of Indianapolis, Indiana (the "City") has heretofore issued \$4,780,000 principal amount of City of Indianapolis, Indiana Health Care Facilities Revenue Bonds Health Quest Realty XXI Issue (FHA Insured Mortgage), Series A (the "Prior Bonds") for the purpose of financing the costs of a project, consisting of the acquisition and improvement of certain premises in the City and construction thereon and equipment of a skilled care facility (the "Project"), owned by Health Quest Realty XXI, an Indiana limited partnership (the "Developer"); and

WHEREAS, the City loaned (the "Prior Loan") the proceeds of tile Prior Bonds to the Developer pursuant to a Financing Agreement dated as of September 1, 1984 (the "Financing Agreement") between the City and

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the Developer, pursuant to which the Developer agreed to make payments to provide sufficient funds to pay the principal of and interest on the Prior Bonds; and

WHEREAS, the Prior Loan is evidenced by the Developer's note, as modified (the "Note") in the original principal amount of \$4,265,300, and a mortgage securing the Note constituting a first lien on the Project (the "Mortgage"); and

WHEREAS, the United States Secretary of Housing and Urban Development, acting through the Federal Housing Commissioner ("FHA"), has insured the advances of funds secured by the Mortgage, and the Note was initially endorsed for insurance by FHA pursuant to Section 232 of the National Housing Act, as amended, and the regulations thereunder; and

WHEREAS, the City, as requested by the Developer, has determined to issue, sell and deliver (i) City of Indianapolis, Indiana, Health Care Facilities Revenue Refunding Bonds (FHA Insured Mortgage Loan--Regency Place of Castleton) Health Quest Realty XXI Issue Series 1994A in an aggregate principal amount not to exceed \$4,500,000 (the "Series A Bonds") to make funds available for the refunding of the Prior Bonds and the refinancing of the Project, and (ii) City of Indianapolis, Indiana, Health Care Facilities Taxable Revenue Bonds (FHA Insured Mortgage Loan--Regency Place of Castleton) Health Quest Realty XXI Issue Series 1994B in an aggregate principal amount not to exceed \$400,000 (the "Series B Bonds"), both pursuant to the Act and Indiana Code Title 5, Article I, Chapter 5 (the "Refunding Act"). The Series A Bonds and the Series B Bonds are collectively referred to herein as the "Bonds"; and

WHEREAS, the Prior Bonds will be called for redemption on August 1, 1994; and

WHEREAS, upon the redemption of the Prior Bonds, the Note and the Mortgage will be held by the Trustee as security for the Bonds and FHA will continue to insure the advances of funds secured by the Mortgage and the Note; and

WHEREAS, the City desires to sell the Bonds through a private placement thereof with certain investors, through Bank One, Columbus, N.A. (the "Placement Agent"); and

WHEREAS, the Indianapolis Economic Development Commission (the "Commission") has approved and submitted to this City-County Council of the City (the "City-County Council") proposed forms of:

- (i) the Trust Indenture dated as of June 1, 1994 (the "Indenture") between the City and PNC Bank, Ohio, National Association, as trustee (the "Trustee") pursuant to which the Bonds will be issued;
- (ii) a Preliminary Private Placement Memorandum (the "Preliminary Placement Memorandum") to be used by the Placement Agent in connection with the sale of the Bonds;
- (iii) a Bond Placement Agreement (the "Placement Agreement") between the City and the Placement Agent in connection with the sale of the Bonds;
- (iv) the Loan Agreement (the "Loan Agreement") dated as of June 1, 1994 between the City and the Developer; and
- (v) the proposed special ordinance (the "Special Ordinance") to be adopted by the City-County Council: now, therefore:

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

SECTION 1. *Incorporation of Recitals.* The Recitals contained in this Special Ordinance are true and correct and are incorporated in this Special Ordinance by this reference.

SECTION 2. *Findings; Public Benefits.* The City-County Council of the City hereby finds and determines that the refunding of the Prior Bonds would be of benefit to the health and general welfare of the City and would comply with the Act and the Refunding Act.

SECTION 3. *Issuance of the Bonds.* The City-County Council hereby authorizes the issuance of an aggregate principal amount not to exceed \$4,500,000 of the Series A Bonds by the City, for the purpose of refunding the Prior Bonds issued by the City to acquire, improve, furnish or equip the Project and an aggregate principal amount not to exceed \$400,000 of the Series B Bonds for the purpose of depositing moneys into a Debt Service

Reserve Fund (as defined in the Indenture) and paying certain costs of issuance for the Bonds. The Bonds shall be dated June 1, 1994; shall be numbered as the Trustee shall determine; and shall be fully registered without coupons. The Bonds shall bear interest at a rate not to exceed 10.75% per annum and shall have maturities and redemptions as set forth in the Indenture approved by the Mayor of the City (the "Mayor") and the Clerk of the City (the "Clerk").

The principal of the Bonds shall be payable upon presentation thereof at the principal corporate trust office of the Trustee under the Indenture. The interest on the Bonds shall be paid by check or draft of the Trustee sent to the registered owners of the Bonds; provided, however, if requested in writing by an owner of the Bonds and if proper instructions are provided to the Trustee as required under the Indenture, the Trustee is hereby authorized to pay the interest on the Bonds by wire transfer to the owners thereof.

The Bonds shall be executed on behalf of the City by, and bear the manual or facsimile signature of, the Mayor and Clerk, and the seal of the City shall be thereunto affixed (or imprinted or engraved if in facsimile).

The Bonds shall be in the form set forth in the final form of the Indenture.

SECTION 4. *Sale of Bonds.* The City-County Council hereby authorizes the placement of the Bonds to the original purchasers thereof pursuant to the Indenture and the Placement Agreement.

SECTION 5. *Limited Obligation.* The bonds and the interest thereon do not and shall never constitute an indebtedness of, or a charge against the general credit or taxing power of, the city, but are limited obligations of the city payable solely from revenues and other amounts derived from the loan agreement.

SECTION 6. *The Indenture.* The Indenture is hereby approved in the form submitted to this meeting, and a copy of the Indenture shall be kept on file by the Clerk or the City Controller. The Mayor and the Clerk are hereby authorized and directed to execute and deliver the Indenture without further approval of the City-County Council in substantially the form herein approved with such additions, deletions and modifications thereto as may be approved under the Act, the execution of the Indenture being conclusive evidence of such approval and of the approval of the City-County Council; and the Clerk, or any authorized representative of the City, is hereby authorized and directed to affix the seal of the City to the Indenture and to attest the same.

SECTION 7. *Trustee.* PNC Bank, Ohio, National Association, is hereby appointed Trustee under the Indenture. The Indenture may provide that the Trustee thereunder, or another corporate entity, shall act as bond registrar and authenticating agent.

SECTION 8. *Delivery of Bonds.* After execution on behalf of the Mayor and the Clerk, the Bonds shall be delivered to the Trustee, which is hereby authorized and requested to authenticate and deliver the Bonds to the Placement Agent for the benefit of the original purchasers in accordance with and upon compliance with the provisions of the Indenture.

SECTION 9. *Bond Counsel.* Kutak Rock is hereby appointed Bond Counsel in connection with the issuance and sale of the Bonds.

SECTION 10. *The Placement Agreement.* The Placement Agreement is hereby approved in the form submitted to this meeting, and a copy of the Placement Agreement shall be kept on file by the Clerk or the City Controller. The Mayor and the Clerk are hereby authorized and directed to execute and deliver the Placement Agreement in substantially the form herein approved with such additions, deletions and modifications thereto as may be approved under the Act, the execution of the Placement Agreement being conclusive evidence of such approval and of the approval of the City-County Council.

SECTION 11. *The Loan Agreement.* The Loan Agreement is hereby approved in the form submitted to this meeting, a copy of which shall be kept on file by the Clerk or the City Controller. The Mayor and the Clerk are hereby authorized and directed to execute and deliver the Loan Agreement in substantially the form herein approved with such additions, deletions and modifications thereto as may be approved under the Act, the execution of the Loan Agreement being conclusive evidence of such approval and of the approval of the City-County Council.

SECTION 12. *Preliminary Placement Memorandum.* The use by the Placement Agent of the Preliminary Placement Memorandum in connection with the placement of the Bonds by the Placement Agent is hereby approved, and the City-County Council hereby authorizes the preparation and use of a final Placement Memorandum containing such additions, deletions and modifications to the Preliminary Placement

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Memorandum as may be approved by the City as evidenced by the signature of the Mayor thereon. The Mayor is hereby authorized and directed to execute and deliver the final Placement Memorandum.

SECTION 13. *Blue Sky Survey.* The Mayor and the Clerk are hereby authorized in the name and on behalf of the City to take any and all action which the Placement Agent shall request and which the Mayor and the Clerk may deem necessary or advisable with the advice of counsel for the City in order to effect the registration or qualification (or exemption therefrom) of the Bonds for issue, offer, sale or trade under the Blue Sky or securities laws of any of the states of the United States of America and in connection therewith, to execute, acknowledge, verify, deliver, file or cause to be published any applications, reports, consents to service of process and other papers and instruments which may be required under such laws, and to take any and all further action which he may deem necessary or advisable in order to maintain any such registration or qualification for as long as the Mayor and the Clerk deem necessary or as required by law or by the Placement Agent, provided, however, the Mayor and the Clerk need not consent to service of process in any jurisdiction other than the State of Indiana.

SECTION 14. *Other Action.* The Mayor and the Clerk are hereby authorized and directed to execute and deliver, in the name and on behalf of the City, any and all additional documents and instruments necessary or proper to do and cause to be done any and all acts and things necessary or proper for carrying out the transactions contemplated by this Special Ordinance (including the preambles hereto and the documents mentioned herein) and the issuance and sale of the Bonds and securing of the Bonds. The Mayor and City Clerk may, by their execution of the documents requiring their signatures and imprinting of their facsimile signatures thereon, approve changes therein and also in those 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 15. *No Personal Liability.* No stipulation, obligation or agreement herein contained or contained in the Indenture, the Placement Agreement, the Loan Agreement, the Bonds or in any other agreement or document executed on behalf of the City shall be deemed to be a stipulation, obligation or agreement of any member of the City-County Council, officer, agent or employee of the City in his individual capacity, and no such member of the City-County Council, officer, agent or employee shall be personally liable on the Bonds or be subject to personal liability or accountability by reason of the issuance thereof.

SECTION 16. *Action Approved and Confirmed.* All acts and doings of the officers of the City which are in conformity with the purposes and intent of this Special Ordinance and in the furtherance of the issuance of the Bonds and the execution, delivery and performance of the documents and agreements authorized hereby are in all respects approved and confirmed.

SECTION 17. *Severability.* If any provision of this Special Ordinance shall be held or deemed to be illegal, inoperative or unenforceable, the same shall not affect any other provision or cause any other provisions to be invalid, inoperative or unenforceable to any extent whatsoever.

SECTION 18. *Repealer.* Except as provided in Section 20 hereof, any ordinances; resolutions or orders or parts thereof in conflict with this Special Ordinance are to the extent of such conflict hereby repealed.

SECTION 19. *Inspection Copies.* Two copies of the Indenture, Loan Agreement, Placement Agreement and Preliminary Placement Memorandum incorporated into this Special Ordinance were duly filed in the Office of the Clerk of the City and are available for public inspection in accordance with Section 36-1-5-4 of the Indiana Code.

SECTION 20. *Effective Date.* This Special Ordinance shall be in full force and effect from and after its passage and compliance with Indiana Code Title 36, Article 3, Chapter 4, Section 14, provided, the provisions of the special ordinance pursuant to which the Prior Bonds were issued shall remain in effect and shall supersede the provisions of this Special Ordinance in the event of any conflict with this Special Ordinance until such time as the Bonds are issued.

SPECIAL ORDERS - UNFINISHED BUSINESS

The President ruled that Proposal Nos. 548, 1993; 107 and 108, 1994 will be heard with Proposal Nos. 109, 110 and 111, 1994 under Section XIII, Special Service District Councils.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 72, 1994. Councillor Borst reported that the Economic Development Committee heard Proposal No. 72, 1994 on March 31, April 21 and May 17, 1994. The proposal amends the Revised Code by making certain changes in the regulation of limousines and taxicabs. Councillor Borst said that the two most controversial issues concerning this ordinance are: (1) it removes the cap on the number of licenses available, and (2) it still contains a maximum fare. Studies show that cities that have eliminated price controls when they deregulated their taxi industry were the ones that failed in their deregulation attempts. The proposal allows for jitneys, the hailing of cabs and a downtown circulatory system. By a 5-2 vote on May 17, 1994, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Borst moved, seconded by Councillor Williams, for adoption.

Councillor Coughenour commended the Committee on its work, but believes there are some changes that need to be made. Concerning the circulatory downtown, it has not been determined how it is going to be applied, how it is going to be identified, and who can do it. She said that she is also waiting for answers from cities that she contacted where they have deregulated and where it has not worked. She moved to postpone Proposal No. 72, 1994 until June 13, 1994. Councillor Gilmer seconded the motion.

Councillor Ruhmkorff stated that she voted against this proposal in committee because (1) if this ordinance passes, there will be more taxis which will create a need for more inspectors, and this will be another expense for the taxpayers; and (2) jitneys should not be included in this proposal.

Councillor McClamroch stated that he does not support postponing this proposal because it was introduced in February and has been through three committee hearings. It is time to make a decision on this ordinance, and he urged the Councillors to defeat the motion to postpone.

Councillors Short and Franklin agreed with Councillor McClamroch that this proposal should not be postponed and that it has been discussed at great length.

Councillor Beadling stated that she would like the proposal to be returned to committee, not postponed. She would rather discuss any changes in Committee before it came back to the Council.

Councillor Coughenour's motion to postpone failed by the following roll call vote; viz:

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

Councillor Smith said that he distributed to everyone the following amendment:

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Mr. President:

I move to amend Proposal No. 72, 1994, Committee Report Version, by deleting Sec. 996-87, Sec. 996-88, and Sec. 996-89.

Councillor Smith said that Secs. 996-87, 996-88 and 996-89 deal with fares and he believes that it is outside of the Council's purview to set fares. Councillor Rhodes seconded this motion.

Councillor McClamroch stated this proposal is intended to remove impediments for entry into the market place. Councillor Smith's amendment is intended to remove the ceiling on maximum fares in Indianapolis. Councillor McClamroch said that he believes Councillor Smith's amendment is an attempt to defeat this ordinance. On one hand the opponents say that deregulation has not worked, and on the other hand they want to create a condition by this amendment to insure that it does not work. This specific amendment was considered in Committee and was defeated because it has been proved that it does not work where it has been tried. He urged the Councillors to defeat Councillor Smith's motion to amend.

Councillor Rhodes stated he is in favor of Councillor Smith's amendment. He said that part of the reason he introduced this proposal was so that he could call two or three cab companies and get a quote on how much they would charge for a specific trip. He said he favors complete deregulation. He asked for the Council's support on Councillor Smith's amendment.

Councillor Coughenour said that she opposes Councillor Smith's amendment because (1) when complete deregulation has been tried in other cities it has not worked, (2) she does not have time to sit at the phone and compare charges, and (3) she feels a cap is necessary to protect the public and especially those who might not have the advantage to be able to sit down and compare prices.

Councillor Williams stated that in her view there are two populations that generally rely on cabs: visitors to the community and those on fixed and usually very low incomes. She said she will vote against Councillor Smith's amendment.

Councillor Hinkle asked William Styring, Chairman of the Business Development Committee, Regulatory Study Commission (RSC), if he agrees that the Council should deregulate fares.

Mr. Styring stated that based upon a couple of years of study of this issue this amendment would not be wise at this point. In a year or two, if Proposal 72 works out, this amendment might be justified. He said his reasons are based upon RSC's analysis of those cities who have gone from a very highly regulated and controlled taxi/ground transportation environment into free pricing immediately, and it was found that complete deregulation has not worked. It takes a while for consumers to become used to a new environment. There is a great deal of deregulation in this proposal. Councillor Smith's amendment is a little too much right now.

Councillor Borst stated that he had a compromise. Sec. 996-87 sets the fares for 1994 which would be from July 1 through December 31, Sec. 996-88 sets the 1995 maximum fares, and Sec. 996-89 sets the maximum taxicab fares from 1996 on. If the 1994 fares were deleted from Councillor Smith's amendment that would give the Council a chance to see what the

market will do. At the end of the year the other two sections could be deleted if it was warranted. Councillor Borst moved to amend Councillor Smith's amendment by deleting Sec. 996-87 from his amendment. Councillor Giffin seconded this motion.

Councillor Gilmer said that he favors complete deregulation and supports Councillor Smith's amendment.

Councillor West stated that Councillor Borst's amendment proposes greater competition in the early years. Mr. Styring indicated that it would be preferable if there is going to be greater competition to have it later. Concerning changes in the taxi supply and the deregulation of fares at the same time, Price Waterhouse states in a 1983 report that when that happens in the short term:

"Prices rose in every instance. Paradoxically, the influx of new entrants did not invoke the price competition typically experienced in other newly-deregulated industries. Prices rose an average of 29% in the year following deregulation. There appear to be two sources of this unexpected event. First, fare increases prior to deregulation had consistently lagged cost increases. Veteran operators thus corrected prices at the first opportunity. Second, new entrants generally charged higher fares than the veteran operators. The cabstand markets on which these operators focused their services are generally price insensitive and, because of the first-in first-out nature of taxi queues, comparison shopping is discouraged. For these reasons the new entries had no incentives to introduce price competition."

Councillor West suggested that Councillor Borst's amendment should be defeated.

Councillor Schneider urged the Council to defeat Councillor Borst's amendment because there would only be a period of five months to see if it is going to work and that is not enough time.

Councillor Curry stated that it seems to him that neither Councillor Borst's amendment nor Councillor Smith's amendment does anything about the basic questions which is service for the handicapped, service in various areas, whether it is high-risk or not, and the provision for cabstands. He believes both of these amendments should be defeated.

The President passed the gavel to Councillor McClamroch.

The President stated that usually a process is changed one step at a time. When everything is changed at the same time with various levels of understanding, a great deal of confusion and loss of control takes place. If Section 996-87 could be left as it is that would give this body six months and the administration six months to see if these changes have been accepted. At the end of six months a decision could be made concerning Secs. 996-88 and 996-89.

Councillor McClamroch returned the gavel to the President.

Councillor Borst's amendment failed by a majority voice vote.

Councillor Smith's amendment failed by a majority voice vote.

Councillor McClamroch moved to retain the maximum fare for two years and then after two years eliminate the maximum ceiling on fares. There was no second to Councillor McClamroch's motion, and he withdrew his motion.

Councillor West moved the previous question. Councillor Short seconded the motion. This motion passed by unanimous voice vote.

Proposal No. 72, 1994, as amended, was adopted on the following roll call vote; viz:

21 YEAS: Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gray, Hinkle, Jimison, Jones, McClamroch, Mullin, Schneider, SerVaas, Shambaugh, Short, West, Williams

7 NAYS: Beadling, Gilmer, Golc, O'Dell, Rhodes, Ruhmkorff, Smith

1 NOT PRESENT: Moriarty Adams

Councillor O'Dell asked for consent to explain his vote. Consent was given. He said he believes (1) that the liability limits should be reduced from \$300,000 to \$100,000, and (2) the control of the cab policy at the airport should be with the Council, not with the Indianapolis Airport Authority.

Councillor Coughenour said that the liability is not being reduced from \$300,000 to \$100,000. The original version of Proposal No. 72, 1994 raised the liability to \$300,000, but it was amended in Committee to \$100,000. It has been \$100,000 for years.

Councillor Borst thanked the Committee, the taxi industry and everyone who participated in this ordinance. Before the end of the year the Controller's Office will submit a progress report on this issue.

Proposal No. 72, 1994, as amended, was retitled GENERAL ORDINANCE NO. 76, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 76, 1994

A PROPOSAL FOR A GENERAL ORDINANCE adding Chapter 996 to the Revised Code of the Consolidated City and County and making certain changes in the regulation of limousines and taxicabs.

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

SECTION 1. Title IV of the Revised Code of the Consolidated City and County is hereby amended by adding a new chapter 996 to read as follows:

CHAPTER 996: PUBLIC VEHICLES FOR HIRE
ARTICLE I. PURPOSE AND AUTHORIZATION

Sec. 996-1. Purpose.

This article is adopted for the purpose of preventing the unsafe operation of public vehicles for hire and for the purpose of preventing unconscionable pricing and customer service practices in the operation of public vehicles for hire.

Sec. 996-2. Authorization.

This article is authorized by IC 36-9-2-4 and other provisions of the Indiana Code.

Sec. 996-3. Additional public vehicle services.

For the purpose of encouraging innovative services by public vehicles for hire in the city of Indianapolis, any type of public vehicle service not expressly prohibited by this article is hereby authorized. The express definition, recognition or approval by this article of particular public vehicle services shall not be construed to prohibit any other public vehicle service not so expressly defined, recognized or approved.

ARTICLE II. DEFINITIONS

Sec. 996-11. Public vehicle for hire.

(a) As used in this article, and except as provided in subsection (c) of this section, *public vehicle for hire* means a motor vehicle that:

- (1) is a passenger vehicle;
- (2) is designed and constructed to accommodate and transport not more than fifteen (15) passengers, including the driver; and
- (3) is used or offered for use to transport a passenger for a fare.

(b) As used in this article *public vehicle for hire* includes, but is not limited to:

- (1) Vans;
- (2) Mini-vans;
- (3) Station wagons;
- (4) Buses;
- (5) Jitneys; and
- (6) Wheelchair cabs;

provided that such motor vehicles meet the requirements of subsection (a) of this section.

(c) As used in this article *public vehicle for hire* does not include:

- (1) School buses;
- (2) Vehicles used or operated under the control of the United States, the state of Indiana or any political subdivision of the state of Indiana;
- (3) Vehicles used for ride-sharing programs on a non-profit basis;
- (4) Vehicles used for commuter services operated by an employer for the exclusive use of its employees;
- (5) Vehicles certified as ambulances under IC 16-31;
- (6) Vehicles used exclusively to provide regular route intercity passenger service on regular routes originating or terminating outside Marion County, including such vehicles which make one or more incidental stops along said routes within Marion County;
- (7) Vehicles licensed by the State of Indiana to transport as commercial vehicles for hire, used exclusively to fulfill the terms of a contract van/route operating agreement with the Indianapolis Airport Authority;
- (8) Vehicles without a taxi meter that are used exclusively to provide transportation for persons with a mental or physical disability or illness, older adults, or persons who require non-emergency medical treatment and that are operating under a certificate or permit of public convenience and necessity issued by the Indiana Department of State Revenue;
- (9) Vehicles used exclusively to solicit and transport passengers on trips originating outside Marion County;
- (10) Vehicles which are the subject of cost sharing arrangements between passengers and drivers, which arrangements are not designed to generate a profit; and

(11) Vehicles excluded from the City's regulatory authority by state law.

Sec. 996-12. Limousine.

As used in this article *limousine* means a public vehicle for hire which has not been licensed as a taxicab.

Sec. 996-13. Taxicab.

As used in this article *taxicab* means a public vehicle for hire which transports passengers for a fare, which fare is determined, in whole or in part, by a measurement, to be made during the trip, of the distance over which the passenger is transported.

Sec. 996-14. Jitney.

(a) As used in this article *jitney* means a public vehicle for hire which transports passengers for a flat fare displayed on the exterior of the jitney in a format prescribed by the controller, designed to be readable by potential customers. This provision shall not be construed to prohibit jitney fares lower than the fares so displayed.

(b) As used in this article *jitney* includes, but is not limited to, public vehicles for hire which:

- (1) have a published schedule;
- (2) have an origin and destination, and defined times of departure and arrival; and
- (3) operate within a defined corridor between the origin and destination.

Sec. 996-15. Wheelchair cab.

As used in this article *wheelchair cab* means a van-type taxicab that is capable of transporting people who use wheelchairs.

Sec. 996-16. Owner.

As used in this article *owner* means the person whose residence determines the county in which a vehicle must be registered pursuant to IC 9-18-2-15.

Sec. 996-17. Person.

As used in this article *person* means natural person, corporation, partnership, limited partnership, association or any other entity with the power to sue and be sued.

Sec. 996-18. Central office.

As used in this article *central office* means the physical location, having a street address, from which a public vehicle for hire operates, at which street address an applicant or licensee will receive all mail sent by the United States postal service.

Sec. 996-19. Violation of law.

As used in this article *violation of law* means commission of a felony, misdemeanor, infraction or ordinance violation, without regard to whether the violation is characterized as criminal or civil in nature.

ARTICLE III. OPERATOR LICENSES

Sec. 996-21. Operator licensure.

No person shall transport or offer to transport a passenger for a fare in any public vehicle for hire without a license to operate a public vehicle for hire.

Sec. 996-22. Eligibility.

To be eligible for a license to operate a public vehicle for hire, a person:

- (1) must possess a public passenger chauffeur or commercial driver's license issued by the state of Indiana;
- (2) must not have been convicted of a felony within the period of five (5) years immediately preceding the date of the filing of the application; and
- (3) either:
 - a. must not have been convicted at any time of:
 1. a felony or misdemeanor that involved violence towards another person;
 2. drunk or drugged driving;
 3. being an habitual traffic offender; or
 4. being an habitual substance offender; or
 - b. must have had a valid city of Indianapolis taxicab operator's license on the effective date of this section.

Sec. 996-23. Application.

Each applicant for a license to operate a public vehicle for hire shall provide to the controller the following information concerning the applicant, on an application form provided by the controller, signed and sworn to by the applicant:

- (1) full name;
- (2) residence;
- (3) office address;
- (4) place of residence for the five (5) years immediately preceding the date of the filing of the application;
- (5) age, race, sex, height, weight, and color of eyes and hair;
- (6) place of birth;
- (7) length of residence in the city of Indianapolis;
- (8) last previous employment;
- (9) whether the applicant is a citizen of the United States;
- (10) the date of judgment, court and description of each conviction for a violation of law by the applicant;
- (11) the date of filing, court and description of each charge pending against the applicant alleging a violation of law;
- (12) all governmental entities from which the applicant has been previously licensed to operate any type of public vehicle for hire, and each date and cause for which any such license was ever revoked or suspended; and
- (13) such additional information as the controller deems necessary.

Sec. 996-24. Attachments to the application.

Each application shall be accompanied by:

- (1) two (2) recent photographs of the applicant in a format prescribed by the controller, designed to be easily attachable to the license;

- (2) a complete set of the applicant's fingerprints in a format prescribed by the controller;
- (3) a copy of the applicant's Indiana driving record certified within ten (10) days prior to submission of the application; and
- (4) such additional items as the controller deems necessary.

Sec. 996-25. Fee.

The bi-annual fee for a license to operate a public vehicle for hire shall be eighteen dollars (\$18.00).

Sec. 996-26. Investigation of applicant.

The controller shall investigate an applicant for a license to operate a public vehicle for hire. The investigation shall include:

- (1) submission of the photographs and fingerprints of the applicant to the Indianapolis Police Department, which shall report to the controller as to whether the applicant has any criminal record, and the details of that criminal record;
- (2) investigation of the facts giving rise to any violation of law and any charges alleging a violation of law pending against the applicant; and
- (3) such additional investigation as the controller deems necessary.

Sec. 996-27. Examination of applicant.

Each applicant for a license to operate a public vehicle for hire may be examined by the controller if determined by the controller to be necessary to guarantee quality service to customers, as to:

- (1) the applicant's qualifications;
- (2) the applicant's knowledge of the provisions of this article and such other ordinances, statutes and regulations as the controller deems relevant;
- (3) the applicant's knowledge of the geography of Marion County and the surrounding counties;
- (4) the applicant's ability to communicate in English with customers; and
- (5) the applicant's skill in operating a motor vehicle (including a driving test accompanied by an inspector in such circumstances as the controller determines to be necessary to protect the public).

Sec. 996-28. Pending charges of violation of law.

If charges are pending in any court charging the applicant with a violation of law, the controller shall suspend processing of the application until those charges are resolved, unless the applicant requests the controller to proceed with the processing of the application. In the event that an applicant requests the controller to proceed, the controller shall conduct a hearing to determine whether the applicant committed the alleged violation of law and whether that violation of law disqualifies the applicant from receiving a license. Evidence may be submitted telephonically or by any other reasonable electronic means from remote locations. The applicant must appear at the hearing, testify, and otherwise fully cooperate with the controller's investigation. In the event that the application is denied, the applicant shall reimburse the controller for any expenses incurred as a result of the request for a hearing.

Sec. 996-29. Issuance of license.

Upon completion of the investigation and any examination of the applicant, and a determination by the controller that the applicant is eligible for a license to operate a public vehicle for hire, the controller shall issue to the applicant a license to operate a public vehicle for hire, in a format prescribed by the controller, which license shall contain the photograph and signature of the licensee, the date of issuance and expiration of the license, and such additional information as the controller deems necessary.

Sec. 996-30. License period.

A license to operate a public vehicle for hire shall be valid until the renewal date for that license occurring more than one year, but not more than two years, after the date of issuance.

Sec. 996-31. Renewal date.

The bi-annual renewal date for a license to operate a public vehicle for hire shall be the last day of the month of the birthday of the licensee.

Sec. 996-32. Renewal.

The bi-annual renewal of a license to operate a public vehicle for hire shall be granted upon the same terms and conditions as the original license. Pending action by the controller on the application for renewal, the applicant shall be permitted to operate a public vehicle for hire under the license issued for the previous licensing period, unless the controller enters an order to the contrary.

ARTICLE IV. GENERAL LICENSURE REQUIREMENTS FOR PUBLIC VEHICLES FOR HIRE

Sec. 996-41. Separate license.

A separate license shall be required for each public vehicle for hire. Each public vehicle for hire shall have one license: either a limousine license or a taxicab license. In order to be licensed, every limousine and every taxicab must satisfy both:

- (1) the general licensure requirements for public vehicles for hire; and
- (2) the additional specific requirements imposed by the article for either limousine licenses or taxicab licenses, whichever is applicable.

Sec. 996-42. Eligibility.

To be eligible for licensure as a public vehicle for hire, a motor vehicle must:

- (1) be a passenger vehicle;
- (2) be designed and constructed to accommodate and transport not more than fifteen (15) passengers, including the driver;
- (3) have a tax situs in Marion County;
- (4) have Marion County license plates; and
- (5) be owned by an applicant eligible to apply for a public vehicle for hire license.

Sec. 996-43. Applicant.

To be eligible to apply for a public vehicle for hire license, a person:

- (1) must be the owner of that vehicle;
- (2) must have a central office located in Marion County; and
- (3) must not have been convicted of a felony within the period of five (5) years immediately preceding the date of the filing of the application.

Sec. 996-44. Application.

(a) Each applicant for a license for a public vehicle for hire shall provide to the controller the following information concerning the applicant and the vehicle, on an application form provided by the controller, signed and sworn to by the applicant (or, if the applicant is not an individual, signed and sworn to by one of the individuals about whom information is required by this section):

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- (1) the vehicle's seating capacity, name of manufacturer, model year, horsepower, vehicle identification number, certificate of title number, color and state license number;
- (2) the logo (if any) and color scheme which will be used on the vehicle;
- (3) the applicant's full name;
- (4) the applicant's central office address;
- (5) the names of all persons other than the applicant who have a financial interest in the vehicle;
- (6) all governmental entities from which the applicant has previously obtained a license for any public vehicle for hire, and each date and cause for which any such license was ever revoked or suspended; and
- (7) such additional information as the controller deems necessary.

(b) As used in this section *financial interest* in a motor vehicle means any portion of any of the legal rights of ownership or any such financial interest in any partnership, corporation or other legal entity having any such financial interest in a motor vehicle. As used in this section, *financial interest* in a motor vehicle includes, but is not limited to, that interest held by stockholders and officers of corporations or similar business entities having a financial interest in a motor vehicle.

Sec. 996-45. Attachments to the application.

Each application shall be accompanied by:

- (1) a public liability insurance policy or certificate of self-insurance for the vehicle;
- (2) a certificate of existence from the Indiana secretary of state, if the applicant is a corporation; and
- (3) such additional items as the controller deems necessary.

Sec. 996-46. Public liability insurance.

(a) All vehicles licensed under this article must be covered by a public liability insurance policy which will indemnify anyone injured by anyone operating the vehicle. The public liability insurance shall be in an amount not less than one hundred thousand dollars (\$100,000.00) combined limit coverage for personal injury and property damage. The policy shall contain the same substantive provisions as required of common carriers under the forms prescribed by the federal highway administration at 49 C.F.R. §387.39. The policy shall remain in effect continuously until terminated. The policy shall provide that cancellation may be effected only by the insurer providing forty-five (45) days' prior written notice to the controller; provided, in the event of cancellation for nonpayment of premium, the cancellation may be effective on 10 days' prior written notice, said 10 days being measured from the controller's receipt of the notice.

(b) The insurance requirements of this section may be satisfied by a certificate of self-insurance, in an equivalent amount, issued by the bureau of motor vehicles of the state of Indiana.

Sec. 996-47. Fees.

The annual fee for each public vehicle for hire license shall be one hundred dollars (\$100.00).

Sec. 996-48. Investigation of applicant.

The controller shall investigate an applicant for a public vehicle for hire license. The investigation shall include:

- (1) investigation of the facts giving rise to any violation of law and any charges alleging a violation of law pending against the applicant or any person having a financial interest in the vehicle; and
- (2) such additional investigation as the controller deems necessary.

Sec. 996-49. Pre-licensure inspection of vehicle.

The controller shall inspect the vehicle for compliance with the motor vehicle equipment requirements of IC 9-19.

Sec. 996-50. License period.

A license for a public vehicle for hire shall be valid until the next renewal date for that license.

Sec. 996-51. Renewal date.

The renewal date for a license for a public vehicle for hire shall be the last day of June of each year.

Sec. 996-52. Renewal.

The renewal of a license for a public vehicle for hire shall be granted upon the same terms and conditions as the original license. Pending action by the controller on the application for renewal, the applicant shall be permitted to operate a public vehicle for hire under the license issued for the previous year, unless the controller enters an order to the contrary.

Sec. 996-53. Post-Licensure inspection of vehicle.

At least two (2) and not more than five (5) times each year, on a schedule or at such unannounced times as determined by the controller, the controller shall inspect each licensed public vehicle for hire for compliance with the motor vehicle equipment requirements of IC 9-19.

Sec. 996-54. Removal from service.

If a licensed public vehicle for hire is inspected pursuant to Sec. 996-53 and found not to comply with the motor vehicle requirements of IC 9-19, any monthly limousine or taxicab certificate shall be immediately removed from the vehicle and cancelled. The controller shall thereafter reinspect the vehicle upon the request of the licensee.

ARTICLE V. LIMOUSINE LICENSES

Sec. 996-61. Limousine licensure and certification.

No person shall transport or offer to transport a passenger for a fare in any public vehicle for hire which is not licensed as a public vehicle for hire, or which does not have a current monthly limousine or taxicab certificate.

Sec. 996-62. Eligibility.

To be eligible for a limousine license, a public vehicle for hire must:

- (a) meet the general licensure requirements for public vehicles for hire; and
- (b) be either:
 - (1) of the current or past ten (10) model years; or
 - (2) a luxury vehicle (including a classic car as defined by the Classic Car Club of America, a Rolls Royce, or an elongated Cadillac, Chrysler or Lincoln or a similar vehicle) determined by the Controller to be marketable primarily for the experience of the ride, rather than for the mere ability of the vehicle to transport passengers from one geographic point to another.

Sec. 996-63. Issuance of license.

Upon the completion of the investigation of the applicant and inspection of the vehicle, and a determination by the controller that the vehicle is eligible for licensure as a limousine, the controller shall issue to the applicant a limousine license, in a format prescribed by the controller, which license shall contain a description of the

vehicle, the signature of the licensee, the date of issuance and expiration of the license, and such additional information as the controller deems necessary.

Sec. 996-64. Monthly limousine certificate.

Each calendar month the controller shall issue a limousine certificate to the owner for each licensed limousine so long as said vehicle remains eligible for licensure. The certificate shall expire on the fifth day of the following month, unless sooner cancelled by the controller. The certificate shall be placed on the licensed vehicle at a location specified by the controller. The certificate shall have a format and color prescribed by the controller, and shall contain the name of the licensee, the city license number of the limousine, the signature of the controller, and such additional information as the controller deems necessary.

ARTICLE VI. TAXICAB LICENSES

Sec. 996-71. Taxicab licensure and certification.

No person shall transport or offer to transport a passenger for a fare, which fare is determined, in whole or in part, by measurement, made during the trip, of the distance over which the passenger is transported, in any public vehicle for hire which is not licensed as a taxicab, or which does not have a current monthly taxicab certificate.

Sec. 996-72. Eligibility.

To be eligible for a taxicab license, a public vehicle for hire must:

- (1) meet the general licensure requirements for public vehicles for hire;
- (2) be of the current or past six (6) model years;
- (3) be equipped with a certified taximeter;
- (4) have a permanently affixed toplight clearly identifying the vehicle as a taxicab;
- (5) have a color scheme which is either:
 - a. not similar to that in use by any taxicab licensed to another licensee; or
 - b. similar to that of a taxicab licensed to a licensee who has consented to such use of the color scheme; and
- (6) have affixed to both sides and the rear of the vehicle the controller's license number for the taxicab in a format prescribed by the controller, designed to be readable by potential customers.

Sec. 996-73. Pre-licensure inspection of taximeter.

The controller, with the assistance of the inspector of weights and measures, shall inspect the taximeter of each vehicle to be licensed as a taxicab to establish whether the taximeter is operating properly.

Sec. 996-74. Post-licensure inspection of taximeters.

At least two (2) and not more than five (5) times each year, on a schedule or at such unannounced times as determined by the controller, the controller, with the assistance of the Inspector of Weights and Measures, shall inspect the taximeter of each licensed taxicab to establish whether the taximeter is operating properly.

Sec. 996-75. Taximeter certification.

If a taximeter is inspected pursuant to this article and found to be operating properly, the inspector shall attach to the taximeter a seal in a format prescribed by the controller, and shall provide the owner with a numbered taximeter certificate containing the following information:

- (1) the signature of the inspector;
- (2) a statement that the meter has passed inspection;

- (3) the date of the inspection;
- (4) the state license plate number of the taxicab;
- (5) the number of the certificate of title of the taxicab;
- (6) the controller's license number for the taxicab;
- (7) the name of the owner of the taxicab; and
- (8) such additional information as the controller deems necessary.

Sec. 996-76. Removal from service.

If a taximeter is inspected and found to be operating improperly, any monthly taxicab certificate shall be immediately removed from the vehicle and cancelled. The controller shall thereafter reinspect the taximeter upon the request of the licensee.

Sec. 996-77. Monthly taxicab certificate.

Each calendar month the controller shall issue a taxicab certificate to the owner for each licensed taxicab so long as said vehicle remains eligible for licensure. The certificate shall expire on the fifth day of the following month, unless sooner cancelled by the controller. The certificate shall be placed on the licensed vehicle at a location specified by the controller. The certificate shall have a format and color prescribed by the controller, and shall contain the name of the licensee, the city license number of the taxicab, the signature of the controller, and such additional information as the controller deems necessary.

ARTICLE VII. FARES

Sec. 996-81. Maximum fares.

No person shall transport or offer to transport a passenger in a public vehicle for hire for a fare higher than that fare which is authorized pursuant to this article. Except for regulations which may be adopted by the Indianapolis airport authority, nothing in this article shall be construed to prohibit the charging of a fare lower than that maximum fare which is authorized pursuant to this article.

Sec. 996-82. Limousine fares.

No person shall transport or offer to transport a passenger in a limousine for a fare unless the specific dollar amount of the fare is agreed in advance.

Sec. 996-83. Filing.

Every holder of a public vehicle for hire license shall file with the controller a fare schedule, which shall be open to the public, showing all rates and charges which the licensee has established and requires as payment for any of its services.

Sec. 996-84. Fare changes.

A fare schedule on file with the controller may be changed only upon ten (10) days written notice to the controller. With the exception of fares authorized under Sec. 996-86(8) and (9), fares in the schedules may not be changed more than once each calendar quarter.

Sec. 996-85. Airport fares.

(a) All licensees under this article shall comply with such rules as the Indianapolis Airport Authority may adopt regulating taxicab and limousine service for trips originating at the Indianapolis international airport, including rules establishing or regulating fares, vehicle size and luggage compartments, provided such rules are adopted pursuant to this section.

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(b) At least thirty (30) days prior to the adoption of any rules specified in subsection (a) of this section, the Indianapolis Airport Authority shall provide notice of the proposed rules by certified or registered mail to the office of the city controller and to the clerk of the city-county council.

(c) Rules adopted pursuant to subsection (a) of this section shall not be effective sooner than sixty (60) days after notice of their adoption is received via registered or certified mail by both the Office of the city controller and the clerk of the city-county council.

Sec. 996-86. Allowable taxicab fares.

Charges for taxicab service may include only the following charges:

- (1) a pick-up charge for trips resulting from a phone request;
- (2) a pick-up charge for trips not resulting from a phone request;
- (3) a mileage charge measured in one-fifth (1/5) mile;
- (4) a waiting charge;
- (5) an extra passenger charge;
- (6) an alternative hourly charge;
- (7) an alternative regional center fare for trips originating and ending within that portion of Central Indianapolis lying east of White River, south of 12th Street, west of I-65 and north of I-70;
- (8) an alternative Indianapolis 500 Mile Race fare, on the date such race is scheduled to be run and any scheduled postponement date; and
- (9) an alternative Brickyard 400 Mile Race fare, on the date such race is scheduled to be run and any scheduled postponement date.

Sec. 996-87. 1994 maximum taxicab fares.

Until December 31, 1994, the following taxicab charges shall not exceed the amounts stated below:

- (1) The mileage charge shall not exceed thirty-three cents (33¢) for each one-fifth (1/5) mile.
- (2) The waiting charge shall not exceed thirty-three cents (33¢) for each one (1) minute of waiting time.
- (3) The extra passenger charge shall not exceed fifty-five (55¢) for each extra passenger.
- (4) The alternative hourly charge shall not exceed twenty dollars (\$20.00) per hour plus one dollar and sixty-five cents (\$1.65) per mile for each mile in excess of twelve (12) miles driven during any one (1) hour.
- (5) The alternative regional center fare shall not exceed five dollars (\$5.00) plus any applicable extra passenger charge.

Sec. 996-88. 1995 maximum taxicab fares.

From January 1, 1995 through December 31, 1995, the following taxicab charges shall not exceed the amounts stated below:

- (1) The mileage charge shall not exceed thirty-six cents (36¢) for each one-fifth (1/5) mile.
- (2) The waiting charge shall not exceed thirty-six cents (36¢) for each one (1) minute of waiting time.
- (3) The extra passenger charge shall not exceed sixty cents (60¢) for each extra passenger.

- (4) The alternative hourly charge shall not exceed twenty-two dollars (\$22.00) per hour plus one dollar and eighty cents (\$1.80) per mile for each mile in excess of twelve (12) miles driven during any one (1) hour.
- (5) The alternative regional center fare shall not exceed five dollars (\$5.00) plus any applicable extra passenger charge.

Sec. 996-89. Permanent Maximum Taxicab Fares.

From and after January 1, 1996, the following taxicab charges shall not exceed the amounts stated below:

- (1) The mileage charge shall not exceed forty cents (40¢) for each one-fifth (1/5) mile.
- (2) The waiting charge shall not exceed forty cents (40¢) per each one (1) minute of waiting time.
- (3) The extra passenger charge shall not exceed sixty-five cents (65¢) for each extra passenger.
- (4) The alternative hourly charge shall not exceed twenty-four dollars (\$24.00) per hour plus two dollars (\$2.00) per mile for each mile in excess of twelve (12) miles driven during any one (1) hour.
- (5) The alternative regional center fare shall not exceed five dollars (\$5.00) plus any applicable extra passenger charge.

ARTICLE VIII. TAXICAB OPERATION REGULATIONS

Sec. 996-101. Fraudulent operation.

No person shall operate on the streets of the city of Indianapolis any taxicab or any vehicle marked so as to appear to be a taxicab, unless the vehicle is a taxicab licensed pursuant to this article.

Sec. 996-102. Fare advertisement.

The fare schedule in use by a taxicab at any given time shall be displayed on the exterior of the taxicab in a format prescribed by the controller, designed to be readable by potential passengers. The fare schedule so advertised shall not exceed the fare schedule for that taxicab as filed with the controller. This provision shall not be construed to prohibit taxicab fares lower than the fares so displayed.

Sec. 996-103. Use of taximeters.

No person shall operate a taxicab as a taxicab unless the taximeter is engaged.

Sec. 996-104. Taximeter security.

All taximeters shall be in an enclosed case permanently attached to a taxicab, and no person other than the controller or the inspector authorized by the controller shall remove or tamper with the case, the taximeter or the seal placed on any taximeter by the controller, unless the current taximeter and monthly taxicab certificates are first surrendered to the controller.

Sec. 996-105. Illumination of taximeters.

All taximeters shall be illuminated between sunset and sunrise so as to be easily and clearly readable at all times by passengers seated in the rear seat.

Sec. 996-106. Taxicab waiting charges.

When a taxicab arrives at the place to which it has been called by a passenger, the driver shall give notice of his arrival to such person, and for the first three (3) minutes following notice there shall be no time charge for waiting. For any waiting time thereafter, either at the place of call or in route to the passenger's destination, the waiting charge authorized by the current schedule may be charged. However, no waiting time shall be charged in any case where the wait is caused by the premature arrival of the driver at the place of the call, or where delays occur in route due to the condition of the taxicab, driver, or traffic, including railroad crossing delays.

Sec. 996-107. Routes.

Licenses operating taxicabs shall use the shortest practicable routes on all trips.

Sec. 996-108. Limousine service.

If agreed in advance by a passenger, then in lieu of taxicab service, a taxicab may be used to provide all other services which may be offered by a limousine. While operating as a limousine, a taxicab shall be governed by the provisions of this article respecting limousines, and shall not be governed by the provisions of this article respecting taxicabs.

ARTICLE IX. MISCELLANEOUS REGULATIONS

Sec. 996-121. Cruising.

No provision herein shall be construed to prohibit public vehicles for hire from cruising in search of customers. Cruising shall not be conducted in any manner which impedes the flow of traffic.

Sec. 996-122. Dispatching log.

Any licensee having a central dispatch office shall maintain at that central dispatch office a record of all dispatches including the time of the agreement to provide service and the time, date and location to which the service is to be provided. Dispatching logs shall be retained for at least one (1) year by the licensee and shall be open to inspection on demand by the controller and any police agency having jurisdiction over the geographical area of the office.

Sec. 996-123. Maintenance

The exterior and interior of all vehicles in use as public vehicles for hire shall be kept well painted, maintained and reasonably free from dirt.

Sec. 996-124. Dress Code.

(a) A person operating a public vehicle for hire shall at a minimum:

- (1) Be clean and free of any body odor detectable to a reasonable passenger;
- (2) Have all visible head and facial hair neatly trimmed and combed or brushed;
- (3) Be dressed in clean and neat outer wear consisting of shoes and a collared shirt or blouse and slacks or skirt, or dress.

(b) No person operating a public vehicle for hire shall wear as outer wear thongs, sandals, shorts, trunks, collarless shirt, tank top, body shirt, see-through clothing, swim wear or sweat clothing.

Sec. 996-125. Discrimination.

No licensee shall refuse as a passenger any person who applies to him for transportation solely on any discriminatory basis which violates federal or state law.

Sec. 996-126. Display of licenses and fare schedules.

Every public vehicle for hire shall display in plain view of passengers the public vehicle for hire license for that vehicle, the license for the operator of that vehicle and the fare schedule for that vehicle as filed with the controller.

Sec. 996-127. Persons with disabilities.

While knowingly providing transportation to persons with disabilities, a public vehicle for hire and a person licensed to operate a public vehicle for hire shall comply with all requirements of the Americans with Disabilities Act in all respects, including equipment, training of personnel, and all other respects.

Sec. 996-128. Defacing license.

No licensee shall deface, disguise or otherwise alter any license or certificate issued hereunder.

Sec. 996-129. Share rides.

No licensee shall transport any passenger other than the first passenger to occupy the public vehicle for hire without the express or implied consent of each prior passenger. Consent may be implied by entering a public vehicle for hire which is identified by exterior markings as a jitney or which otherwise, by its style, markings or established practices, would be known to a reasonable person to commonly transport multiple passengers simultaneously. A taxicab engaging in share riding is not required to be equipped with a meter capable of accounting separately for each trip segment.

Sec. 996-130. Alcoholic beverages.

No licensee under this article shall furnish or offer to furnish any alcoholic beverage to any passenger.

Sec. 996-131. Payment of fare.

No person who requests and receives transportation shall fail or refuse to pay a fare authorized by this article.

Sec. 996-132. Receipt.

Upon request by a passenger, the driver of a public vehicle for hire shall deliver to the passenger at the time of payment a signed receipt containing the driver's name and license number, the number of the license of the public vehicle for hire, the taximeter certificate number (if any), the distance or time for which the charge is made (if applicable), the total amount paid, by whom the amount was paid and the date of payment.

Sec. 996-133. Complaints.

Any person knowing of the misconduct of any licensee under this article may present a complaint to any police officer of the city or to the controller. The controller shall investigate the complaint with the assistance of the Indianapolis Police Department or the Marion County Sheriff, if the controller deems such assistance necessary. The Indianapolis Police Department or the Marion County Sheriff shall file with the controller a report of the facts relating to such conduct. The controller shall then notify the licensee in writing that charges have been filed against him, setting a time for a hearing on said charges.

Sec. 996-134. Compliance with law.

Persons licensed to operate a public vehicle for hire shall comply with all laws of the state of Indiana, provisions of this code, and such other rules and regulations as are issued by the controller.

Sec. 996-135. Location of central office; tax situs.

The controller shall revoke a limousine or taxicab license if the central office of the owner or the tax situs of the vehicle is removed from Marion County.

Sec. 996-136. Transferability.

No license or certificate granted under this article shall be transferrable.

Sec. 996-137. No property rights.

Nothing in this article shall be interpreted to grant any property rights of any kind to any licensee or any other person. All rights and restrictions created by the express language of this article may be expanded, reduced or eliminated at any time by ordinance or by regulation of the controller or other officer.

SECTION 2. The Code of Consolidated City and County is hereby amended by deleting the following provisions: Articles XVIII, XIX and XX of Chapter 17 (Secs. 17-509 through 17-709), Sec. 29-334 and Sec. 29-336. Provided, that any license previously granted pursuant to any such provision shall remain valid until

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its previously scheduled expiration, and shall be subject to the same regulation as a comparable license granted pursuant to Section 1 of this ordinance. No such license may be renewed.

SECTION 3. The expressed or implied repeal or amendment by this ordinance or any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

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

SECTION 5. Subject to the provisions of Section 2, this ordinance shall be in effect from and after July 1, 1994, and compliance with IC 36-3-4-14.

PROPOSAL NO. 140, 1994. Councillor O'Dell reported that the Community Affairs Committee heard Proposal No. 140, 1994 on May 18, 1994. The proposal, sponsored by Councillor O'Dell and Gray, provides Council endorsement and support for the City's Youth Fair Chance Demonstration Project Proposal. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor O'Dell moved, seconded by Councillor Gray, for adoption. Proposal No. 140, 1994 was adopted on the following roll call vote; viz:

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

0 NAYS:

3 NOT VOTING: Dowden, Gilmer, Schneider

1 NOT PRESENT: Moriarty Adams

Proposal No. 140, 1994 was retitled SPECIAL RESOLUTION NO. 44, 1994 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 44, 1994

A SPECIAL RESOLUTION providing City-County Council endorsement and support for the Youth Fair Chance Demonstration Project Proposal of the City of Indianapolis.

WHEREAS, the City of Indianapolis is in the process of submitting a Youth Fair Chance Demonstration Project Proposal to the U.S. Department of Labor as more fully explained in the attached memorandum; and

WHEREAS, the endorsement and support of the City-County Council would enhance the City's opportunity to achieve funding for this proposal; 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 endorses and supports the Youth Fair Chance Demonstration Project Proposal of the City of Indianapolis.

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

PROPOSAL NO. 193, 1994. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 193, 1994 on May 16, 1994. The proposal amends the Code concerning payment of accrued compensatory time. Councillor Rhodes said that this issue

had to be clarified because compensatory time has been paid to exempt employees and that some of it was paid out at time and one half. This is prohibited in the Marion County Employee and Management Handbook. 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 Shambaugh, for adoption.

Councillor Curry asked if this includes bonuses which are paid at the end of the year or does it only relate to unused compensatory time. Robert G. Elrod, General Counsel, answered that this proposal only addresses compensatory time.

Councillor Williams stated that it is her understanding that once compensatory leave is granted an employee then that employee is acknowledged as being non-exempt and therefore the employee is automatically qualified to be paid for it.

Sue Beesley, Corporation Counsel, said that this ordinance deals with the problem of exempt employees who under the Fair Labor Standard Act are not entitled to compensatory time or compensatory payment by right; however, they can be granted compensatory time or compensatory payment. This is opposed to non-exempt employees who are entitled to it by right. The policy has varied from office to office and it has been left up to the heads of those offices to determine if and when they would award compensatory leave or compensatory payment to exempt employees. In some instances with all the overtime that non-exempt employees receive, they end up making more than their supervisor. It would still allow in some cases for an exempt employees to earn the compensatory time, but when their employment ends for whatever reason they could not be paid for it.

Proposal No. 193, 1994 was adopted on the following roll call vote; viz:

22 YEAS: *Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Gilmer, Jimison, Jones, McClamroch, Mullin, O'Dell, Rhodes, Schneider, SerVaas, Shambaugh, Short, Smith, West*

3 NAYS: *Golc, Gray, Williams*

3 NOT VOTING: *Giffin, Hinkle, Ruhmkorff*

1 NOT PRESENT: *Moriarty Adams*

Proposal No. 193, 1994 was retitled GENERAL ORDINANCE NO. 77, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 77, 1994

A GENERAL ORDINANCE amending Sec. 23-31 of the Code of Indianapolis and Marion County to prohibit the payout of compensatory time to exempt and excluded employees.

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

SECTION 1. Sec. 23-31 of the Code of Indianapolis and Marion County is hereby amended by adding the words underlined and deleting the words stricken-through as follows:

Sec. 23-31. Compensatory leave.

(a) *Non-exempt employees.* Compensatory leave for employees classified as non-exempt shall be governed by the provisions of the Fair Labor Standards Act as supplemented by policies adopted by the director of administration and elected county officials.

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(b) Exempt and excluded employees. Employees classed as exempt or excluded from the provisions of the Fair Labor Standards Act may be granted compensatory leave time pursuant to the provisions of this subsection.

~~Compensatory leave may only be granted to an employee for time worked in his employment for the city or county beyond the normal workweek of the office involved and for which no remuneration is paid.~~ Compensatory leave is reserved for those exceptional circumstances when the job requires the employees to work a longer amount of time than the regular course of the job demands. The policy respecting compensatory leave shall be determined by the director of administration and each elected county official, and in every such instance by the requirements and circumstances of each office. Full discretion is granted to all elected county officials and the director of administration. In no event shall such exempt or excluded employees be paid for unused compensatory time.

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

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

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

PROPOSAL NO. 275, 1994. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 275, 1994 on May 16, 1994. The proposal approves a public purpose grant in the amount of \$65,000 to Indiana University for the purpose of financing educational access cable television programming for Marion County. By a 7-0 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. 275, 1994 was adopted on the following roll call vote; viz:

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

Proposal No. 275, 1994 was retitled SPECIAL RESOLUTION NO. 45, 1994 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 45, 1994

A SPECIAL RESOLUTION approving a public purpose grant to Indiana University in the amount of \$65,000 for the purpose of financing educational access cable television programming in Marion County.

WHEREAS, the Cable Franchise Board proposes to authorize a public purpose grant in the amount of \$65,000 to Indiana University for the purpose of financing educational access programming over the educational access channels of the two franchised cable television systems within Marion County (the Grant); and

WHEREAS, Section 2-428 of the Code of Indianapolis and Marion County, Indiana, requires that all public purpose grants shall be subject to appropriation by the City-County Council; and

WHEREAS, Section 4.01(c) of City-County Fiscal Ordinance No. 70, 1993, Annual Budget and Tax Levies for the Consolidated City of Indianapolis and for Marion County, Indiana, requires that sums appropriated

therein for public purpose grants shall not be spent until the City-County Council of the City of Indianapolis and of Marion County, Indiana, approves the amount and identity of the recipient of each grant; and

WHEREAS, the Council now finds that the Grant should be approved; now, therefore:

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

SECTION 1. The Grant in the amount of \$65,000 to Indiana University by the Cable Franchise Board is hereby approved. No grant funds shall be used in whole or in part to fund any program which endorses a political candidate or which attempts to promote or influence legislation.

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

PROPOSAL NO. 277, 1994. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 277, 1994 on May 16, 1994. The proposal, sponsored by Councillor McClamroch, amends the Revised Code concerning the Marion County Information Services Board. 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 Coughenour, for adoption. Proposal No. 277, 1994 was adopted on the following roll call vote; viz:

24 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Hinkle, Jimison, Jones, McClamroch, Mullin, O'Dell, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West

2 NAYS: Gray, Williams

2 NOT VOTING: Giffin, Rhodes

1 NOT PRESENT: Moriarty Adams

Proposal No. 277, 1994 was retitled GENERAL ORDINANCE NO. 78, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 78, 1994

A GENERAL ORDINANCE amending the Revised Code concerning the Marion County Information Services Board.

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

SECTION 1. Sec. 281-211 of the "Revised Code of the Consolidated City and County" be, and is hereby amended by deleting the stricken-through text and inserting the underlined text to read as follows:

Sec. 281-211. Board created; members; compensation.

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

- (1) Two (2) city officers appointed by the mayor of the City of Indianapolis, to serve at the pleasure of the mayor;
- (2) Two (2) county constitutional officeholders, limited to the Auditor and the Clerk or Treasurer of Marion County, to be appointed by, and serve at the pleasure of, the council;
- (3) The Presiding Judge of Marion County Municipal Court, representing the judicial branch of local government, to serve by virtue of that office;

- (4) Two (2) persons, ~~each of whom must have with~~ senior management experience ~~with which includes holding or having held line authority over the manager of the data processing area of an organizations~~ which are located in Marion County, which that utilizes a large data processing installations comparable to the city-county installation, and which are that is not in the business of selling data processing equipment or services. ~~Further, each such person must hold line authority over the manager of the organization's data processing area.~~ One such person shall be appointed by the council and the other by the mayor. The terms of such ~~citizen~~ appointments shall be staggered by the initial appointment of the mayor's appointment to a three-year term and the council's appointment to a two-year term; thereafter each to serve for two-year terms but at the pleasure of the respective appointing authority.

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

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

PROPOSAL NO. 279, 1994. Councillor West reported that the Metropolitan Development Committee heard Proposal No. 279, 1994 on May 12, 1994. The proposal approves the Public Housing Division's plan to replace 81 units of public housing. It has been determined that this action does not need Council approval. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken. Councillor West moved, seconded by Councillor Gilmer, to strike. Proposal No. 279, 1994 was stricken by unanimous voice vote.

PROPOSAL NO. 283, 1994. Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal No. 283, 1994 on May 18, 1994. The proposal, sponsored by Councillors Giffin, Golc and Short, amends the Code by authorizing a change in speed limits for segments of Raymond Street and Airport Expressway (Districts 17, 19, 21). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Hinkle, for adoption.

Councillors Coughenour, Jimison and Curry expressed their disapproval of the reduction of speed on Airport Expressway.

Councillor McClamroch moved to amend Proposal No. 283, 1994 by eliminating the segment between Interstate 70 and Interstate 465. Councillor Jimison seconded that motion. Councillor McClamroch said he has been informed by Mr. Elrod that he has eliminated the whole proposal; therefore, he moved to strike Proposal No. 283, 1994. Councillor Coughenour seconded the motion.

Councillor Golc moved to return Proposal No. 283, 1994 to Committee.

Councillor McClamroch's motion to strike was defeated by majority voice vote.

The President ruled that Councillor Golc's motion to return Proposal No. 283, 1994 to Committee was defeated by majority voice vote.

Councillor McClamroch said he has been informed by Mr. Elrod that his first motion to eliminate the segment between Interstate 70 and Interstate 465 does not eliminate the whole proposal; therefore, he moved to delete from Proposal No. 283, 1994 the portions between Interstate 70 and Interstate 465.

Councillor Curry asked for a point of order. He asked for a division on Councillor Golc's motion to return Proposal No. 283, 1994 to Committee. Proposal No. 283, 1994 was returned to Committee by the following roll call vote; viz:

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

PROPOSAL NO. 284, 1994. Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal No. 284, 1994 on May 18, 1994. The proposal, sponsored by Councillor Williams, amends the Code by deleting one-way traffic flow on Pennsylvania Street between 30th Street and 28th Street; removes traffic signals at Pennsylvania Street and 30th Street and Pennsylvania Street and 29th Street; and authorizes no parking on Pennsylvania Street on the east side from 28th Street to 29th Street (District 22). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Williams, for adoption. Proposal No. 284, 1994 was adopted on the following roll call vote; viz:

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

Proposal No. 284, 1994 was retitled GENERAL ORDINANCE NO. 79, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 79, 1994

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana," Sec. 29-92, Schedule of intersection controls; Sec. 29-166, One-way streets and alleys designated; and Sec. 29-267, Parking prohibited at all times on certain streets.

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
18, Pg. 13	Pennsylvania St & 29th St	None	Signal
18, Pg. 13	Pennsylvania St & 30th St	None	Signal

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

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<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
18, Pg. 13	Pennsylvania St & 29th St	29th St	Stop
18, Pg. 13	Pennsylvania St & 30th St	30th St	Stop

SECTION 3. The "Code of Indianapolis and Marion County Indiana," specifically Chapter 29, Sec. 29-166, One-way streets and alleys designated, be and the same is hereby amended by the deletion of the following, to wit:

SOUTHBOUND
Pennsylvania Street, from
Talbot Street to 28th Street

SECTION 4. That the "Code of Indianapolis and Marion County Indiana," specifically Chapter 29, Section 29-166, One-way streets and alleys designated, be and the same is hereby amended by the addition of the following, to wit:

SOUTHBOUND
Pennsylvania Street, from
Talbot Street to 30th Street

SECTION 5. That the "Code of Indianapolis and Marion County, Indiana," specifically Chapter 29, Section 29-267, Parking prohibited at all times on certain streets, be, and the same is hereby amended by the deletion of the following, to wit:

Pennsylvania Street, on the west side,
from the south curbline of 30th Street
to a point 260 feet South;

SECTION 6. That the "Code of Indianapolis and Marion County, Indiana," specifically Chapter 29, Section 29-267, Parking prohibited at all times on certain streets, be, and the same is hereby amended by the addition of the following, to wit:

Pennsylvania Street, on the east side,
from 28th Street to 29th Street

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

SPECIAL SERVICE DISTRICT COUNCILS

PROPOSAL NO. 548, 1993. Councillor Rhodes stated that he was not present at the Committee meeting when Proposal Nos. 548, 1993; 107,108, 109, 110 and 111, 1994 were heard; therefore, Councillor Coughenour will be giving the Committee report. However, he wanted to amend the proposal before the Committee report was given.

Councillor Rhodes read the following motion:

Mr. President:

I move to amend Proposal No. 548, 1993, Committee report version, as follows:

- (1) Add a new Section 2, to read as follows: SECTION 2. General Ordinance No. 5, 1993 inadvertently inserted certain erroneous language in paragraph (2) of subsection (g) of Sec. 23-27. That paragraph is printed correctly herein and shall be deemed effective upon passage and applied as if such error had not been made.
- (2) Sections 2 and 3 be renumbered as Sections 3 and 4 respectively.

- (3) Section 4 be amended to read as follows: SECTION 4. This ordinance, except for Section 2, shall be in effect from and after September 1, 1994.

Councillor Rhodes stated that the technical amendment is in effect immediately and the balance of Proposal No. 548, 1993 will be in effect September 1994. This motion was seconded by Councillor Short and passed by unanimous voice vote.

Councillor Coughenour reported that the Administration and Finance Committee heard Proposal No. 548, 1993 on May 2, 1994. The proposal concerns leave benefits for City-County employees. The proposed ordinance restructures the leave banks for City and County employees, allowing more flexibility for employees and simplified record keeping for City and County payroll departments. It also caps the liability for accrued sick leave. There is a substantial amount of financial liability confronting City and County agencies when an employee retires, dies or converts sick leave and then leaves employment. This proposal proposes to give newly hired employees 22 benefit days per year to be used for any purpose. Employees will receive five additional benefit leave days for each additional five years of service, up to a maximum of 37 benefit leave days per year. The only other type of leave that employees will accrue under this proposal is short term disability leave which will accrue at the rate of ten hours per month. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Coughenour moved, seconded by Councillor Short, for adoption.

The President asked if the benefits are frozen at this time, how many benefit leave days have been accumulated. James H. Steele, Jr., City Controller, said for union employees the cost in benefit days will total \$420,000 as of March 1994, and for bi-weekly employees the total would be \$295,000. John Montgomery, Deputy County Auditor, said the County cannot provide those figures because they work on a decentralized system. He did give a rough estimate of the cost which would be between \$400,000 and \$500,000.

Proposal No. 548, 1993, as amended, was adopted on the following roll call vote; viz:

23 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Jimison, Jones, McClamroch, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Short, Smith, Williams

2 NAYS: Hinkle, West

3 NOT VOTING: Giffin, Gray, Shambaugh

1 NOT PRESENT: Moriarty Adams

Proposal No. 548, 1993, as amended, was retitled GENERAL ORDINANCE NO. 80, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 80, 1993

A PROPOSAL FOR A GENERAL ORDINANCE amending Chapter 23 of the Code of Indianapolis and Marion County

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

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

May 23, 1994

ARTICLE II. LEAVES AND HOLIDAYS

Sec. 23-24. Policy as to leaves of absence of employees.

(a) Although the policy of leaves of absence, with pay, for regular ~~vacations~~ time off by employees is hereby approved, the granting of any leave of absence is the responsibility of the officers concerned and should be authorized only when due and justifiable. The provisions of this article are declared to be permissive within the proper maximum limits prescribed in this article for the granting of leaves of absence and not to indicate or limit the discretionary policy and powers of any officer in regard to any such leaves; the respective officers shall determine ~~the~~ leave policies and establish procedures and requirements for use of leave time for their offices, guided by the maximum indicated in this article.

(b) The provisions of this article are designed to establish a basis for uniformity and equality in the granting of leaves of absence to all employees and to strengthen the authority of officers in respect thereto.

(c) The officials shall have the authority to authorize any officer or office to extend the maximum leaves of absence prescribed in this article, for certain specific individuals or classes of employees, when the nature of the work and normal employment practices make such action advisable for health reasons or other grounds deemed reasonable by him to justify any exemptions.

(d) The respective offices, departments, divisions, bureaus and commissions of the city and county, all included for brevity in the word "officer" or "officers," are authorized to certify payrolls when leave is granted to employees as provided in this article. All county agencies shall report benefit and short term disability leave time used and accrued by employees to the Office of the Marion County Auditor. All city departments and agencies shall report leave time used and accrued by employees to the Office of the Controller.

(e) Leave allowances for employees of the Marion County Health Care Center shall be established by the Board of Managers (County Home Board) pursuant to IC 12-30-3-9.

Sec. 23-25. Leave allowances generally.

(a) Leave allowances shall be as indicated in the categories set out in this article. All leave periods are for the total time in any calendar year. Any employee transferring between city and county offices and departments covered by this chapter, within thirty (30) days of terminated employment, shall be considered to be in continued employment for leave purposes and such transfer shall not affect the employee's status as to accrued leave or eligibility for leave.

~~(a) Leave allowances shall be as indicated in the categories set out in this article. All leave periods are for the total time in any calendar year. Any employee transferring between city and county offices and departments covered by this chapter, within thirty (30) days of terminated employment, shall be considered to be in continued employment for leave purposes and such transfer shall not affect the employee's status as to accrued leave or eligibility for leave.~~

(b) In accordance with the reduction-in-force plan, in the case of a layoff, those employees laid off will receive credit for their previously accumulated sick leave and short term disability leave and years of service at the time of their reinstatement, provided they are recalled within one year from the date they were laid off.

~~Sec. 23-26. Vacation leave.~~

~~(a) Accrual schedule for Unigov departments and applicable county and township assessors' offices.~~

~~(1) Employees with less than seven (7) continuous years of employment shall receive eighty (80) vacation hours; the vacation leave shall accrue monthly at the rate of six and sixty-six hundredths (6.66) hours per month.~~

~~(2) Employees with seven (7) continuous years of employment but less than fifteen (15) continuous years of employment shall receive one hundred twenty (120) vacation hours, which shall accrue monthly at the rate of ten (10) hours per month.~~

~~(3) Employees with fifteen (15) or more continuous years of employment shall receive one hundred sixty (160) vacation hours, which shall accrue at the rate of thirteen and thirty-three hundredths (13.33) hours per month.~~

- ~~(4) Vacation leave can only accrue if the employee works, or is on a paid leave of absence, or is receiving workmen's compensation (or any combination of the three) for more than half of the month. However, accrual of vacation leave shall end when the employee receiving workmen's compensation has received a permanent disability rating or when the employee has been on workmen's compensation for a period of twelve (12) months from the date of injury, whichever comes first.~~
- ~~(b) Accrual schedule for applicable county and township assessors' offices:~~
- ~~(1) Employees with less than seven (7) continuous years of employment shall receive seventy-five (75) vacation hours; the vacation leave shall accrue monthly at the rate of six and twenty-five hundredths (6.25) hours per month.~~
- ~~(2) Employees with seven (7) continuous years of employment but less than fifteen (15) continuous years of employment shall receive one hundred twelve and five-tenths (112.5) vacation hours which shall accrue at the rate of nine and three hundred seventy-five thousandths (9.375) hours per month.~~
- ~~(3) Employees with fifteen (15) or more continuous years of employment shall receive one hundred and fifty (150) vacation hours, which shall accrue at the rate of twelve and five-tenths (12.5) hours per month.~~
- ~~(4) Vacation leave can only accrue if the employee works, is on a paid leave of absence, or on workmen's compensation for more than half of the month.~~
- ~~(c) Charging vacation. Vacation shall be charged at the rate the employee is scheduled to work.~~
- ~~(d) Persons ineligible for leave. In the first year of service, no employee shall take or accrue vacation leave until after six (6) months of continuous employment. At the end of this six-month period, a full-time employee will be credited with forty (40) hours of vacation leave, if applicable, or thirty-seven and five-tenths (37.5) hours of vacation leave.~~
- ~~(1) Those employees who are starting to work on or before the fifteenth day of the month shall have their accounts credited with the appropriate vacation time on the first day of the sixth month following the month in which they were hired.~~
- ~~(2) Those employees who are starting to work after the fifteenth day of the month shall have their accounts credited with the appropriate vacation time on the first day of the seventh month following the month in which they were hired.~~
- ~~(3) The employee must work six (6) months before any time can be credited to his/her account.~~
- ~~(4) Employees who have been terminated or who have resigned from city employment will receive credit for vacation accrued in the month they left our employment only if they worked longer than the fifteenth day of the month.~~
- ~~(5) No employee who has not been employed for a minimum of six (6) months shall be eligible for vacation pay upon termination.~~
- ~~(e) Vacation dates. An employee must request the dates of his individual vacation leave two (2) weeks in advance, but the final right to approve vacation leave shall rest with the office, department, division, bureau or commission involved in order to preserve efficiency and provide the necessary service.~~
- ~~(f) Part-time employees. At the discretion of the appropriate official, part-time employees may be entitled to leave; however, leave pay for these employees shall not exceed the rate of their average weekly or monthly salary during the previous six (6) months of employment.~~
- ~~(g) When vacation leave does not accrue. No vacation leave shall accrue while an employee is on any leave without pay status. No temporary/seasonal or part-time/temporary employee is eligible to accrue vacation leave or pay.~~
- ~~(h) Vacation carryover. Vacation leave shall be taken within the calendar year in which it is accumulated; however, at the discretion of the appropriate official, up to a maximum of eighty (80) hours if on accrual schedule (a) and seventy-five (75) hours if on accrual schedule (b) [of] earned vacation leave may be carried~~

~~over from one calendar year to the next calendar year, provided such officials retain the right to schedule such carryover vacation leave at their discretion in order to maintain the efficiency of the operation involved.~~

~~(i) Two weeks' notice. Two (2) weeks' notice must be given upon voluntary resignation in order to receive payment for accrued vacation time.~~

~~(j) Disability leave. Once temporary disability leave commences, all vacation leave, sick leave, or other paid time shall be exhausted.~~

~~(k) Employees transferred from non-city or non-county entities. Any person who becomes an employee as a result of a transfer of the duties of his/her former employer to the city or county may, upon the approval of the appropriate official, use his/her most recent hire date with the former employer for the purpose of determining vacation leave accrual.~~

~~Sec. 23-27. Sick leave.~~

~~(a) Accrual schedule for Unigov departments and appropriate county township assessors' offices.~~

~~(1) Full-time employees shall accrue sick leave at the rate of six (6) hours per month, seventy-two (72) hours per year. Part-time employees, at the discretion of the appropriate official, shall accrue sick leave on a pro-rata basis (based on the percentage of the normal week which the employee works). Temporary/seasonal or part-time/temporary employees shall not accrue sick leave.~~

~~(2) Those employees who are starting to work on or before the fifteenth day of the month shall have their accounts credited with six (6) hours of sick time on the first day of the month following the month in which they were hired.~~

~~(3) Those employees who are starting to work after the fifteenth day of the month shall have their accounts credited with six (6) hours of sick time on the first day of the second month after they were hired.~~

~~(4) Sick leave can only accrue if the employee works, is on paid leave of absence, or is receiving workmen's compensation (or any combination of the three) for more than half of the month. However, accrual of sick leave shall end when the employee, receiving workmen's compensation, has received a permanent disability rating, or when the employee has been on workmen's compensation for a period of twelve (12) months from the date of injury, whichever comes first.~~

~~(b) Accrual schedule for appropriate county and township assessors' offices.~~

~~(1) Full-time employees shall accrue sick leave at the rate of five and sixty-three hundredths (5.63) hours per month, sixty-seven and five-tenths (67.5) hours per year. Part-time employees, at the discretion of the appropriate official, may accrue sick leave on a pro-rata basis (based on the percentage of the normal week the employee works). Temporary/seasonal or part-time/temporary employees shall not accrue sick leave.~~

~~(2) Those employees who are starting to work on or before the fifteenth day of the month shall have their accounts credited with five and sixty-three hundredths (5.63) hours of sick time on the first day of the month following the month in which they were hired.~~

~~(3) Those employees who are starting to work after the fifteenth day of the month shall have their accounts credited with five and sixty-three hundredths (5.63) hours of sick time on the first day of the second month after they were hired.~~

~~(4) Sick leave can only accrue if the employee works, is on a paid leave of absence or is receiving workmen's compensation for more than half of the month.~~

~~(c) Unearned leave. Sick leave cannot be used prior to accrual.~~

~~(d) Justification. The burden of proof rests with the employee to convince his supervisor that sick leave is justifiable. The supervisor may require a medical certificate or other evidence of illness. Sick leave is only to be used for a personal doctor's appointment or personal illness. In addition, the appropriate official has the right to request that an employee be examined by a physician and/or medical facility of his or her choice prior to allowing an employee to return to work, either for a job-related injury or sick leave. The appropriate official will pay the cost of this examination.~~

~~(e) Malingering. In case of malingering, the supervisor may designate such leave as vacation leave or leave without pay or as grounds for dismissal.~~

~~(f) Conversion. Any employee accruing eighteen (18) days of sick leave subsequent to July 1, 1973, shall be eligible to accrue excess accumulated sick leave. The employee may convert such excess accumulated sick leave to vacation leave at a rate of one (1) vacation day for two (2) days of excess accumulated sick leave. If such employee wishes to make such an election, he/she must file a written request with the appropriate official by December 1st or June 1st of each year. Such leave, which is converted to vacation leave, shall be deducted from the sick leave accumulation of such employee and credited to the employee's vacation account on January 1st or July 1st. Accrued sick leave of an employee must be verified by either the director of administration or his/her designee for city employees, or the appropriate official for county or township assessors' employees. Once conversion is elected, the time converted from sick leave to vacation leave cannot be converted back, and is then subject to the maximum eighty-hour carryover provision.~~

~~(g) Separation from employment:~~

~~(1) Upon separation from employment by reasons of death, permanent disability as defined by the Social Security Act, or retirement under circumstances such that the employee would be eligible for retirement benefits under Social Security or any other plan in effect by the employer, any employee with more than (1) year of employment from the last date of hire will be entitled to compensation for accrued accumulated sick leave at one half his or her regular daily rate or compensation.~~

~~(2) An employee who is laid off due to reduction in force will be entitled to compensation for accrued, accumulated sick leave at one half his/her regular daily rate of compensation up to a maximum of eighteen (18) days of compensation if the employee has more than one (1) year of employment from the last date of hire and relinquishes any and all recall rights whether established by contract or by policy, within ten (10) days of being laid off.~~

~~(h) Charging sick leave. Sick leave may only be taken for a minimum of one hour.~~

~~(i) Disability leave. Once temporary disability leave commences, all vacation leave, sick leave or other paid time shall be exhausted.~~

~~(i) Notwithstanding Sec. 23-27(f) employees of the Advanced Wastewater Treatment Plants (AWT's) may elect to convert sick leave in excess of 144 hours to vacation leave at the rate of one (1) vacation day for every two (2) sick days. Such election must be made in writing to the appropriate official by February 28, 1994 and will be effective upon submission. Employees who elected to convert sick time in December of 1993, may notify the appropriate official in writing of their rescission of that election prior to February 28, 1994. Upon such notification the employee will be credited with appropriate sick time as computed in this section.~~

Sec. 23-26. Benefit leave.

(a) Accrual schedule for city employees and applicable county and township assessors' offices whose employees normally are scheduled to work a forty (40) hour week.

(1) Employees with less than five (5) continuous years of employment shall accrue benefit leave monthly at the rate of fourteen and sixty-six hundredths (14.66) hours per month.

(2) Employees who have completed five (5) continuous years of employment but less than ten (10) continuous years of employment shall accrue benefit leave monthly at the rate of eighteen (18) hours per month.

(3) Employees who have completed ten (10) years of continuous employment but less than fifteen (15) years of continuous employment shall accrue benefit leave monthly at the rate of twenty one and thirty three hundredths (21.33) hours per month.

(4) Employees who have completed at least fifteen (15) years of continuous employment shall accrue benefit leave at the rate of twenty four and sixty six hundredths (24.66) hours per month.

(5) Benefit leave can only accrue if the employee works, or is on a paid leave of absence, or is receiving worker's compensation (or any combination of the three) for more than half of the month.

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(b) Accrual schedule for applicable county and township assessors' offices whose employees are normally scheduled to work a thirty seven and one half (37½) hour week.

(1) Employees with less than five (5) continuous years of employment shall accrue benefit leave monthly at the rate of thirteen and seventy five hundredths (13.75) hours per month.

(2) Employees who have completed five (5) continuous years of employment but less than ten (10) continuous years of employment shall accrue benefit leave monthly at the rate of sixteen and eight hundred seventy five thousandths (16.875) hours per month.

(3) Employees who have completed ten (10) continuous years of employment but less than fifteen (15) continuous years of employment shall accrue benefit leave monthly at the rate of twenty (20) hours per month.

(4) Employees who have completed at least fifteen (15) continuous years of employment shall accrue benefit leave monthly at the rate of twenty three and one hundred twenty five thousandths (23.125) hours per month.

(5) Benefit leave can only accrue if the employee works, is on a paid leave of absence, or on worker's compensation for more than half of the month.

(c) Charging benefit leave. Benefit leave shall be charged at the rate the employee is scheduled to work.

(d) Eligibility for Accrual.

(1) Those employees who are starting to work on or before the fifteenth day of the month shall have their accounts credited with the appropriate benefit leave time on the first day of the month following the month in which they were hired.

(2) Those employees who are starting to work after the fifteenth day of the month shall have their accounts credited with the appropriate benefit leave time on the first day of the second month following the month in which they were hired.

(3) Employees who have been terminated or who have resigned from city or county employment will receive credit for benefit leave for the month they left employment only if they worked past the fifteenth day of the month.

(e) Use of benefit leave. The final right to approve use of benefit leave shall rest with the office, department, division, bureau or commission involved in order to preserve efficiency and provide the necessary service.

(f) Part-time employees. Part-time employees shall be entitled to benefit leave; however, leave accrual and pay for these employees shall be prorated based upon the average hours scheduled during the previous six (6) months of employments.

(g) When benefit leave does not accrue. No benefit leave shall accrue while an employee is on any leave without pay status. No temporary/seasonal or part-time/temporary employee is eligible to accrue benefit leave or pay.

(h) Benefit leave carryover.

(1) For City and County employees paid on a bi-weekly basis: Benefit leave shall be taken within the calendar year in which it is accumulated or it shall be lost. However, up to a maximum of one hundred seventy six (176) hours (one hundred sixty five (165) where appropriate) of benefit leave may be carried over from one calendar year to the next calendar year, provided the officials retain the right to schedule such carryover at their discretion in order to maintain the efficiency of the operation involved. In addition, an employee who is required by management to work during a period which the employee had been previously scheduled to take benefit leave and who is unable due to the demands of his/her position to reschedule the benefit leave for that calendar year may be allowed, with the approval of the Mayor or the appropriate elected official or agency head to carry over an additional eighty (80) hours (seventy five (75) where appropriate) of benefit leave, subject to such restrictions as may be imposed by the Mayor or the appropriate elected official or agency head. Benefit leave in

excess of the maximum carryover amount shall be added to an employee's short term disability leave bank, if that bank is not at maximum accrual.

(2) For City employees covered by the current Master Agreement between the City and the American Federation of State, County and Municipal employees: Benefit leave shall be taken within the calendar year in which it is accumulated or it shall be lost. However, up to a maximum of the number of hours which the employee can accrue in a calendar year may be carried over from one calendar year to the next calendar year, provided the officials retain the right to schedule such carryover at their discretion in order to maintain the efficiency of the operation involved. In addition, an employee who is required by management to work during a period which the employee had been previously scheduled to take benefit leave and who is unable due to the demands of his/her position to reschedule the benefit leave for that calendar year may be allowed, with the approval of the Mayor to carry over an additional eighty (80) hours of benefit leave, subject to such restrictions as may be imposed by the Mayor. Benefit leave in excess of the maximum carryover amount shall be added to an employee's short term disability leave bank, if that bank is not at maximum accrual.

(i) Two weeks' notice. Two (2) weeks' notice must be given upon voluntary resignation in order to receive payment for accrued benefit leave.

(i) Employees who are terminated or separate employment prior to the completion of six (6) months of employment will not be paid for accumulated, unused benefit leave.

(k) Employees transferred from non-city or non-county entities. Any person who becomes an employee as a result of a transfer of the duties of his/her former employer to the city or county may, upon the approval of the appropriate official, use his/her most recent hire date with the former employer for the purpose of determining benefit leave accrual.

Sec. 23-27. Short Term Disability Leave.

(a) Accrual Schedule for City employees and applicable county and township assessors offices whose employees are normally scheduled to work a forty (40) hour week.

(1) Full-time employees shall accrue short term disability leave at the rate of ten (10) hours per month up to a maximum of four hundred (400) hours. Once the maximum accrual has been reached, employees shall not accrue short term disability leave unless short term disability leave is used, at which time additional short term disability time may be accrued until the maximum accrual is reached once again.

(2) Part-time employees shall accrue short term disability leave on a pro rata basis up to a maximum number of hours to be determined by ascertaining the percentage of the normal work week which the employee is scheduled to work and applying that percentage to four hundred (400) hours. Short term disability leave shall be used on a pro rata basis based upon the number of hours scheduled in the previous six months. Once the maximum accrual has been reached, employees shall not accrue short term disability leave unless short term disability leave is used, at which time additional short term disability leave may be accrued until the maximum accrual is reached once again.

(3) Temporary and seasonal employees are not eligible to accrue short term disability leave.

(b) Accrual schedule for applicable county and township assessors' offices whose employees are normally scheduled to work a thirty seven and one half (37½) hour week.

(1) Full-time employees shall accrue short term disability leave at the rate of nine and three hundred seventy five thousandths (9.375) hours per month up to a maximum accrual of three hundred and seventy five (375) hours. Once the maximum accrual has been reached, employees shall not accrue short term disability leave unless short term disability leave is used, at which time additional short term disability leave may be accrued until the maximum accrual is reached once again.

(2) Part-time employees shall accrue short term disability leave on a pro rata basis up to a maximum number of hours to be determined by ascertaining the percentage of the normal workweek which the employee is scheduled to work and applying that percentage to three hundred seventy five (375) hours. Short term disability leave shall be used on a pro rata basis based upon the number of hours scheduled in the previous six months. Once the maximum accrual has been reached, employees shall not accrue

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short term disability leave unless short term disability leave is used, at which time additional short term disability leave may be accrued until the maximum accrual is reached once again.

(3) Temporary and seasonal employees are not eligible to accrue short term disability leave.

(c) Eligibility to Accrue. Employees with hire dates on or before the 15th day of the month will be eligible to have short term disability leave credited to them on the first day of the following month. Employees with hire dates after the 15th day of the month will be eligible to have short term disability leave credited to them on the first day of the second month following the month of hire.

Employees must be on paid status or on workers compensation for more than half of the month in order to accrue short term disability leave for the month.

(d) Conditions for Use.

(1) Qualifying Period. In order to be eligible to use accrued short term disability leave, a full time employee must have an illness or injury which has caused or will cause him/her to be absent from work for more than forty (40) consecutive work hours (thirty seven and one half (37½) consecutive work hours for those employees who normally work a thirty seven and one half (37½) hour work week). A part time employee must have an illness or injury which has caused or will cause him/her to be absent from work for a consecutive number of hours which is equal to the number of hours he/she is scheduled to work in a one week period. Neither full time or part time employees may use short term disability leave during this initial qualifying period.

(2) Short term disability leave may be used only in day long increments, except in the case of employees who are receiving temporary total disability benefits as a result of a work related injury or illness, in which case an employee may elect to supplement these benefits using short term disability leave. In no event shall the disability benefits and the short term disability benefit payments and the amount received from any employer-paid disability insurance total more than the employee's regular rate of pay.

(3) City and County Offices and agencies may establish notice requirements as well as requirements for medical documentation to be provided by employees prior to the approval of use of short term disability leave.

(4) Disability leave. Once disability leave commences all benefit leave, short term disability leave and other paid leave time shall be exhausted before beginning any unpaid portion of the leave. However at the discretion of the employee up to forty (40) hours (thirty seven and one half (37½) where applicable) of accrued sick leave as described in Sec. 23-39 below, may be reserved for later use in accordance with Sec. 23-39 below.

~~Sec. 23-28. Personal leave.~~

~~(a) Full time employees shall accrue personal leave at the rate of two (2) hours per month, twenty four (24) hours per year.~~

~~(b) If personal leave is not used prior to December 31st of each calendar year, up to a maximum of twenty-four (24) hours for an employee of Unigov departments and appropriate county and township assessor's offices, and twenty two and five tenths (22.5) hours for the appropriate county and township assessors' offices, may be carried over from one calendar year to the next calendar year. Personal leave in excess of these maximum limits is automatically converted to sick leave and added to the employee's accumulated sick leave bank.~~

~~(c) Prior approval to take such leave must be obtained from the appropriate supervisor.~~

~~(d) At the discretion of the appropriate official, part time employees shall receive personal leave on a pro-rata basis depending upon the per cent of the workweek the employee works in each four-month period.~~

~~(e) Temporary/seasonal and part time/temporary employees shall not receive personal leave.~~

~~(f) New hires will receive two (2) hours of personal leave upon completing one full month work period.~~

~~(g) Personal leave time may only be taken for a minimum of one hour.~~

~~(h) Once temporary disability leave commences, all vacation leave, sick leave, or other paid time shall be exhausted.~~

~~(i) Personal leave can only accrue if the employee works, is on paid leave of absence, or is receiving workmen's compensation (or any combination of the three) for more than half of the month. However, accrual of personal leave shall end when the employee receiving workmen's compensation has received a permanent disability rating or when the employee has been on workmen's compensation for a period of twelve (12) months from the date of injury, whichever comes first.~~

Sec. 23-298. Judicial leave.

Time off with pay shall be granted an employee who is summoned for jury duty or as a nonpaid witness in any action in any court. However, in no case shall the city pay an employee judicial leave compensation for any proceeding in which he/she is a party, has a monetary interest, or serves as a paid expert witness, unless the employee is the victim in a criminal proceeding. The supervisor has the right to request verification. Temporary-seasonal and part-time temporary employees do not receive paid time off for judicial leave.

Sec. 23-30. Unpaid leaves of absence

~~(a) General leave of absence. Employees may be granted a leave of absence without pay, provided a written application is submitted for approval and provided further that such leave does not interfere with the efficient operation of the office, department, division, bureau, commission or function. An employee desiring a leave of absence shall make written application to the appropriate official and receive written approval from such official before the commencement of the requested leave. The application approval shall state the dates for which leave is requested and granted, and the reasons therefor. Only with the approval of the appropriate official can an employee return early from a scheduled leave of absence.~~

~~(b) Disability leave.~~

~~(1) An employee who becomes temporarily disabled and as a result will be unable to work at full capacity for an extended period of time may receive, upon written request and physician's confirmation of disability, a temporary disability leave of absence. Pregnancy leave shall be accorded in a manner consistent with leave extended because of other disabilities.~~

~~(2) If the employee knows in advance that he/she will be receiving medical attention such as an operation the employee needs to request a leave of absence in writing from the appropriate official a minimum of two (2) weeks prior to the time the desired leave is to commence. Such leave should normally commence at a time when, for medical reasons, the physician determines that the employee should no longer work. A physicians' statement should be attached to the request form indicating that employment from the time of the request until the leave commences is medically approved.~~

~~(3) If a medical disability occurs such as a heart attack or stroke where no forewarning of illness can be given, the employee's supervisor, upon notification by the employee or a member of his/her family, should fill out the leave of absence request and submit it to the appropriate official on behalf of the employee.~~

~~(4) The appropriate official shall make his/her decision to deny or grant the request for disability leave within one (1) week of receipt of such request.~~

~~(5) Upon granting a disability leave of absence, the appropriate official is assuring the individual of his or her former position or a comparable position in the department or office upon returning to work.~~

~~(6) Once the disability leave has been granted, the appropriate official will notify the employee of such decision in writing. Temporary disability leave shall commence as soon as the employee begins his or her absence from work. Once temporary disability leave commences, all vacation leave, sick leave or other paid time shall be exhausted.~~

~~(7) Once notification of an approved leave has been given, the employee must give the appropriate official a report of his/her medical condition every thirty (30) days.~~

~~(8) A minimum of two (2) weeks' notice plus a medical release form indicating that an employee is capable of returning to work and performing his/her former or the comparable job must be sent to the~~

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~~appropriate official. In addition, the appropriate official has the right to request that an employee be examined by a physician and/or medical facility of his/her choice, prior to allowing an employee to return to work. The appropriate office will pay the cost of this examination.~~

- ~~(9) The employee must return to work within the period of time agreed upon by the appropriate official and employee, not to exceed a total of six (6) months. However, the date of return may be extended for good and sufficient medical cause; the extension shall be based on the recommendation of the physician and approval of the appropriate official, which extension shall not exceed an additional six (6) months.~~
- ~~(10) Any employee with an accumulated paid leave time above the six-month maximum is granted an automatic extension (if needed) up to the amount of accumulated paid leave time.~~
- ~~(c) A violation of any of the terms of a leave taken pursuant to this section may result in discharge.~~

Sec. 23-~~3229~~. Holidays.

- (a) Designated. The following are designated as city holidays for full-time and part-time employees:

New Year's Day (January 1st);

Martin Luther King Day (third Monday of January);

Presidents Day (third Monday of February);

Good Friday (Friday preceding Easter);

Memorial Day (last Monday of May);

Independence Day (July 4th);

Labor Day (first Monday of September);

Thanksgiving Day (fourth Thursday of November);

Friday after Thanksgiving;

Christmas Day (December 25th);

Primary Election Day; and

General Election Day in years with state and municipal elections.

(b) Days celebrated as holidays in continuing operations. In continuing seven-day-a-week operations, employees will observe the actual holiday ~~and be paid in accordance with the following provisions~~. For employees who are employed in functions which must necessarily be continued at all times, a policy of compensatory leave or overtime for work on holidays shall be determined by the competent authority of each office in cooperation with the direction of the department of administration.

- (c) Days celebrated as holidays in Monday-through-Friday operations.

(1) In Monday-through-Friday operations, when any of these holidays occurs on Sunday, the Monday succeeding shall be designated as the legal holiday. When any holiday occurs on Saturday, the Friday preceding shall be designated as the legal holiday.

(d2) Holiday pay for unworked holiday. ~~Full-time e~~Employees shall receive holiday pay at the employee's regular straight time rate for each of the designated holidays, if the employee is normally scheduled to work on the day that has been designated as a holiday.

(3) (i) If a holiday is observed on a day of the week when an employee is not normally scheduled to work due to his/her participation in a voluntary flex time plan, the employee shall receive a maximum eight (8) hour (7½ hours where applicable) compensatory day off which shall be

scheduled, with the approval of his/her supervisor. An employee who separates employment shall not receive pay for any unused compensatory days.

(ii) If a holiday is observed on a day of the week when an employee is not normally scheduled to work due to a work schedule implemented by the City, the employee shall observe his/her next regularly scheduled work day as a holiday and shall receive holiday pay for the number of hours he/she would have been regularly scheduled to work on that day.

(e4) Pay for working on a holiday. Eligible employees shall be paid time and one-half in addition to holiday pay for any and all time authorized for work on the day designated as the holiday or compensatory time and one-half off as the case may be.

(f5) Eligibility for holiday pay. To be eligible the employee must work the full scheduled workday before and the full scheduled workday following the holiday, unless the employee is on a paid leave of absence, or is receiving workmen's compensation. ~~Provided that, an employee receiving workmen's compensation may only receive holiday pay until the injury for which the employee is receiving workmen's compensation has received a permanent disability rating or for a twelve (12) month period, whichever occurs first.~~ In Monday-through-Friday operations, there shall be no duplication or pyramiding of holiday pay for holidays falling on Saturday or Sunday but which are observed on other days.

(g6) Failure to report for scheduled work. Any employee scheduled for work on a day designated as a holiday, who fails to report for work or absents himself or herself for that day, shall not be eligible for holiday pay or compensatory time off as the case may be. Regardless of whether the absence is approved or not, any employee scheduled to work on a holiday, who fails to work that holiday, must use paid leave time to be paid for that day.

~~(h) Part time employees. Part time employees shall receive holiday pay only if they are normally scheduled to work on the day that has been designated as a holiday and only the hours the employee would normally be scheduled to work.~~

(i7) Temporary employees. Temporary/seasonal and part-time/temporary employees do not receive holiday pay.

Sec. 23-33. Death leave.

Upon the death of a member of the immediate family, i.e., spouse, mother, father, son, daughter, brother, sister, stepmother, stepfather, stepson, stepdaughter, stepbrothers, stepsister, father-in-law, mother-in-law, son-in-law, daughter-in-law, grandmother, grandfather, grandson and granddaughter or other relative who was residing with the employee, and employee will receive a maximum of three (3) working days' leave with pay. The appropriate official has discretion to grant three (3) days for leave to be charged against any earned leave time for a death of someone other than those listed above. Documentation of the appropriate circumstances may be required of the employee, e.g., death certificate or article. Additional time off to be charged to earned leave time if available, or without pay may be granted at the discretion of the city or county office, department, division, bureau or commission. Temporary and seasonal employees are not eligible for paid death leave.

~~Sec. 23-35. Perfect attendance leave.~~

~~(a) Full-time employees shall receive one perfect attendance day (eight (8) hours for Unigov departments and appropriate county and township assessors' offices or seven and five-tenths (7.5) hours for the appropriate county and township assessors' offices) for each four-month period in which no sick time or unpaid leave of absence time has been used:~~

~~January 1st-April 30th
May 1st-August 30th
September 1st-December 31st.~~

~~Such leave shall be credited to the employee's account May 1st, September 1st, and January 1st, following the trimester worked.~~

~~(b) If the perfect attendance leave is not used prior to December 31st of each calendar year, up to a maximum of three (3) days earned perfect attendance leave may be carried over from one calendar year to the~~

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~~next calendar year. Perfect attendance leave carried over in excess of three (3) days is automatically converted to sick leave and added to the employee's accumulated sick leave bank.~~

~~(c) Prior approval to take such leave must be obtained from the appropriate supervisor.~~

~~(d) Part-time employees shall receive perfect attendance leave on a pro-rata basis depending upon the percent of the work week the employee is scheduled to work in each four-month period.~~

~~(e) Temporary/seasonal and part-time/temporary employees shall not receive perfect attendance leave.~~

~~(f) New hires [employees] will receive perfect attendance leave upon completing a full calendar trimester as defined in subsection (a).~~

~~(g) Perfect attendance leave may only be charged in one full work day increments.~~

~~(h) Perfect attendance leave cannot be earned while on any leave without pay status or while on sick leave. Provided, that, an employee's use of sick time while on workmen's compensation or leaved related to workmen's compensation will not affect perfect attendance accrual.~~

Sec. 23-39. Implementation of Benefit Leave Plan.

(a) Effective date. The benefit leave and short term disability leave plans established by Sec. 23-26 and Sec. 23-27 shall take effect on September 1, 1994 for covered employees. Prior to this date, the current system of leave accrual shall continue.

(b) On the effective date each employee's accrued vacation leave, personal leave and perfect attendance leave will be rolled over into the employee's benefit leave bank.

(c) Treatment of Accrued Sick Leave Banks: All sick leave which is in an employee's sick leave bank on the effective date will be placed into a sick leave bank which may be used as follows:

(1) Sick leave may be used in the case of an employee's illness or injury if the employee does not have enough short term disability leave to cover the absence or for a doctor's appointment, or for the first five days absence from work due to an illness or injury.

(2) Sick leave in excess of 144 hours (in excess of 135 hours for those employees normally scheduled to work a 37½ hour week) may be converted to benefit leave at the rate of one benefit leave hour for every two sick hours converted. This conversion election may be made twice a year on June 1 and December 1 and will be effective the following July 1 and January 1. Once conversion is elected, the time converted from sick leave to benefit leave can not be converted back and will be subject to the maximum carryover provisions established in Sec. 23-26.

(3) Upon an employee's separation due to death, disability (as defined by the Social Security Act) or retirement under circumstances that the employee would be eligible for retirement benefits under Social Security or any other plan in effect with the City, any employee with more than one year of employment from the last date of hire may be paid for accumulated sick time remaining in his/her sick leave bank at the rate of one-half his/her regular rate of pay at the time of retirement.

(4) An employee who is terminated due to a reduction in force will be entitled to compensation for time remaining in his/her sick leave bank at one-half his/her hourly rate of pay up to a maximum of eighteen (18) days of compensation if the employee has more than one (1) year of employment from the last date of hire and relinquishes any and all recall rights whether established by contract or by policy, within ten (10) days of being laid off.

(5) Other than under the conditions listed in subsections c and d above, an employee will not be entitled to be paid for any time in his/her sick leave bank upon separation.

SECTION 2. General Ordinance No. 5, 1993 inadvertently inserted certain erroneous language in paragraph (2) of subsection (g) of Sec. 23-27. That paragraph is printed correctly herein and shall be deemed effective upon passage and applied as if such error had not been made.

SECTION 3. The expressed or implied repeal or amendment by this ordinance or any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun

prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

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

SECTION 5. This ordinance, except for Section 2, shall be in effect from and after September 1, 1994.

PROPOSAL NOS. 107, 108, 109, 110 and 111, 1994. Councillor Coughenour asked for consent to discuss these five proposals together. Consent was given. PROPOSAL NO. 107, 1994. The proposal approves a salary administration plan for the City. PROPOSAL NO. 108, 1994. The proposal approves a new salary schedule for bi-weekly civilian employees. PROPOSAL NO. 109, 1994. The proposal approves a new salary schedule for bi-weekly employees of the Police Special Service District. PROPOSAL NO. 110, 1994. The proposal approves a new salary schedule for bi-weekly employees of the Fire Special Service District. PROPOSAL NO. 111, 1994. The proposal approves a new salary schedule for bi-weekly employees of the Solid Waste Collection Special Service District. Councillor Coughenour reported that the Administration and Finance Committee heard Proposal Nos. 107, 108, 109, 110 and 111, 1994 on May 2, 1994. By 5-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Coughenour moved, seconded by Councillor Rhodes, for adoption.

Councillors O'Dell and Golc both voiced their concern with the disparity between City and County salaries. Councillor Golc asked if there is a possibility that sometime in the future there could be the same compensation for both City and County.

Mr. Steele responded said that the County upgraded their salary levels two or three years ago. The County has more varied rates and works on a 37½ hour week and the City works on a 40 hour week.

Councillor West said that neither the City nor the County work together when salary structures are revised.

The President said that the Council permits two separate personnel departments. Until the Council mandates that the departments work together and cooperate with each other there will be disparity between City and County salaries. He suggested that committee chairmen who hear these budgets give the departments some instructions on cooperating with each other in these sensitive matters.

Proposal Nos. 107 and 108, 1994 were adopted on the following roll call vote; viz:

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

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Proposal No. 107, 1994 was retitled SPECIAL RESOLUTION NO. 46, 1994 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 46, 1994

A SPECIAL RESOLUTION approving a salary administration plan for the City of Indianapolis.

WHEREAS, the current City administration has conducted a complete evaluation of the salary structure and pay grades of bi-weekly civilian employees of the City of Indianapolis, and

WHEREAS, the last such complete evaluation was done in 1977 and approved by City-County Council Resolution No. 16, 1977, and

WHEREAS, the current City administration, in order to more efficiently manage the salary structure of City bi-weekly civilian employees, desires to adopt a new salary administration plan and pay grades; now, therefore:

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

SECTION 1. City-County Council Resolution No. 16, 1977 is hereby repealed.

SECTION 2. The City-County Council hereby authorizes the use of the salary administration plan developed by the administration in conjunction with KPMG-Peat-Marwick ("Plan") for use in assigning pay grades for City bi-weekly civilian employees. After implementation of this plan, all positions shall be evaluated pursuant to the Plan and salaries assigned in accordance with its provisions. The salary of an employee whose current salary is in excess of the maximum for his/her new grade as assigned pursuant to the Plan need not be reduced solely for that reason. However, any salary increase or incentive payment for such an employee is subject to the approval of the appropriate department director or appointed official. The Plan, as well as records showing its implementation, shall be on file in the office of the Administrator of Human Resources who shall serve as the wage and salary administrator for the City.

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

Proposal No. 108, 1994 was retitled FISCAL ORDINANCE NO. 40, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 40, 1994

A FISCAL ORDINANCE amending Fiscal Ordinance No. 70, 1993 establishing a new salary schedule for bi-weekly civilian employees of the City.

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

SECTION 1. Fiscal Ordinance No. 70, 1993 is hereby amended by deleting the language stricken-through and adding the language underlined as follows:

Section 5.02. Annual Compensation of Employees of the Consolidated City and County:

(a) Pursuant to IC 36-3-6-3, the City-County Council fixes the annual compensation for the calendar year 1994 for all appointed officers, deputies and employees under its jurisdiction, as set forth in this section.

(b) The Annual Compensation for 1994 for all appointed officers, deputies and employees of the Consolidated City, except those of a special services district, is hereby fixed for all classified personnel as follows:

(1) as set forth in the schedule in the Mayor's Executive Order No. ~~79~~, 1993, or

(2) for hourly employees in a bargaining unit shall be paid in accordance with the terms of the Master Agreement as approved by the Mayor.

Such compensation shall not be increased without approval of the Council or in accordance with such wage and salary classification ordinance as may from time to time be adopted for city-county employees. For employees of the City-County Council, the President of the City-County Council shall classify all employees of the Council pursuant to the pertinent rules and regulations of the Council and establish their rates of compensation.

(c) For all appointed officers, deputies and employees, whose compensation is payable from the County General Fund or any other fund from which the County auditor issues warrants for compensation, are hereby fixed in accordance with schedules of compensation adopted pursuant to Article VI of Chapter 23 of the Code of Indianapolis and Marion County provided; however, that this subsection shall not affect the salaries of judges, officers of courts, prosecuting attorneys and deputy prosecuting attorneys whose minimum salaries are fixed by statute.

(d) The respective amounts set forth in Sections 1.01 and 1.02 of this ordinance for personal services are hereby appropriated and include all salaries, wages, compensation and fringe benefits associated therewith. No person whose compensation is subject to the jurisdiction of the Council shall be paid in excess of the amounts scheduled for such position pursuant to subsections (b) or (c) of this section without action by this Council. However if an employee is reclassified pursuant to subsection (b)(1) and the employee's current salary is above the maximum for his/her new grade the City shall not be required to reduce the salary solely for that reason. Any increases or incentive pay for such an employee shall be subject to the approval of the appropriate department director or appointed official.

(e) The scheduled annual salaries shall be paid on the basis of forty hours per week for hourly paid employees. Employees classified as "exempt" for purposes of the Federal Fair Labor Standards Act shall be salaried and such salaries paid on an annualized basis, and shall be required to regularly work a forty-hour (40) week, except for certain county offices which normally work only thirty-seven and one-half (37) hours per week in which case the salary scheduled shall be reduced by 1/16 of the scheduled compensation.

SECTION 2. This amendment shall be in effect from and after its passage by the Council and compliance with IC 36-3-4-14.

**POLICE SPECIAL SERVICE DISTRICT
SPECIAL ORDERS - FINAL ADOPTION**

A quorum being present, the President called the Police Special Service District Council to order at 10:53 p.m.

Proposal No. 109, 1994 was adopted on the following roll call vote; viz:

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

0 NAYS:

2 NOT VOTING: *Giffin, Gray*

1 NOT PRESENT: *Moriarty Adams*

Proposal No. 109, 1994 was retitled POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 1994 and reads as follows:

POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 1994

A POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE amending Police Special Service District Fiscal Ordinance No. 2, 1993 establishing a new salary schedule for civilian employees of the police special services district.

BE IT ORDAINED BY THE POLICE SPECIAL SERVICE DISTRICT COUNCIL
OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Police Special Service District Fiscal Ordinance No. 2, 1993 is hereby amended by deleting the language stricken and adding the language underlined as follows:

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Section 3. (a) The salaries, wages, and compensation of the various officers and employees of the Police Special District for the ensuing year are now fixed and approved as follows: (1) for all classified personnel of the Police Special Service District in accordance with schedule set forth in the Mayor's Executive Order No. ~~29~~, 1993~~4~~, and (ii) for all merit police officers in accordance with the applicable labor agreements approved by the Mayor. Such compensation shall not be increased without approval of the Council or as provided in such wage and salary classification ordinance as may from time to time be adopted for employees of the Police Special Service District.

(b) The respective amounts herein specified for personal services are hereby appropriated therefor; provided, however, that no person, official, or employee whose salary or compensation has been approved as part of the "Personal Services" appropriations in this ordinance, or any ordinance hereafter adopted, shall have any vested right to receive such amount, except as may be accrued, or otherwise provided by statute. Control as to any decrease shall be vested in the body or executive having direction over the one affected, as provided by law. Provided that, certain employees classified as "exempt" for the purposes of the Fair Labor Standards Act shall be salaried employees, and such salaries shall be paid on an annualized basis. Exempt salaried employees shall, however, be required to work a regularly scheduled 40-hour week. Provided further, that the compensation of employees classified as "non-exempt" for the purposes of the Act may fluctuate from pay period to pay period, in accordance with actual hours worked. Non-exempt employees shall also be required to work a regularly scheduled 40-hour week. Wages and hours of uniformed employees shall be determined in accordance with applicable provisions of the Fair Labor Standards Act.

SECTION 2. This ordinance shall be in effect from and after its passage by the Police Special Service District Council and compliance with IC 36-3-4-14.

FIRE SPECIAL SERVICE DISTRICT SPECIAL ORDERS - FINAL ADOPTION

A quorum being present, the President called the Fire Special Service District Council to order at 10:53 p.m.

Proposal No. 110, 1994 was adopted on the following roll call vote; viz:

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

0 NAYS:

2 NOT VOTING: Giffin, Gray

1 NOT PRESENT: Moriarty Adams

Proposal No. 110, 1994 was retitled FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 1994 and reads as follow:

FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 1994

A FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE amending Fire Special Service District Fiscal Ordinance No. 2, 1993 establishing a new salary schedule for bi-weekly civilian employees of the Fire Special Service District.

BE IT ORDAINED BY THE FIRE SPECIAL SERVICE DISTRICT COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Fire Special Service District Fiscal Ordinance No. 2, 1993 is hereby amended by deleting the language stricken-through and adding the language underlined as follows:

Section 3. (a) The salaries, wages, and compensation of the various officers and employees of the Fire Special Service District for the ensuing year are now fixed and approved as follows: (i) for all classified personnel of the Fire Special Service District in accordance with the schedule set forth in the Mayor's Executive Order No. ~~29~~, 1993~~4~~, and (ii) for all merit firefighters in accordance with the applicable labor agreements approved by the Mayor. Such compensation shall not be increased without approval of the Council or as provided in such wage and salary classification ordinance as may from time to time be adopted for employees of the Fire Special Service District.

(b) The respective amounts herein specified for personal services are hereby appropriated therefor; provided, however, that no person, official, or employee whose salary or compensation has been approved as part of the "Personal Services" appropriations in this ordinance, or any ordinance hereafter adopted, shall have any vested right to receive such amount, except as may be accrued, or otherwise provided by statute. Control as to any decrease shall be vested in the body or executive having direction over the one affected, as provided by law. Provided that, certain employees classified as "exempt" for the purposes of the Fair Labor Standards Act shall be salaried employees, and such salaries shall be paid on an annualized basis. Exempt salaried employees shall, however, be required to work a regularly scheduled 40-hour week. Provided further, that the compensation of employees classified as "non-exempt" for the purposes of the Act may fluctuate from pay period to pay period, in accordance with actual hours worked. Non-exempt employees shall also be required to work a regularly scheduled 40-hour week. Wages and hours of uniformed employees shall be determined in accordance with applicable provisions of the Fair Labor Standards Act.

SECTION 2. This ordinance shall be in effect from and after its passage by the Fire Special Service District Council and compliance with IC 36-3-4-14.

SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT SPECIAL ORDERS - FINAL ADOPTION

A quorum being present, the President called the Solid Waste Collection Special Service District Council to order at 10:53 p.m.

Proposal No. 111, 1994 was adopted on the following roll call vote; viz:

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

0 NAYS:

3 NOT VOTING: Giffin, Gray, West

1 NOT PRESENT: Moriarty Adams

Proposal No. 111, 1994 was retitled SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 1994 and reads as follows:

SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 1994

A SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE amending Solid Waste Collection Special Service District Fiscal Ordinance No. 2, 1993 establishing a new salary schedule for bi-weekly civilian employees of the Solid Waste Collection Special Service District.

BE IT ORDAINED BY THE SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Solid Waste Collection Special Service District Fiscal Ordinance No. 72, 1993 is hereby amended by deleting the language stricken-through and adding the language underlined as follows:

Section 2. The salaries, wages and compensation of the various officers and employees of the Solid Waste Collection Special District for the ensuing year as are hereby fixed and approved as follows: (i) for all classified personnel of the Solid Waste Collection Special Service District by the Solid Waste Collection Special Service District Council in accordance with the schedule set forth in the Mayor's Executive Order No. ~~29~~, 1993~~4~~, and (ii) for hourly employees on a bargaining unit shall be paid in accordance with the terms of the Master Agreement as approved by the Mayor.

Such compensation shall not be increased without approval of the Council or as provided in such wage and salary classification ordinance as may from time to time be adopted for employees of the Solid Waste Collection Special Service District, and the respective amounts herein specified for personal services are hereby appropriated therefor. Provided, however, that no person, official or employee whose salary or compensation has been approved as part of the "Personal Services" appropriations in this ordinance or any ordinance hereafter adopted shall have any vested

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right to receive such amount, or any minimum amount, except as may be accrued, or otherwise provided by statute. Control as to any decrease shall be vested in the body or executive having direction over the one affected, as provided by law. Provided that, certain employees classified as "exempt" for the purposes of the Fair Labor Standards Act shall be salaried employees, and such salaries shall be paid on an annualized basis. Exempt salaried employees shall, however, be required to work a regularly scheduled 40-hour week. Provided further, that the compensation of employees classified as "non-exempt" for the purposes of the Act may fluctuate from pay period to pay period, in accordance with actual hours worked. Non-exempt employees shall also be required to work a regularly scheduled 40-hour week.

SECTION 2. This ordinance shall be in effect from and after its passage by the Solid Waste Collection Special Service District Council and compliance with IC 36-3-4-14.

ANNOUNCEMENTS AND ADJOURNMENT

Mr. Elrod made the following announcement:

Mr. President:

This Council will hold a public hearing on Rezoning Petition No. 94-Z-35, Amended, Council Proposal No. 313, 1994, at its next regular meeting on June 13, 1994, such meeting to convene at 7:00 p.m. in these Council Chambers in the City-County Building in Indianapolis. This petition proposes to rezone 14.935 acres at 8010 North Shadeland Avenue from D-A to C-S to provide for development of a hardware/home improvement store.

Written objections that are filed with the Clerk of the Council shall be heard at such time, or the hearing may be continued from time to time as found necessary by the Council.

Councillor Ruhmkorff asked that everyone remember all the servicemen from all wars who gave their lives for the country, and also remember Jackie Kennedy.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 10:55 p.m.

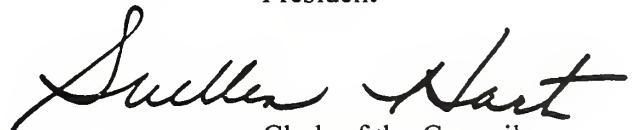
We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-County Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 23rd day of May 1994.

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)