

REGULAR MEETING
CITY-COUNTY COUNCIL

Monday, January 20, 1975

A Regular Meeting of the City-County Council of Indianapolis, Marion County convened in Room 422 of the City-County Building at 7:12 p.m., Monday, January 20, 1975. President Hasbrook in the chair. Councilman Patterson opened the meeting with a prayer, followed by the Pledge of Allegiance.

ROLL CALL

President Hasbrook instructed the Clerk to take the roll. Twenty-eight members being present, he announced a quorum. *Present:* Mr. Bayt, Mr. Boyd, Mr. Brown, Mr. Campbell, Mr. Cantwell, Mr. Caplinger, Mrs. Chandler, Mr. Clark, Mr. Cottingham, Mr. Dowden, Mr. Durnil, Mr. Elmore, Mrs. Gibson, Mr. Giffin, Mr. Gilmer, Mr. Gorham, Mr. Griffith, Mr. Hasbrook, Mr. Hawkins, Mr. Hinkle, Mr. Kimbell, Mr. McPherson, Mr. Miller, Mr. Patterson, Mr. Schneider, Mr. SerVaas, Mr. Tintera, and Mr. West. *Absent:* Mr. Ruckelshaus.

CORRECTION OF JOURNAL

President Hasbrook called for additions or corrections to the Journal for January 6, 1975, as distributed. There being no corrections, the Journal for January 6, 1975, stands approved, as distributed.

OFFICIAL COMMUNICATIONS

President Hasbrook called for reading of communications. The Clerk read the following:

January 7, 1975

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

Ladies and Gentlemen:

I have this day approved with my signature and delivered to the Clerk of the City-County Council, Mrs. Jean Wyttenbach, the following City-County Ordinances.

GENERAL ORDINANCE NO. 1, 1975, amending the Municipal Code of Indianapolis, 1951," as amended, and more particularly Title 4, Chapter 4, Section 403 thereof, **ALTERATION OF PRIMA FACIE SPEED LIMITS** providing penalties and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 2, 1975, amending the Municipal Code, 1951, of the City of Indianapolis, Indiana, as amended, and more particularly Title 4—Traffic Code, Chapter 8, and Section 842 thereof, stipulating curbside parking restrictions near Wood High School, establishing regulations, providing penalties, and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 3, 1975, amending the Municipal Code, 1951, of the City of Indianapolis, Indiana, as amended, and more particularly Title 4—Traffic Code, Chapter 8, and Section 812 thereof, providing a statutory regulation of the Indiana State Highway Commission, establishing regulations, providing penalties, and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 4, 1975, amending the Municipal Code, 1951, of the City of Indianapolis, Indiana, as

amended, and more particularly Title 4—Traffic Code, Chapter 8, Section 811 thereof, removing parking restrictions from a dead end residential street permanently blocked by Interstate Highway construction, establishing regulations, providing penalties, and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 5, 1975, amending the Municipal Code, 1951, of the City of Indianapolis, Indiana, as amended, and more particularly Title 4—Traffic Code, Chapters 4 & 8, and sections thereof, setting speed limits and parking restrictions upon a newly constructed portion of Arlington Avenue which is consistent with adjacent portions, establishing regulations, providing penalties, and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 6, 1975, amending the Municipal Code, 1951, of the City of Indianapolis, Indiana, as amended, and more particularly Title 4—Traffic Code, Chapter 8, and Section 811 thereof, to prohibit parking on certain thoroughfares allowing safe, efficient, traffic movement, establishing regulations, providing penalties, and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO 7, 1975, amending the Municipal Code, 1951, of the City of Indianapolis, Indiana, as amended, and more particularly Title 4—Traffic Code, Chapters 4 & 8, and sections thereof, stipulating speed limits and parking restrictions on a newly completed portion of Emerson Avenue, in continuity with other adjacent portions, establishing regulations, providing penalties, and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 8, 1975, amending the Municipal Code, 1951, of the City of Indianapolis, Indiana, as amended, and more particularly Title 4—Traffic Code, Chapter 10, and Section 1001 thereof, permitting a special commercial curbside loading zone, establishing regulations, providing penalties, and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 9, 1975, amending the Municipal Code, 1951, of the City of Indianapolis, Indiana, as amended, and more particularly Title 4—Traffic Code, Chapter

13, and Section 1303(2) thereof, to maintain heavy trucks to assigned route off certain residential streets, establishing regulations, providing penalties, and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 10, 1975, amending the Municipal Code, 1951, of the City of Indianapolis, Indiana, as amended, and more particularly Title 4—Traffic Code, Chapters 4 & 8, and sections thereof, stipulating truck load limits, curbside parking restrictions, establishing regulations, providing penalties, and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 11, 1975, amending the Municipal Code, 1951, of the City of Indianapolis, Indiana, as amended, and more particularly Title 4—Traffic Code, Chapter 4, and Section 403 thereof, **ALTERATION OF PRIMA FACIE SPEED LIMITS**, establishing regulations, providing penalties, and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 12, 1975, amending the Municipal Code, 1951, of the City of Indianapolis, Indiana, as amended, and more particularly Title 4—Traffic Code, Chapter 4, and Section 403 thereof, **ALTERATION OF PRIMA FACIE SPEED LIMITS**, establishing regulations, providing penalties, and fixing a time when the same shall take effect.

Respectfully,

RICHARD G. LUGAR
MAYOR

RGL:vlw

January 20, 1975

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be posted in three (3) public places and published in the Indianapolis

News and the Indianapolis Commercial on January 10, and January 17, 1975, a "Notice to Taxpayers", of a public hearing on Proposal Nos. 7, 14, and 17, 1975, to be held on Monday, January 20, 1975, at 7:00 PM, in Room 442 of the City-County Building.

I also caused to be published in the Indianapolis Commercial and the Indianapolis News on January 10, and January 17, 1975, G.O. Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 1975.

Respectfully,

Jean A. Wytttenbach
City Clerk

JAW:vlw

PRESENTATION OF PETITIONS

PROPOSAL NO. 32, 1975. Councilman Dowden read the Proposal and moved its adoption, seconded by Councilman Schneider. The Proposal for a Council Resolution nominating a member of the Lawrence Development Commission, was *passed* by unanimous voice vote. Proposal No. 32, 1975, was retitled Council Resolution No. 3, 1975, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 3, 1975

A COUNCIL RESOLUTION nominating a member of the Lawrence Development Commission.

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

Section 1. The Council does hereby nominate Daniel T. Gillespie of the Lawrence Development Commission and recommend his appointment to the Mayor of Lawrence.

Section 2. Daniel T. Gillespie is nominated for a term ending January 31, 1976.

Section 3. This resolution shall be in full force and effect from and after its adoption.

PROPOSAL NO. 48, 1975. Councilman West read the Proposal and moved its adoption, seconded by Councilman Giffin. The Proposal for a Council Resolution appointing a member of the Indianapolis Human Rights Commission, was *passed* by unanimous voice vote. Proposal No. 48, 1975, was retitled Council Resolution No. 4, 1975, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 4, 1975

A COUNCIL RESOLUTION appointing a member of the Indianapolis Human Rights Commission.

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

Section 1. The Council appoints Martha Lamkin as a member of the Indianapolis, Marion County Human Rights Commission for a term of three years ending December 31, 1977.

INTRODUCTION OF GUESTS

Councilman Bayt introduced Mr. Phillip Secrest, Deputy Auditor of Marion County.

Councilman Hawkins introduced a group of citizens from the housekeeping department of General Hospital.

Councilman Gilmer introduced Mr. and Mrs. Taggert representing interested parties of the Repertory Theater.

Councilman SerVaas introduced citizens from Delaware Trails.

Councilwoman Gibson introduced Mr. Ronald Lacey, of the Citizens Multi Service Center, and Mr. Jim Kelley, Prosecutor.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 18, 1975. Introduced by Councilman Cottingham. The Clerk read the Proposal entitled: "A Proposal for a General Ordinance amending City-County General Ordinance No. 57, 1974, to change the salaries and number of personnel authorized for the office of the Prosecuting Attorney;" and the President referred it to the County and Townships Committee.

PROPOSAL NO. 19, 1975. Introduced by Councilman Cottingham. The Clerk read the Proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1975 (City-County Fiscal Ordinance No. 42, 1974) and appropriating the additional sum of Ninety-nine thousand eight hundred forty dollars (\$99,840.00) in the County General Fund for purposes of the Prosecuting Attorney and reducing the Unappropriated County General Fund;" and the President referred it to the County and Townships Committee.

PROPOSAL NO. 20, 1975. Introduced by Councilman Gorham. The Clerk read the Proposal entitled: "A Proposal for a General Ordinance further amending the Municipal Code, 1951 of the City of Indianapolis, Indiana, as amended, and more particularly Title 4—Traffic Code, Chapters 4, 7 and 8, and Various Sections thereof, controlling speed limits, establishing preference and restrict-

ing parking on a newly constructed portion of South Keystone Avenue, establishing regulations, providing penalties, and fixing a time when the same shall take effect;" and the President referred it to the Transportation Committee.

PROPOSAL NO. 21, 1975. Introduced by Councilman Gorham. The Clerk read the Proposal entitled: "A Proposal for a General Ordinance further amending the Municipal Code, 1951, of the City of Indianapolis, Indiana, as amended, and more particularly Title 4—Traffic Code, Chapters 4 & 8 and Sections thereof, Establishing A Speed Limit And Restricting Parking Near 10th Street and Mithoeffer Road, establishing regulations, providing penalties, and fixing a time when the same shall take effect;" and the President referred it to the Transportation Committee.

PROPOSAL NO. 22, 1975. Introduced by Councilman Gorham. The Clerk read the Proposal entitled: "A Proposal for a General Ordinance further amending the Municipal Code, 1951, of the City of Indianapolis, Indiana, as amended, and more particularly Title 4—Traffic Code, Chapter 8, and Section 812 thereof, Restricting Parking In The Vicinity of St. Francis Hospital, establishing regulations, providing penalties, and fixing a time when the same shall take effect;" and the President referred it to the Transportation Committee.

PROPOSAL NO. 23, 1975. Introduced by Councilman Gorham. The Clerk read the Proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County

Annual Budget for 1975 (City-County Fiscal Ordinance No. 42, 1974) and appropriating an additional One hundred fifty thousand dollars (\$150,000.00) in the Transportation Fund for purposes of the Department of Transportation and reducing the unappropriated and unencumbered balance in the Transportation Fund;" and the President referred it to the Transportation Committee.

PROPOSAL NO. 24, 1975. Introduced by Councilman Cottingham. The Clerk read the Proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1975 (City-County Fiscal Ordinance No. 42, 1974) and appropriating an additional Twenty-five thousand two hundred seventy-eight dollars (\$25,278.00) in the County General Fund for purposes of the Cooperative Extension Service and reducing the unappropriated and unencumbered balance in the County General Fund;" and the President referred it to the County and Townships Committee.

PROPOSAL NO. 25, 1975. Introduced by Councilman Clark. The Clerk read the Proposal entitled: A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1975 (City-County Fiscal Ordinance No. 42, 1974) and appropriating an additional Twenty-five thousand dollars (\$25,000.00) in the City General Fund for purposes of the Office of the Director, Department of Administration and reducing the unappropriated and unencumbered balance in the City General Fund;" and the President referred it to the Administration Committee.

PROPOSAL NO. 26, 1975. Introduced by Councilman Cottingham. The Clerk read the Proposal entitled: "A

Proposal for a General Ordinance amending City-County General Ordinance No. 39, 1974, to modify the salaries fixed for employees of Wayne Township, Marion County, Indiana;" and the President referred it to the County and Townships Committee.

PROPOSAL NO. 27, 1975. Introduced by Councilmen Hasbrook, SerVaas, and Boyd. The Clerk read the Proposal entitled: "A Proposal for a General Ordinance determining the compensation of the Mayor and the City-County Council, effective January 1, 1976, and amending the Code of Indianapolis and Marion County, 1970;" and the President referred it to the Rules and Policy Committee.

PROPOSAL NO. 28, 1975. Introduced by Councilman Cottingham. The Clerk read the Proposal entitled: "A Proposal for a General Ordinance amending City-County General Ordinance No. 57, 1974, to authorize additional personnel for certain county offices and to fix the maximum salaries for such positions;" and the President referred it to the County and Townships Committee.

PROPOSAL NO. 29, 1975. Introduced by Councilman West. The Clerk read the Proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1975 (City-County Fiscal Ordinance No. 42, 1974) and appropriating an additional Eighty-nine thousand dollars (\$89,000.00) in the Redevelopment Fund for the purposes of the Division of Urban Renewal, Department of Metropolitan Development and reducing the unappropriated and unencumbered balance in the Redevel-

opment Fund;" and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 30, 1975. Introduced by Councilman Clark. The Clerk read the Proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1975 (City-County Fiscal Ordinance No. 42, 1974) appropriating the additional sum of Thirty-six thousand fifty-eight dollars, (\$36,058.00) in the Consolidated County Fund for the purpose of the Office of the Mayor for the County Administrative Office duties by reducing the unappropriated and unencumbered balances in said Funds;" and the President referred it to the Administration Committee.

PROPOSAL NO. 31, 1975. Introduced by Councilman Clark. The Clerk read the Proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1975 (City-County Fiscal Ordinance No. 42, 1974) and appropriating an additional One hundred thirty-nine thousand one hundred ninety-six dollars (\$139,196.00) in the Community Services Program Fund and City General Fund for purposes of the Finance Division and Community Services Division, Department of Administration, and reducing certain other appropriations for the Community Services Division and reducing the unappropriated and unencumbered balance in the City General Fund;" and the President referred it to the Administration Committee.

PROPOSAL NO. 33, 1975. Introduced by Councilman Cottingham. The Clerk read the Proposal entitled: "A

Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1975 (City-County Fiscal Ordinance No. 42, 1974) and appropriating an additional Five thousand nine hundred dollars (\$5,900.00) in the County General Fund for purposes of the County Coroner and reducing the unappropriated and unencumbered balance in the County General Fund;" and the President referred it to the County and Townships Committee.

PROPOSAL NO. 34, 1975. Introduced by Councilman Cottingham. The Clerk read the Proposal entitled: "A Proposal for a General Ordinance amending City-County General Ordinance No. 57, 1974, to authorize additional personnel for the County Coroner and fixing the maximum salary for such position;" and the President referred it to the County and Townships Committee.

PROPOSAL NO. 35, 1975. Introduced by Councilman Gorham. The Clerk read the Proposal entitled: "A Proposal for a General Ordinance amending Title 4 of Section 4-1303 of the Municipal Code of the City of Indianapolis, 1951, as amended, to exempt certain motor vehicles from the requirements of boulevard permits;" and the President referred it to the Transportation Committee.

PROPOSAL NO. 36, 1975. Introduced by Councilman Clark. The Clerk read the Proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1975 (City-County Fiscal Ordinance No. 42, 1974) and appropriating an additional Seventy thousand three hundred twenty dollars (\$70,320.00) in the Flood Control District Fund for purposes of the Flood

Control District, Department of Public Works and reducing the unappropriated and unencumbered balance in the Flood Control District Fund;" and the President referred it to the Administration Committee.

PROPOSAL NO. 37, 1975. Introduced by Councilman Cottingham. The Clerk read the Proposal entitled: "A Proposal for a General Ordinance amending City-County General Ordinance No. 57, 1974, to authorize additional personnel for the Presiding Judge of Municipal Courts, and fixing the salaries for such positions;" and the President referred it to the County and Townships Committee.

PROPOSAL NO. 38, 1975. Introduced by Councilman Gilmer. The Clerk read the Proposal entitled: "A Proposal for a General Ordinance amending and revising Chapter 3, Title 9 of the "Municipal Code of the City of Indianapolis, 1951, as amended" with respect to Trees, Shrubs, and Plants;" and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 39, 1975. Introduced by Councilman Clark. The Clerk read the Proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1975 (City-County Fiscal Ordinance No. 42, 1974) appropriating the additional sum of One million six hundred thirty-nine thousand four hundred twenty-one dollars (\$1,639,421.00) in the City General Fund, Sanitary District Fund, Consolidated County Fund, Transportation Fund, Park District Fund, and County General Fund for purposes of various departments of City and County government for use of Comprehensive Em-

ployment and Training Act Grants and reducing the unappropriated and unencumbered balances in said Funds;" and the President referred it to the Administration Committee.

PROPOSAL NOS. 40-46, 1975. Introduced by Councilman West. The Clerk read the Proposals entitled: "Proposals for Rezoning Ordinances certified from the Metropolitan Plan Commission on January 20, 1975;" and the President referred them to the Committee of the Whole, to be heard under Special Orders—Final Adoption.

PROPOSAL NO. 47, 1975. Introduced by Councilman Cottingham. The Clerk read the Proposal entitled: "A Proposal for a Fiscal Ordinance amending the City-County Annual Budget for 1975 (City-County Fiscal Ordinance No. 42, 1974) and appropriating an additional Three hundred eighty-five thousand thirty-one dollars (\$385,031.00) in the County General Fund for purposes of the Presiding Judge, Municipal Courts, and reducing the unappropriated and unencumbered balance in the City General Fund;" and the President referred it to the County and Townships Committee.

SPECIAL ORDERS—PUBLIC HEARING

President Hasbrook called for proposals eligible for public hearing. Members of the public were invited to be heard on proposals eligible for public hearing.

PROPOSAL NO. 7, 1975. The Council recessed to the Committee of the Whole at 7:39 p.m., and reconvened at

7:59 p.m. After public hearing, and following discussion, during which Councilman Gilmer spoke in favor of Proposal No. 7, 1975, Proposal No. 7, 1975, was *passed* on the following roll call vote; viz: 24 *Ayes*: Mr. Bayt, Mr. Boyd, Mr. Brown, Mr. Campbell, Mr. Cantwell, Mr. Caplinger, Mrs. Chandler, Mr. Clark, Mr. Cottingham, Mr. Durnil, Mrs. Gibson, Mr. Giffin, Mr. Gilmer, Mr. Griffith, Mr. Hasbrook, Mr. Hawkins, Mr. Hinkle, Mr. Kimbell, Mr. McPherson, Mr. Miller, Mr. Patterson, Mr. SerVaas, Mr. Tintera, and Mr. West. 4 *Noes*: Mr. Dowden, Mr. Elmore, Mr. Gorham, and Mr. Schneider. Proposal No. 7, 1975, was retitled Fiscal Ordinance No. 1, 1975, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 1, 1975

A FISCAL ORDINANCE amending the City-County Annual Budget for 1975 (City-County Fiscal Ordinance No. 42, 1974) and appropriating the additional sum of Twenty-five thousand dollars (\$25,000) in the Park District Fund for purposes of providing grants to the Indiana Repertory Theater, transferring and reallocating certain anticipated receipts of the City General Fund to the Park District Fund and reducing the Unappropriated Park District 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 4 of the City-County Annual Budget for 1975 be, and is hereby, amended by increases and reductions hereinafter stated for purposes of authorizing a grant by the Department of Parks and Recreation to the Indiana Repertory Theater to be financed by the transfer of certain anticipated revenues of the City General Fund.

Section 2. The sum of Twenty-five thousand dollars (\$25,000) be and the same is hereby appropriated for the purposes as shown

in Section 3 by transferring the unappropriated City General Fund and reducing the Unappropriated Park District Fund as shown in Section 4.

Section 3. The following additional appropriations are hereby approved:

DEPARTMENT OF PARKS AND RECREATION

	Park District Fund
25. Current Obligations	\$ 25,000.00
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TOTAL INCREASES	\$ 25,000.00

Section 4. The said additional appropriations are funded by transferring and reallocating Twenty-five thousand dollars (\$25,000.00) of anticipated receipts of the City General Fund to the Park District Fund and by the following reductions:

	Park District Fund
Unappropriated and Unencumbered Park District Fund	\$ 25,000.00
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TOTAL REDUCTIONS	\$ 25,000.00

Section 5. This ordinance shall be in full force and effect from and after adoption following public hearing, approval by the Mayor, and approval by the State Board of Tax Commissioners.

PROPOSAL NO. 14, 1975. President Hasbrook declared a one minute recess at 8:07 p.m., and reconvened Council meeting at 8:08 p.m. After public hearing, and following discussion, during which Councilman Clark spoke in favor of Proposal No. 14, 1975, Councilman Clark moved, seconded by Councilman Griffith, to amend Proposal No. 14, 1975, as follows:

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move that City-County Council Proposal No. 14, 1975. be amended as follows:

(a) In the title, delete the words and figures Seven hundred sixty-four thousand nine hundred ninety-four dollars (\$764,994.00) and insert the words and figures Six hundred ninety-four thousand six hundred sixty-eight dollars (\$694,668.00) and delete the words "Sanitary District Fund"

(b) In Section 2, delete the words "Seven hundred sixty-four thousand nine hundred ninety-four dollars" and the figures \$764,994.00 and insert in lieu thereof the words and figures Six hundred ninety-four thousand six hundred sixty-eight dollars (\$694,668.00)

In Section 3, delete in its entirety the section with respect to the Department of Public Works, Office of the Director, and the section with respect to Department of Public Works Sanitary District.

(c) In Section 3, substitute for the section on Department of Parks and Recreation, the following:

DEPARTMENT OF PARKS AND RECREATION

	Park District Fund
10. Services Personal	\$200,816.60
24. Current Charges	6,206.63
25. Current Obligations	11,747.77
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TOTAL	\$218,771.00

(d) In Section 3, strike the figure \$764,994.00, where it appears as the total increases, and insert in lieu thereof, \$694,668.00

(e) In Section 4, strike the figures following City General Fund of \$31,207.00 and insert in lieu thereof, \$20,767.00 and strike

the words and figures "Sanitary District Fund \$59,886.00" and strike the figure after total reductions of \$764,994.00 and insert in lieu thereof the figures \$694,668.00

R. F. CLARK
Councilman

The motion was carried by unanimous voice vote.

Following further discussion, Proposal No. 14, 1975, as amended, *passed* on the following roll call vote; viz: 19 *Ayes*: Mr. Bayt, Mr. Brown, Mr. Campbell, Mr. Caplinger, Mrs. Chandler, Mr. Clark, Mr. Cottingham, Mr. Durnil, Mr. Elmore, Mr. Gilmer, Mr. Griffith, Mr. Hasbrook, Mr. Hinkle, Mr. Kimbell, Mr. Miller, Mr. Patterson, Mr. SerVaas, Mr. Tintera, and Mr. West. 5 *Noes*: Mr. Cantwell, Mr. Dowden, Mr. Giffin, Mr. Hawkins, and Mr. Schneider. Mr. Boyd and Mrs. Gibson abstained, and Mr. Gorham and Mr. McPherson were out of Chambers during voting procedures. Proposal No. 14, 1975, was retitled Fiscal Ordinance No. 2, 1975, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 2, 1975

A FISCAL ORDINANCE amending the City-County Annual Budget for 1975 (City-County Fiscal Ordinance No. 42, 1974) appropriating the additional sum of Six hundred ninety-four thousand six hundred sixty-eight dollars (\$694,668.00) in the City General Fund, the Consolidated County Fund, Redevelopment Fund, Manpower Federal Program Fund, Community Services Program Fund, Transportation Fund, Park District Fund, and County General Fund for purposes of various departments of city and county government for use of Comprehensive Employment and Training Act grants, and reducing the unappropriated and unencumbered balances in said Funds.

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, Sections 4 and 5 of the City-County Annual Budget for 1975 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of authorizing additional employment pursuant to the Comprehensive Employment and Training Act of 1973 by use of anticipated and unencumbered proceeds of a federal grant.

Section 2. The sum of Six hundred ninety-four thousand six hundred sixty-eight dollars (\$694,668.00) be, and is hereby, appropriated for the purposes as itemized in Section 3 by transferring the Unappropriated balances as shown in Section 4.

Section 3. The following additional appropriations are hereby approved:

DEPARTMENT OF ADMINISTRATION
Purchasing Division

	Consolidated County Fund
10. Services Personal	\$ 5,750.00
24. Current Charges	240.00
25. Current Obligations	350.00
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TOTAL	\$ 6,340.00

DEPARTMENT OF ADMINISTRATION
Commission on Human Rights

	Consolidated County Fund
10. Services Personal	\$ 18,250.00
24. Current Charges	600.00
25. Current Obligations	1,075.00
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TOTAL	\$ 19,925.00

DEPARTMENT OF ADMINISTRATION
Division of Manpower

	Manpower Federal Program Funds
10. Services Personal	\$ 12,100.00

24. Current Charges	500.00
25. Current Obligations	710.00
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TOTAL	\$ 13,310.00

DEPARTMENT OF ADMINISTRATION
Community Services Division

	Consolidated County Fund
10. Services Personal	\$ 38,000.00
24. Current Charges	1,600.00
25. Current Obligations	2,223.00
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TOTAL	\$ 41,823.00

DEPARTMENT OF METRO DEVELOPMENT
Planning & Zoning

	Consolidated County Fund
10. Services Personal	\$ 5,400.00
24. Current Charges	240.00
25. Current Obligations	320.00
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TOTAL	\$ 5,960.00

DEPARTMENT OF METRO DEVELOPMENT
Buildings Division

	Consolidated County Fund
10. Services Personal	\$ 18,000.00
24. Current Charges	600.00
25. Current Obligations	1,055.00
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TOTAL	\$ 19,655.00

DEPARTMENT OF METRO DEVELOPMENT
Code Enforcement

	Consolidated County Fund
10. Services Personal	\$ 11,450.00

24. Current Charges	360.00
25. Current Obligations	570.00
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TOTAL	\$ 12,380.00

DEPARTMENT OF METRO DEVELOPMENT
Urban Renewal

	Redevelopment Fund
10. Services Personal	\$ 2,500.00
24. Current Charges	120.00
25. Current Obligations	150.00
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TOTAL	\$ 2,770.00

DEPARTMENT OF PUBLIC WORKS
Municipal Garage Division

	City General Fund
10. Services Personal	\$ 19,200.00
24. Current Charges	443.00
25. Current Obligations	1,124.00
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TOTAL	\$ 20,767.00

DEPARTMENT OF TRANSPORTATION

	Trans. Fund
10. Services Personal	\$203,904.00
24. Current Charges	6,720.00
25. Current Obligations	11,930.00
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TOTAL	\$222,554.00

DEPARTMENT OF PARKS AND RECREATION

	Park District Fund
10. Services Personal	\$200,816.60
24. Current Charges	6,206.63

25. Current Obligations	11,747.77
TOTAL	<u>\$218,771.00</u>

COOPERATIVE EXTENSION SERVICE
Dept. 01

10. Services Personal	\$ 68,040.00
24. Current Charges	5,045.00
25. Current Obligations	4,000.00
TOTAL	<u>\$ 77,085.00</u>

JUVENILE CENTER
Dept. 19

10. Services Personal	\$ 24,168.00
24. Current Charges	1,810.00
25. Current Obligations	1,420.00
TOTAL	<u>\$ 27,398.00</u>

CENTER TOWNSHIP ASSESSOR
Dept. 06

10. Services Personal	\$ 5,220.00
24. Current Charges	400.00
25. Current Obligations	310.00
TOTAL	<u>\$ 5,930.00</u>
TOTAL INCREASES	<u>\$694,668.00</u>

Section 4. The said additional appropriations are funded by reducing the unappropriated and unencumbered fund balances as follows:

City General Fund	\$ 20,767.00
Consolidated County Fund	64,260.00
Manpower Federal Programs Fund	13,310.00
Community Services Program Fund	41,823.00

Redevelopment Fund	2,770.00
Transportation Fund	222,554.00
Park District Fund	218,771.00
County General Fund	110,413.00
TOTAL REDUCTIONS	\$694,668.00

Section 5. This Ordinance shall be in full force and effect from and after adoption, following public hearing, action by Mayor as required by law, and approval by the State Board of Tax Commissioners.

Councilman Griffith moved, seconded by Councilman Giffin that Proposal Nos. 16 & 17, 1975, be considered together. The motion was carried by unanimous voice vote.

PROPOSAL NO. 17, 1975. President Hasbrook recessed to the Committee of the Whole at 8:41 p.m., and reconvened at 8:42 p.m. After public hearing, and following discussion, during which Councilman Griffith moved, seconded by Councilman Kimbell to amend Proposal No. 17, 1975, as follows:

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move that City-County Council Proposal No. 17, 1975, be amended as follows:

Strike Line 4 of Section 4, and in Line 5 of Section 4, strike the figures "\$140,605.00" and insert in lieu thereof the figures "\$157,000.00"

DONALD N. GRIFFITH
Councilman

Following further discussion, Proposal No. 16, 1975, and Proposal No. 17, 1975, as amended, *passed* on the following roll call vote; viz: 25 Ayes: Mr. Bayt, Mr. Boyd, Mr. Brown, Mr. Campbell, Mr. Caplinger, Mrs. Chandler, Mr. Clark, Mr. Cottingham, Mr. Dowden, Mr. Durnil, Mr. Elmore, Mrs. Gibson, Mr. Giffin, Mr. Griffith, Mr. Hasbrook, Mr. Hawkins, Mr. Hinkle, Mr. Kimbell, Mr. McPherson, Mr. Miller, Mr. Patterson, Mr. Schneider, Mr. SerVaas, Mr. Tintera, and Mr. West. Mr. Cantwell, Mr. Gilmer, and Mr. Gorham were out of Chambers. Proposal Nos. 17 & 16, 1975, were retitled Fiscal Ordinance No. 3, 1975, and General Ordinance No. 17, 1975, respectively, and read as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 3, 1975

A FISCAL ORDINANCE amending the CITY-COUNTY ANNUAL BUDGET FOR 1975 (City-County Fiscal Ordinance No. 42, 1974) appropriating the additional sum of One hundred fifty-seven thousand dollars (\$157,000) in the County Welfare Fund for certain purposes of the Department of Public Welfare and reducing certain other appropriations of the Unappropriated County Welfare 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 6 of the City-County Annual Budget for 1975 be, and is hereby, amended by increases and reductions hereinafter stated for the purposes of authorizing a grant by the Department of Public Welfare to hire additional personnel to be financed by the anticipated reimbursement from state and federal funds.

Section 2. The sum of One hundred fifty-seven thousand dollars (\$157,000.00) be, and the same is hereby appropriated for the purposes as shown in Section 3 and reducing the Unappropriated County Welfare Fund as shown in Section 4.

Section 3. The following additional appropriations are hereby approved:

DEPARTMENT OF PUBLIC WELFARE

	County Welfare Fund
100(10) Services Personal	\$157,000.00
TOTAL INCREASES	\$157,000.00

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

DEPARTMENT OF PUBLIC WELFARE

	County Welfare Fund
Unappropriated County Welfare Fund	\$157,000.00
TOTAL REDUCTIONS	\$157,000.00

Section 5. This Ordinance shall be in full force and effect from and after adoption, following public hearing, and approval by the State Board of Tax Commissioners.

CITY-COUNTY GENERAL ORDINANCE NO. 17, 1974

A GENERAL ORDINANCE amending City-County General Ordinance No. 57, 1974, to change the salaries and number of personnel authorized for the Department of Public Welfare.

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

Section 1. Section 7 of City-County General Ordinance No. 57, 1974, be and is hereby amended to change the salaries and number of personnel approved for the Department of Public Welfare, adding the following additional personnel at the rates indicated:

DEPARTMENT OF PUBLIC WELFARE

Number	Position	Rate/Month
12	Assistant Caseworkers	\$598.18

2	Line Supervisors	930.64
10	Clerical Staff	523.33

Section 2. This Ordinance shall be in full force and effect from and after adoption.

SPECIAL ORDERS—FINAL ADOPTION

PROPOSAL NO. 446, 1974. Following discussion, during which Councilman Clark spoke regarding Proposal No. 446, Councilman Elmore moved, seconded by Councilman Dowden, that Proposal No. 446, be referred back to Committee. The motion carried by unanimous voice vote.

PROPOSAL NO. 395, 1974. Following discussion, during which Councilman Griffith spoke regarding Proposal No. 395, Councilman Griffith moved, seconded by Councilman Brown that Proposal No. 395, be referred back to Committee. The motion carried by unanimous voice vote.

PROPOSAL NO. 441, 1974. Following discussion, during which Councilman West spoke in favor of Proposal No. 441, 1974, Councilman West moved, seconded by Councilman Dowden to amend Proposal No. 441, 1974, as follows:

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move that City-County Council Proposal No. 441, 1974, be amended as follows:

Strike the proposal as introduced and substitute in lieu thereof the draft marked "Proposal No. 441, 1975, As Amended"

STEPHEN R. WEST
Councilman

The motion was carried by unanimous voice vote.

Following further discussion, Proposal No. 441, 1974, as amended, was *passed* on the following roll call vote; viz: 26 Ayes: Mr. Bayt, Mr. Boyd, Mr. Brown, Mr. Campbell, Mr. Cantwell, Mr. Caplinger, Mrs. Chandler, Mr. Clark, Mr. Cottingham, Mr. Dowden, Mr. Durnil, Mr. Elmore, Mrs. Gibson, Mr. Giffin, Mr. Gilmer, Mr. Griffith, Mr. Hasbrook, Mr. Hinkle, Mr. Kimbell, Mr. McPherson, Mr. Miller, Mr. Patterson, Mr. Schneider, Mr. SerVaas, Mr. Tintera and Mr. West. Mr. Gorham and Mr. Hawkins were out of Chambers. Proposal No. 441, 1974, was re-titled Special Resolution No. 1, 1975, and reads as follows:

CITY-COUNCIL SPECIAL RESOLUTION NO. 1, 1974

A SPECIAL RESOLUTION acknowledging the willingness of the City of Indianapolis to accept the gift of certain property from New Hope Foundation of Indiana, Incorporated.

WHEREAS, it is the determination of the City-County Council (the "Council") of the City of Indianapolis and Marion County, Indiana, that the additional facilities to provide rehabilitative and therapeutic services to physically and mentally handicapped persons, including facilities to provide physical, occupational, recreational, vocational and speech therapy, in the City will bring immediate and long range advantages to the people of the City and surrounding territory; and

WHEREAS, some interested citizens of the area have heretofore organized a nonprofit corporation under the laws of the State of Indiana, which is known as New Hope Foundation of Indiana, Inc. (the "Foundation"), for the purpose, among others, of acquiring, constructing, maintaining and operating a health care facility and related facilities for physically and mentally handicapped persons (the "Handi-Campus"); and

WHEREAS, the Foundation proposes to amend its Articles of Incorporation so as to authorize the Foundation to tender by gift to

the City, when all of the Foundation's bonds have been fully paid, all right, title and interest of the Foundation in and to the Handi-Campus, and further to grant to the City an option to purchase, if duly authorized at anytime all right, title and interest of the Foundation in and to the Handi-Campus, subject to any then existing leases, for a price sufficient to pay and redeem all outstanding bonds of the Foundation, including interest on said bonds to the earliest date on which said bonds may have been redeemed at the option of the Foundation and redemption premium, if any; and

WHEREAS, there has been presented to this Council copies of the forms of First Mortgage Bonds, Series A, which the foundation proposes to issue in the approximate principal amount of Nine million five hundred thousand dollars (\$9,500,000.00), in order to finance the acquisition, construction, furnishing and equipping of the Handi-Campus, which form is before this meeting and this Council has reviewed such form and finds nothing therein objectionable to the City; now, therefore:

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

Section 1. That the acquisition, construction, furnishing, and equipping by the Foundation of the Handi-Campus in the City is hereby found to be beneficial to the City, for the reasons above set forth; that the aforesaid form of bonds proposed to be issued by the Foundation contains nothing objectionable to the City or nothing which would impose any kind of obligation, burden, or imposition upon the City; and that the City agrees, if duly authorized, to accept a gift of the Handi-Campus free of any liens at the time of the Foundation tenders the same to the City.

Section 2. The present Board of Directors of the Foundation, consisting of the following: Robert M. Book, John O. Foley, J. P. Taylor, Mrs. M. L. Lee, Donald L. Kinzer, Ross F. Haynes, Walter W. Houppert, Mrs. R. L. Goodwin, and David Lozow, is hereby approved.

Section 3. All resolutions and orders, or parts thereof, in conflict with the provisions of this resolution, are, to the extent of such conflict, hereby repealed and this resolution shall be in immediate effect from and after its adoption.

Permission was granted to incorporate in these Minutes certain pertinent legal opinions and information regarding the facility and its Board Members, as follows:

BOARD MEMBERS
NEW HOPE FOUNDATION OF INDIANA, INC.

Robert M. Book
Elanco Products Company
740 South Alabama Street
Indianapolis, Ind. 46206
261-2488
Age 46, married, 4 children
Employment: Group Vice President, Agricultural Marketing, Elanco Products Company, Indianapolis, Indiana. Joined company in August, 1955.

Graduate of Purdue University, 1952 with B.S. in Agriculture.

Activities and Achievements

President of New Hope Foundation of Indiana, Inc.; Member of Executive Committee of New Hope; Secretary of New Hope Foundation of America; Advisory Board—Clay Township (Hamilton County, Indiana); Precinct Committeeman; Member of the State Board of the USO; Indiana State Chairman of FFA Foundation; Director of U.S. Feed Grains Council and National Membership Chairman; Vice President of Indiana 4-H Foundation; Director of Indianapolis Rotary Club; member of the President's Council at Brebeuf Preparatory School; Colonel in the USMCR.

Brother was handicapped prior to his death.

Dr. David Kinzer
5610 Central Avenue
Indianapolis, Ind. 46220
253-8469
Age 60, married, 1 child

Employment: Chairman of History Department, Professor of History IUPUI, Indianapolis, Indiana.

Secretary of New Hope Foundation of Indiana, Inc.

Dr. Joseph P. Taylor
300 W. Fall Creek Parkway, N. Dr.
Indianapolis, Ind. 46208
923-2708
Age 61, married, 1 child.

Employment: Dean of Liberal Arts School, IUPUI, Indianapolis, Indiana

Board member of New Hope Foundation of Indiana, Inc.; Member of the Board of United Way; Member of Comprehensive Health Planning Council of Marion County, Inc.; Member of Governor's Commission on Development Disabilities Advisor Council; Member of Indianapolis Housing Authority; Member of Board of Higher Education of the United Methodist Church; Member of Board of Trustees at Berea College; Vice President of the Board of Directors of the Community Services Council; Vice President of Metropolitan YMCA Board.

Ross F. Haynes
Manager—Production Control
Chrysler Corporation
Post Office Box 767
Indianapolis, Ind. 46206
546-9251
Age 55, married, 1 child.

Employment: Manager of production control at Chrysler Corporation, Electric Plant, Indianapolis, Indiana.

Active in community affairs and organization serving the handicapped; Board member of New Hope Foundation of Indiana, Inc., and member of Executive Committee; Board member of Damar Homes, Inc., serving the severely handicapped; Industrial advisor to Crossroads Rehabilitation Center, Inc.; Member of the Steering Committee in the Indianapolis Business Opportunity Fair.

Walter W. Houppert
7928 Springmill Road
Indianapolis, Ind. 46260
251-6046
Age 70, married.

Retired from practice of law, March, 1974 with firm of Reddington, Fisher, Houppert & Doyle. In the practice of law from 1925 until retirement.

Graduated from University of Notre Dame, School of Law; Director and Vice President of the New Hope Foundation of Indiana, Inc.; Deputy prosecuting attorney from 1930-33; State counsel for Homeowners Loan Corporation 1934-40; Counsel for Jefferson National Life Insurance Company for 28 years; General counsel for Standard Federal Savings and Loan for 25 years; General counsel for Speedway Saving and Loan Association for 25 years; Director of Standard Federal Savings and Loan Association; Director of United Cerebral Palsy of Central Indiana for 30 years and past president; Director of United Cerebral Palsy of Indiana; Director and past president of the Civic Theatre of Indianapolis.

Dr. David Lozow
5213 Brief Run
Indianapolis, Ind. 46226
357-1426

Married, parent of two handicapped children.

Employment: Private practice as orthopedic surgeon.
Board member of New Hope Foundation of Indiana, Inc.

John O. Foley
Vice President
Dura-Containers, Inc.
6400 English Avenue
Indianapolis, Ind. 46219
356-6481

Age 41, married, 4 children.

Employment: Vice President and Director, Dura-Containers, Inc.,
Joined Dura in 1958 after active duty as Lieutenant in the
U.S. Marine Corps.

Graduated from University of Notre Dame in 1955, B.S. in Commerce;
Board member of New Hope Foundation of Indiana, Inc., and member
of Executive Committee; President of Our Lady of Lourdes
Parish Council; Sectional Affairs Chairman (Indiana) USGA.

Mrs. R. L. Goodwin
238 South Butler
Indianapolis, Ind. 46219
357-2661

Age 63, married, parent of severely handicapped 35-year old cerebral palsy daughter—who will need the type of care New Hope Foundation can offer.

Employment: Work as reading tutor for tutorial programs in Inner City, Indianapolis Public Schools.

Board member of New Hope Foundation of Indiana, Inc.; Charter member of the Marion County Association for Mentally Retarded; Helped to organize Parents Council for United Cerebral Palsy of Central Indiana; Served on Board of United Cerebral Palsy of Central Indiana as a parent representative and on a committee for residential and short-term care; Was treasurer of Christian Church Union of Greater Indianapolis from 1966-74; Served on State Board of the Christian Church in Indiana as assistant treasurer 1966-74; Member of Downey Avenue Christian Church; Done volunteer work at Community Hospital.

Mrs. Ralph L. Lee
Post Office Box 201
Nashville, Ind. 47448
812-988-7448

Age 48, married, two children (one handicapped)

Employment: Associate faculty—IUPUI, Columbus Center, Columbus, Ind.

Chairman (COVOH) School of Voluntary Organizations for the Handicapped in Indiana; Member of State Advisory Council of the Education of Handicapped Children—State Department of Public Instruction; Board member of New Hope Foundation of Indiana, Inc.; Board member of Opportunity, Inc.—Columbus Rehabilitation Center; Chairman of Childhood Mental Illness Committee—Brown County Mental Health Association; Board member of United Cerebral Palsy of Indiana—1958 to date; Serves on Executive Committee of United Cerebral Palsy Association Governmental Affairs Committee.

AWARDS:

1974—Human Development award for outstanding service to handicapped children presented by School psychology Division—Indiana Psychological Association.

1972—"Those Special People" award for production of "The Special Me" TV series presented by Theta Sigma Phi Journalism.

1972—Distinguished Service Award presented by Indiana Federation, Council for exceptional children.

1972—Outstanding Leadership and Service award presented by COVOH.

1971—Outstanding Accomplishment Award presented by United Cerebral Palsy of Indiana.

Recognition for public service Children's Programming presented by WLWI-TV.

December 23, 1974

Mr. Robert Elrod
City-County Council Attorney
241 City-County Building
Indianapolis, Indiana 46204

Re: New Hope Foundation Bonds

Dear Bob:

Enclosed are two letters I have received which fully answer the questions I had in regards to the New Hope resolution.

I do not have any other questions or doubts with regards to this issue, and will advise the Mayor that the Resolution is proper in all respects.

Very truly yours,

GARY R. LANDAU
Corporation Counsel

GRL:kp

December 19, 1974

Gary Landau, Esq.
One Indiana Square
Suite 2235
Indianapolis, Indiana 46204

Re: New Hope Foundation of Indiana, Inc.

Dear Mr. Landau:

This will confirm our telephone conversation of this afternoon regarding the above described Foundation.

We have prepared the proposed form of resolution which we understand will be presented to the City-County Council of the Consolidated City of Indianapolis and Marion County, Indiana, for its consideration. This resolution relates to certain health care facilities which New Hope Foundation of Indiana, Inc., an Indiana nonprofit corporation (the "Corporation"), will finance through the issuance of its bonds.

As you know, Revenue Ruling 63-20 of the Internal Revenue Service sets forth the requirements to be met in order for the interest on the bonds of a nonprofit corporation to be excluded from the gross income of the recipient. One of these requirements is that the state or a political subdivision thereof have a beneficial interest in the corporation while the bonds remain outstanding and that on retirement of the bonds the political subdivision must obtain full legal title to the property of the corporation financed through the issuance of the bonds. In this regard the Internal Revenue Service requests that a resolution be adopted by the proper authorities of a designated political subdivision (in this case the City-County Council) to the effect that the Council has no objection to the issuance of such bonds and that the political subdivision agrees to accept a gift of the health care facilities and real estate financed through the issuance of the bonds.

It is our opinion that neither the adoption of this resolution nor the issuance of the bonds by the Corporation creates any obligations or liabilities on the part of the City and County. In fact, the bond form specifically recites that neither the State of Indiana nor any

political subdivision or body corporate and politic thereof shall in any event be liable for the payment of the principal of, premium or interest on the bonds or for the performance of any pledge, obligation or agreement of any kind whatsoever of the Corporation, and that none of the bonds or any of the Corporation's agreements or obligations shall be construed to constitute an indebtedness of the State of Indiana or any political subdivision or body corporate and politic thereof, within the meaning of any constitutional or statutory provision whatsoever.

If a future City-County Council should determine that acceptance of the health care facilities at that time may not be in the best interests of the City and County, or that such acceptance may at that time be prohibited by law, it is pertinent to note that the Articles of Incorporation of the Corporation, as they will be amended prior to the issuance of the bonds so as to conform to Internal Revenue Service requirements, will state that if the City and County should be unable or unwilling to accept such gift when tendered, the Corporation will tender such gift to another political subdivision of the State of Indiana to be selected by the Corporation.

We understand that the City-County Council would also like to be advised whether any conditions or restrictions would be attached to the gift of the property to the City and County upon retirement of the Corporation's bonds.

As I mentioned during our conversation, the form of warranty deed which will be deposited with the bond trustee for delivery to the City and County upon retirement of the Corporation's bonds will contain no deed restrictions or reservations of any kind. Nor are any such restrictions imposed upon the City and County by either Indiana law or the Internal Revenue Service.

At such time as the bonds are retired, the City and County would be at liberty to use the property, if it so desired, as a school, court-house, jail, or for any other public purpose if it did not desire to continue the operation of the property as a health care facility; indeed, if then deemed to be in the City and County's best interests, the property could simply be sold and the proceeds of the sale placed in the City and County treasury and expended for general public purposes.

If you should know any further question in this regard, please let me know.

Sincerely yours,

GEORGE PITT

GP:pd1

December 16, 1974

Donald F. Elliott, Jr., Esq.
Ice Miller Donadio & Ryan
10th Floor, Fidelity Building
111 Monument Circle
Indianapolis, Indiana 46204

Re: New Hope Foundation of Indiana, Inc.

Dear Don:

This will confirm and supplement our telephone conversation of this morning regarding the suggested form of City-County Council resolution sent out with my letter of November 26, 1974.

You indicated during our conversation that officials of the City and County had inquired concerning the need for City-County Council approval of the incumbent governing board of the Foundation. As I mentioned, the ruling policy of the Internal Revenue Service in its administration of Revenue Ruling 63-20 has not been static. For example, a few years ago the Service decided to impose a new requirement, not theretofore imposed, to the effect that in a 63-20 financing the governing body of the nonprofit corporation must be appointed by, and serve at the pleasure of, the chief executive officer or the legislative governing body of the political subdivision "on behalf of" which the corporation proposed to issue its bonds. Because this requirement first emerged in connection with a pending ruling request in a 63-20 hospital financing in Missoula, Montana, it became known as the "Missoula requirement". It rapidly became apparent to the Service that the Missoula requirement was simply unworkable, and within about a year following its imposition it was quietly dropped. All that survives is the essentially innocuous requirement that the governing board of the nonprofit corporation in office at the time of adoption of the political subdivision's resolution be approved by the municipal governing body. No subsequent approvals are required.

You also indicated that a question had been raised concerning the need for the City-County Council resolution to recite that the "form of bonds proposed to be issued by the Foundation contains nothing objectionable to the City or nothing that would impose any kind of obligation, burden or imposition upon the City; . . ." As you know, one of the specific requirements set forth in Revenue Ruling 63-20 is that

"5. The corporation must have been approved by the State, or a political subdivision thereof, either of which must also have approved the specific obligations issued by the corporation."

Bond counsel generally have been reluctant to accede to the continuous pressure exerted by the Service over the years in the direction of substantially greater control by the "sponsoring" political subdivision over the organization, affairs and financings of nonprofit corporations seeking ruling under 63-20. The basis of bond counsel's reluctance has been a desire to avoid creating any kind of "alter ego" status which might raise questions under state laws as to whether the nonprofit corporation could be bound by legal restrictions applicable to political subdivisions. Some years ago a truce was arrived at, in a sense tacitly, whereby the Service would not object if the resolution of the political subdivision's governing body were couched in vague and innocuous language such as "nothing objectionable" and if only the general form of the bonds rather than the actual terms of the specific financing were referred to. The "nothing objectionable" language represents a compromise worked out between the objective of the Service (to create as substantial a "nexus" between the political subdivision and the nonprofit corporation as possible) and that of bond counsel (to keep the "nexus" as inconsequential as possible and still obtain a favorable ruling). I do not believe that language any more innocuous than "nothing objectionable" could be devised, or, even assuming that it could, that it would be acceptable to the Service.

I hope that the foregoing adequately addresses the questions raised, but if not I will be happy to discuss them further with you.

Best regards.

Sincerely yours,

GEORGE PITT

December 11, 1974

Mr. Stephen R. West
City-County Council
2nd Floor City-County Bldg.
Indianapolis, Indiana 46204

Dear Mr. West:

Reference is made to your request that The Health and Hospital Corporation view the New Hope Foundation of Indiana building at 8400 Payne Road.

Mr. Richard Lowery and Mr. David L. Chauncey contacted Mr. Robert Book who in turn arranged a conducted tour of the facility on Monday, December 9, 1974.

In touring the building, it is quite evident that it is most functional and will indeed provide a needed service to a significant number of families with mentally or physically retarded members.

It is also noted that continued lack of use of this structure is a poor reflection on the community by its failure to take the necessary steps to make it workable.

To this end it is agreed that a recommendation to support the bond issue is in order. Also, future ownership at the end of thirty years by either the City or The Health and Hospital Corporation of Marion County would be most acceptable and appropriate. The program appears to have sufficient merit for support by the City and the Council.

Sincerely,

RICHARD A. LOWERY
Executive Director
DAVID L. CHAUNCEY
Assistant Executive Director

DLC:ks

November 26, 1974

January 20, 1975] Indianapolis, Marion Co., Ind.

87

Mr. Robert M. Book
Elanco Products Company
A Division of Eli Lilly and Company
Post Office Box 1750
Indianapolis, Indiana 46206

Re: New Hope Foundation of Indiana, Inc.

Dear Bob:

This is to acknowledge receipt of the special resolution acknowledging the willingness of the City of Indianapolis to accept a gift of property from New Hope Foundation of Indiana, Inc. Your ac-

companying note indicates that a final approval will be voted on December 2. Since the form of resolution passed by the City-County Council on November 18, 1974, referred to above, is not sufficient for purposes of the ruling request to be submitted to the Internal Revenue Service, I thought it advisable to forward a form of resolution which contains the findings necessary for the ruling request. While the format of the enclosed resolution could be altered to conform to the style to which the City-County Council is accustomed, all the substantive provisions should be incorporated into any such format. Also enclosed is the form of bond, a copy of which was transmitted to you earlier. It should be attached to any resolution adopted, as the resolution recites that the Council has the form of bond before them at the time of passage.

I am anxious to hear the results of the December 2d meeting.

Sincerely yours,

GEORGE PITT

GP:mth

PROPOSAL NOS. 480 & 481, 1974. By consent, Proposal Nos. 480 and 481, 1974, were considered together. Following discussion, during which Councilman Giffin spoke in favor of the Proposals, Proposal Nos. 480 and 481, 1974, were *passed* on the following roll call vote; viz: 24

Ayes: Mr. Bayt, Mr. Brown, Mr. Campbell, Mr. Caplinger, Mrs. Chandler, Mr. Clark, Mr. Cottingham, Mr. Dowden, Mr. Durnil, Mrs. Gibson, Mr. Giffin, Mr. Gilmer, Mr. Griffith, Mr. Hasbrook, Mr. Hawkins, Mr. Hinkle, Mr. Kimbell, Mr. McPherson, Mr. Miller, Mr. Patterson, Mr. Schneider, Mr. SerVaas, Mr. Tintera, and Mr. West. 2
Noes: Mr. Boyd and Mr. Elmore. Mr. Cantwell and Mr. Gorham were out of Chambers. Proposal Nos. 480 and 481, 1974, were retitled Fiscal Ordinance No. 4, 1975, and General Ordinance No. 13, 1975, respectively, and read as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 4, 1975

A PROPOSAL FOR A FISCAL ORDINANCE of the Consolidated City of Indianapolis, Indiana, appropriating the sum of Five Million Dollars (\$5,000,000.00) to be applied on the cost of construction, reconstruction and otherwise improving residential streets in the Consolidated City of Indianapolis, together with the incidental expenses to be incurred in connection therewith and on account of the issuance of bonds therefor.

WHEREAS, the Board of the Department of Transportation of the City of Indianapolis has found that it would be for the best interests of said City and its citizens to provide for the construction, reconstruction and otherwise improving of residential streets in the Consolidated City of Indianapolis at a cost to the City not exceeding Five Million Dollars (\$5,000,000.00), the costs of said projects to include the incidental expenses necessary to be incurred in connection therewith and on account of the issuance of bonds therefor; and

WHEREAS, a request for an appropriation in the amount of Five Million Dollars (\$5,000,000.00) for said purposes has been filed, which request has been approved by the Controller with the recommendation that the funds necessary to cover such appropriation be obtained by the issuance and sale of general obligation bonds of the City; and

WHEREAS, a petition has been filed under the provisions of The Indiana Code of 1971, 6-1-46-7, by more than fifty (50) owners of taxable real estate in the City of Indianapolis, requesting the City-County Council to issue bonds in an amount not exceeding Five Million Dollars (\$5,000,000.00) for the purpose of procuring funds to be applied on the costs of construction, reconstruction and otherwise improving of residential streets in the City of Indianapolis, together with the incidental expenses in connection therewith and on account of the issuance of bonds therefor; and

WHEREAS, the Council now finds that said projects are necessary and will be of general benefit to the City and its citizens; and

WHEREAS, the Council now finds that the City has no funds available or provided for in the existing budgets and tax levies which may be applied on said projects, making it necessary to authorize the issuance of bonds of the City in order to procure funds to be furnished by the City, and that an extraordinary emergency exists for the making of the additional appropriation hereinafter set out;

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

Section 1. That the sum of Five Million Dollars (\$5,000,000.00) be and the same is hereby appropriated for the purpose of construction, reconstruction and otherwise improving residential streets in the City of Indianapolis, which appropriation shall include the incidental expenses to be incurred in connection with such projects and the issuance of bonds on account thereof. Funds to meet said appropriation shall be provided from the proceeds of bonds of the City designated "Municipal Bonds of 1975," in the amount of Five Million Dollars (\$5,000,000.00) heretofore authorized to be issued for application on the costs of said projects.

Section 2. This ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Passed and adopted by the City-County Council of the City of Indianapolis and of Marion County on the -- day of -----, 19--.

Presiding Officer

Attest:

Clerk, City-County Council

Presented by me to the Mayor of the City of Indianapolis on the -- day of -----, 1975, at the hour of ---- --M.

Clerk, City-Council Council

This ordinance approved and signed by me on the -- day of -----, 1975, at the hour of ---- --M.

Mayor

CITY-COUNTY GENERAL ORDINANCE NO. 13, 1975

A GENERAL ORDINANCE of the Consolidated City of Indianapolis, Indiana, authorizing the issuance and sale of bonds of said City for the purpose of providing funds to be applied on the cost of construction, reconstruction and otherwise improving residential streets in said City, together with the incidental expenses to be incurred in connection therewith and on account of the issuance of bonds therefor.

WHEREAS, the Board of the Department of Transportation of the Consolidated City of Indianapolis has found that it would be for the best interests of said City and its citizens to provide for the construction and reconstruction and otherwise improving of residential streets in the City of Indianapolis at a cost to the City not exceeding Five Million Dollars (\$5,000,000.00), the costs of said projects to include the incidental expenses necessary to be incurred in connection therewith and on account of the issuance of bonds therefor; and

WHEREAS, a request for an appropriation in the amount of Five Million Dollars (\$5,000,000.00) for said purposes has been filed, which request has been approved by the Controller with the recommendation that the funds necessary to cover such appropriation be obtained by the issuance and sale of general obligation bonds of the City; and

WHEREAS, a petition has been filed under the provisions of The Indiana Code of 1971, 6-1-46-7, by more than fifty (50) owners of taxable real estate in the Consolidated City of Indianapolis, requesting the City-County Council to issue bonds in an amount not exceeding Five Million Dollars (\$5,000,000.00) for the purpose of procuring funds to be applied on the costs of construction, reconstruction and otherwise improving residential streets in the City of Indianapolis, together with the incidental expenses in connection therewith and on account of the issuance of bonds therefor; and

WHEREAS, the Council now finds that such projects are necessary and will be of general benefit to the City and its citizens:

NOW, THEREFORE,

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

Section 1. That the Consolidated City of Indianapolis (hereinafter sometimes referred to as the "City"), proceed with the construction, reconstruction and otherwise improving of residential streets in the City.

Section 2. For the purpose of providing the Five Million Dollars (\$5,000,000.00) in funds to be applied on said street projects and the incidental expenses necessary to be incurred in connection therewith, the City shall make a loan in the amount of Five Million Dollars (\$5,000,000.00). In order to procure said loan, the Controller is hereby authorized and directed to have prepared and to issue and sell the negotiable general obligation bonds of the City, to be designated as "Municipal Bonds of 1975," in the aggregate principal amount of Five Million Dollars (\$5,000,000.00), which bonds shall be issued in the denomination of Five Thousand Dollars (\$5,000.00) each, shall be numbered consecutively from 1 upwards, shall be dated as of the first day of the month in which said bonds are sold, and shall bear interest at a rate or rates not exceeding six and one-half per cent (6½%) per annum (the exact rate or rates to be determined by bidding), which interest shall be payable on January 1, 1976, and semi-annually thereafter on January 1 and July 1 of each year, and shall be evidenced by coupons attached to said bonds. Both bonds and interest coupons shall be payable at the office of the Treasurer of Marion County, ex officio Treasurer of the City of Indianapolis, in the City of Indianapolis, Indiana, in lawful money of the United States of America. The bonds shall mature serially on January 1 in the years and amounts as follows:

Year	Amount	Year	Amount
1977	\$215,000	1984	\$325,000
1978	230,000	1985	340,000
1979	240,000	1986	360,000
1980	255,000	1987	385,000
1981	270,000	1988	410,000
1982	290,000	1989	435,000
1983	305,000	1990	460,000
		1991	480,000

Said bonds shall be signed in the name of the City of Indianapolis by the Mayor, countersigned by the Controller, and attested by the Clerk, who shall affix the seal of the City to each of said bonds; provided, however, no more than two of said officials may execute the bonds with their facsimile signatures. The interest coupons attached to said bonds shall be executed with the facsimile signatures of the Mayor and City Controller. Said bonds shall in the hand of bona fide holders have all of the qualities of negotiable instruments.

Section 3. The form and tenor of said bonds and the interest coupons to be attached thereto shall be substantially as follows (all blanks to be properly completed prior to the printing of the bonds):

UNITED STATES OF AMERICA

State of Indiana

County of Marion

No. -----

\$5,000

CITY OF INDIANAPOLIS
MUNICIPAL BONDS OF 1975

The City of Indianapolis, in Marion County, Indiana, for value received, hereby acknowledges itself indebted and promises to pay to the bearer hereof the principal amount of

FIVE THOUSAND DOLLARS

on January 1, 19____, and to pay interest thereon from the date hereof until the principal is paid, at the rate of -----per cent (-----%) per annum, payable on January 1, 1976, and semi-annually thereafter on January 1 and July 1 in each year, upon presentation and surrender of the annexed coupons as they severally become due.

Both principal and interest of this bond are payable in lawful money of the United States of America at the office of the Treasurer of Marion County, ex officio Treasurer of the City of Indianapolis, in the City of Indianapolis, Indiana.

This bond is one of an authorized issue of one thousand (1,000) bonds of the City of Indianapolis, of like date, denomination, tenor and effect, except as to interest rates and dates of maturity, aggregating Five Million Dollars (\$5,000,000.00), numbered consecutively from 1 upwards, issued pursuant to an ordinance adopted by the City-County Council of said City on -----, 19----, entitled "An Ordinance of the Consolidated City of Indianapolis, Indiana, authorizing the issuance and sale of bonds of said City for the purpose of providing funds to be applied on the cost of construction, reconstruction and otherwise improving residential streets in said City, together with the incidental expenses to be incurred in connection therewith and on account of the issuance of bonds therefor," and The Indiana Code of 1971, Titles 18 and 19 and particularly Title 19, Article 7, Chapter 21.

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in execution, issuance, and delivery of this bond have been done and performed in regular and due form as provided by law; that this bond and said total issue of bonds is within every limit of indebtedness prescribed by the Constitution and laws of the State of Indiana, and that the full faith and credit of the City of Indianapolis, together with all of its taxable property, both real and personal, are hereby irrevocably pledged to the punctual payment of the principal and interest of this bond according to its terms.

IN WITNESS WHEREOF, The City of Indianapolis, in Marion County, Indiana, by ordinance of its Common Council, has caused this bond to be signed in its corporate name by the facsimile signature of its Mayor, countersigned by its City Controller, its corporate seal to be hereunto affixed and attested by the facsimile signature of its Clerk of the City-County Council and the interest coupons hereto attached to be executed by placing thereon the facsimile signature of said Mayor and City Controller, as of the first day of -----, 19-----.

CITY OF INDIANAPOLIS

By ----- (facsimile)
Mayor

Countersigned:

City Controller

Attest:

----- (facsimile)
Clerk of the City-County Council

(Interest Coupon)
Coupon No. ----- \$-----

On ----- 1, 19----, the City of Indianapolis, Indiana, will pay to bearer at the office of the Treasurer of Marion County, ex officio Treasurer of the City of Indianapolis, in the City of Indianapolis, Indiana, the amount shown hereon in lawful money of the United States of America, being the interest then due on its Municipal Bond of 19----, dated ----- 1, 19----, No. -----

CITY OF INDIANAPOLIS

By ----- (facsimile)
Mayor

----- (facsimile)
City Controller

Section 4. As soon as can be done after the passage of this ordinance, the Clerk shall give notice of the filing of the petition for and determination to issue bonds. Said notice shall be published once each week for two weeks in The Indianapolis News and the Indianapolis Commercial, newspapers of general circulation published in the City of Indianapolis, and said notice shall also be posted in three public places in the City, as provided by The Indiana Code of 1971, 6-1-46-7 and 6-1-1-25.

In the event a remonstrance shall be filed by the owners of taxable real estate under the provisions of The Indiana Code of 1971, 6-1-46-7, then no further steps towards the issuance of said bonds shall be taken unless and until the City-County Council shall have determined that

such remonstrance is insufficient. In the event an objecting petition or petitions are filed by taxpayers under the provisions of The Indiana Code of 1971, 6-1-1-25, then no further steps towards the issuance of said bonds shall be taken unless and until the State Board of Tax Commissioners shall issue its order approving the issuance of said bonds. In the event it shall be determined by the State Board of Tax Commissioners, or otherwise, that the whole amount of the bonds herein authorized shall not be issued, then the Controller shall be authorized to advertise and sell a lesser amount of bonds, and the bonds not issued and sold shall be the bonds of the longest maturity or maturities.

Section 5. Prior to the sale of said bonds the Controller shall cause to be published a notice of such sale once each week for two weeks in The Indianapolis News and The Indianapolis Commercial. Said notice or a summary thereof may, in the discretion of the Controller, be published one time in The Bond Buyer, a financial journal published in the City and State of New York. The date fixed for the sale shall not be earlier than seven (7) days after the last of the publications in the Indianapolis newspapers. Said bond sale notice shall state the time and place of sale, the purpose for which the bonds are being issued, the total amount thereof, the maximum rate of interest thereon, the time and place of payment, the terms and conditions on which bids will be received and the sale made, and such other information as the Controller shall deem necessary.

All bids for said bonds shall be sealed and shall be presented to the Controller at his office, and said Controller shall continue to receive all bids offered until the hour named on the day fixed in the bond sale notice, at which time and place he shall open and consider said bids. Bidders for said bonds shall be required to name the rate or rates of interest which the bonds are to bear, not exceeding six and one-half per cent ($6\frac{1}{2}\%$) per annum, and such interest rate or rates shall be in multiples of one-eighth ($\frac{1}{8}$) or one-tenth ($\frac{1}{10}$) of one per cent (1%), and not more than four (4) different interest rates shall be named by each bidder. All bonds maturing on the same date shall bear the same single rate of interest, and the interest due on any bond on any interest payment date shall be represented by a single interest coupon. The difference between the highest and lowest rate specified in a bid shall not exceed one and one-half per cent ($1\frac{1}{2}\%$). The Controller shall award the bonds to the highest responsible and qualified bidder. The highest bidder shall be the one who offers the lowest net interest cost to the City, to be determined by computing the total interest on all of the bonds to their maturities and deducting therefrom

the premium bid, if any. No bid for less than the par value of said bonds, including accrued interest at the rate or rates named to the date of delivery, will be considered. The Controller shall have full right to reject any and all bids. In the event no acceptable bid is received at the time fixed in said notice for the sale of said bonds, the Controller shall be authorized to continue to receive bids from day to day thereafter for a period of not to exceed thirty (30) days, without readvertising, but during such continuation no bid shall be accepted which is lower than the highest bid received at the time fixed for such sale in the bond sale notice.

Prior to the delivery of said bonds the Controller shall be authorized to obtain a legal opinion as to the validity of said bonds from Ice Miller Donadio & Ryan, bond counsel of Indianapolis, and to furnish such opinion to the purchaser of said bonds. The cost of said opinion shall be considered a part of the cost of said project, and shall be paid out of the proceeds of said bonds.

Section 6. The Controller is hereby authorized and directed to have said bonds and coupons prepared, and the Mayor, City Controller and Clerk of the Council are hereby authorized and directed to execute said bonds and the interest coupons to be attached thereto in the form and manner herein provided. After said bonds shall have been properly executed, the Controller shall deliver the same to the Treasurer of Marion County, ex officio Treasurer of the City of Indianapolis, and shall take his receipt therefor, and upon the consummation of the sale of said bonds the Controller shall then certify to the Treasurer the amount which the purchaser is to pay for the same; thereupon, the Treasurer shall be authorized to receive from the purchaser the amount so certified by the Controller and to deliver the bonds to such purchaser.

Section 7. This ordinance shall be in full force and effect immediately upon its passage and signing by the Mayor.

President Hasbrook called for a one minute recess at 9:11 p.m., and reconvened at 9:12 p.m.

PROPOSAL NO. 8, 1975. Following discussion, during which Councilman Cottingham spoke in favor of Proposal No. 8, 1975, Councilman Cottingham moved, sec-

ended by Councilman Caplinger to amend Proposal No. 8, 1975, as follows:

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move that City-County Council Proposal No. 8, 1975, be amended as follows:

Strike the proposal as introduced and substitute therefor the draft marked "Proposal No. 8, 1975, As Amended."

The motion was carried by unanimous voice vote.

Following further discussion, Proposal No. 8, 1975, as amended, was *passed* on the following roll call vote; viz: 23 *Ayes*: Mr. Bayt, Mr. Boyd, Mr. Campbell, Mr. Caplinger, Mrs. Chandler, Mr. Clark, Mr. Cottingham, Mr. Dowden, Mr. Durnil, Mrs. Gibson, Mr. Giffin, Mr. Gilmer, Mr. Griffith, Mr. Hasbrook, Mr. Hawkins, Mr. Hinkle, Mr. Kimbell, Mr. McPherson, Mr. Miller, Mr. Patterson, Mr. Schneider, Mr. SerVaas, and Mr. Tintera. 3 *Noes*: Mr. Cantwell, Mr. Elmore, and Mr. West. Mr. Brown and Mr. Gorham were out of Chambers. Proposal No. 8, 1975, was retitled General Ordinance No. 14, 1975, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 14, 1974

A GENERAL ORDINANCE amending City-County Ordinance No. 57, 1974, to change the salaries and number of personnel authorized for the office of the Franklin Township Assessor.

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

Section 1. Section 6 of the City-County General Ordinance No. 57, 1974, be and is hereby amended to change the salaries and number of personnel approved for the office of the Franklin Township Assessor by striking the words and figures as indicated and inserting the words and figures in parentheses, as follows, to-wit:

FRANKLIN TOWNSHIP ASSESSOR

Number	Position	Rate Per Annum	Total
1	Assessor	\$10,500.00	\$10,500.00
1	Office Manager-Secretary	7,202.00	7,202.00
1	Real Estate Deputy-Draftsman	6,650.00	6,650.00
1	Senior Office Clerk	5,840.00	5,840.00
2	Senior Clerk-Typists	6,000.00	12,000.00

Section 2. This Ordinance shall be in full force and effect from and after adoption.

PROPOSAL NO. 9, 1975. Following discussion, during which Councilman McPherson spoke in favor of Proposal No. 9, 1975, Proposal No. 9, 1975, was *passed* on the following roll call vote; viz: 26 Ayes: Mr. Bayt, Mr. Boyd, Mr. Campbell, Mr. Cantwell, Mr. Caplinger, Mrs. Chandler, Mr. Clark, Mr. Cottingham, Mr. Dowden, Mr. Durnil, Mr. Elmore, Mrs. Gibson, Mr. Giffin, Mr. Gilmer, Mr. Griffith, Mr. Hasbrook, Mr. Hawkins, Mr. Hinkle, Mr. Kimbell, Mr. McPherson, Mr. Miller, Mr. Patterson, Mr. Schneider, Mr. SerVaas, Mr. Tintera, and Mr. West. Mr. Brown and Mr. Gorham were out of Chambers. Proposal No. 9, 1975, was retitled General Ordinance No. 15, 1975, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 15, 1975

A PROPOSAL FOR A GENERAL ORDINANCE amending Title 2, Chapter 4 of General Ordinance No. 1, 1970, as amended December 4, 1972, reestablishing Commission on Human Rights-

Membership-Terms; Complaints; Non-Discrimination Clause in Public Contracts.

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

Section 1. City-County General Ordinance No. 1, 1970, as amended December 4, 1972, is hereby amended by re-establishing a Commission on Human Rights-Membership-Terms; Complaints; Non-Discrimination Clause in Public Contracts which are to read as follows:

Section 2-449. **Commission on Human Rights—Membership—Terms.**

(a) The Commission on Human Rights shall consist of twenty-five members appointed in the manner and for the terms hereinafter described.

(b) Fifteen members of the commission shall be appointed by the Mayor of the Consolidated City of Indianapolis, not more than eight of whom shall be of the same political party, and each of whom shall be a resident of a different council district; provided, that members appointed initially and prior to the establishment of council district as provided in sections 306 and 308 of Chapter 173 of the Acts of 1969 shall each be a resident of a different ward within the Fire Special Service District; as defined in section 1234(b) of such act, or a resident of a different township outside such Fire Special Service District. In making initial appointments to the commission, the mayor shall appoint five members (not more than three of whom shall be members of the same political party) for terms of three years, five members (not more than three of whom shall be members of the same political party) for terms of two years, and five members (not more than three of whom shall be members of the same political party) for terms of one year. Thereafter appointments shall be for three year terms.

(c) Ten members of the commission shall be appointed by the city-county council (not more than five of whom shall be members of the same political party) and each of whom shall be a resident of a different council district; provided, that members appointed initially and prior to the establishment of council

districts as provided in sections 306 and 308 of chapter 173 of the Acts of 1969, shall each be a resident of a different ward within the Fire Special Service District, as defined in section 1234(b) of such act, or a resident of a different township outside such Fire Special Service District. In making initial appointments to the commission, the city-county council shall appoint four members (not more than two of whom shall be members of the same political party) for terms of three years, three members (not more than two of whom shall be members of the same political party) for terms of two years, and three members (not more than two of whom shall be members of the same political party) for terms of one year. Thereafter such appointment shall be for a term of three years.

(d) In making appointments to the commission the appointing authorities designated herein shall take into consideration all interest in the community, including but not limited to racial, ethnic, religious and economic groups, business, labor and the general public.

(e) A commission member may be removed for cause but for no other reason by the appointing authority which appointed said member.

(f) In the event of the death, resignation or removal of any member of the commission prior to the expiration of term, the vacancy shall be filled by the appropriate appointing authority for the unexpired term of such member.

(g) The initial members of the commission shall be appointed within thirty days after the effective date of this chapter (Feb. 4, 1970). The first meeting of the commission shall be held within sixty days after the effective date of this chapter and shall be called by a temporary chairperson who shall be designated by the mayor of Indianapolis from among the members appointed by the mayor. At its first meeting and thereafter at each annual meeting the commission shall elect from its membership a chairperson, vice-chairperson and secretary.

(h) The terms of office of the initial members of the commission shall expire on December 31 of the year in which such terms expire in accordance with the designation of terms made by the respective appointing authorities under subsections (b),

(c), (d), and (e) of this section, regardless of when such appointments are made hereunder. Thereafter all appointments shall be for terms beginning January 1 and ending December 31. Any member of the commission whose term has expired may continue in office until a successor has been appointed.

(i) The commission shall hold one regular meeting each month and special meetings as may be called by the chairperson or vice-chairperson. The February meeting shall be the annual meeting at which officers shall be elected. One-third of the members of the commission (excluding vacancies) shall constitute a quorum at any meeting. A majority vote of those in attendance shall be necessary for action except in the case of a determination after hearing provided in Sec. 2-454 herein, when a majority of the members of the commission not disqualified from participation in such determination shall be required.

Section 2-452. Complaints.

(a) A complaint charging that any person has engaged or is engaging in a discriminatory practice prohibited by this chapter may be filed with the commission by any person claiming to be aggrieved by such practice, or by one or more members of the commission who have reasonable cause to believe that a violation of this ordinance has occurred, in any of the following instances:

(1) in the case of the acquisition of real estate, against the owner of such real estate, a real estate broker, real estate salesman or agent, lending institution or appraiser;

(2) in the case of education, against the governing board of any public school district which operates schools within the territorial limits of the consolidated city or of the county;

(3) in the case of a public accommodation, against the owner or person in charge of any such establishment, or both;

(4) in the case of a public facility, against the governmental body which operates or has jurisdiction over such facility;

(5) in the case of employment, against any employer, employment agency, or labor organization.

(b) The original complaint shall be signed and verified before a notary public or other person duly authorized by law to administer oaths and take acknowledgments. Notarial service shall be furnished by the commission without charge. To be acceptable by the commission a complaint shall be sufficiently complete so as to reflect properly the full name and address of the complainant or other aggrieved person or persons; the full name and address of the person against whom the complaint is made; the alleged discriminatory practice and a statement of particulars thereof; the date or dates of the alleged discriminatory practice, and if the alleged discriminatory practice is of a continuing nature, the dates between which the continuing discriminatory practices are alleged to have occurred; and a statement as to any other action, civil or criminal, instituted before any other administrative agency, commission department, or court, whether state or federal, based upon the same grievance alleged in the complaint, with a statement as to the status or disposition of any such other action.

(c) No complaint shall be valid unless filed within ninety (90) days from the date of occurrence of the alleged discriminatory practice, or in the case of a continuing discriminatory practice during the time of occurrence of the alleged practice.

(d) The executive director may, in his discretion, either before or after initiation of proceedings under section 2-453 herein, but prior to scheduling of such complaint for hearing under section 2-454, refer any complaint to the Indiana Civil Rights Commission if so directed by the commission established hereunder.

(e) The executive director shall cause a copy of the complaint to be served by certified mail upon the respondent, who may file a written response to the complaint at any time prior to the close of proceedings with respect thereto, except as otherwise provided in section 2-454. The complaint and any response received shall not be made public by the executive director, the commission or any member thereof or any agent or employee of the commission, unless and until a public hearing is scheduled thereon as provided in section 2-454.

Section 2-459. Non-Discrimination Clause in Public Contracts.

Every contract to which one of the parties is the City of Indianapolis or Marion County, or any board, department or office of either such city or county, including franchises granted to public utilities, shall contain a provision requiring the non-governmental contractor and his or her subcontractors not to discriminate against any employee or applicant for employment to be employed in the performance of such contract, with respect to his or her hire, tenure, terms, conditions or privileges of employment or any matter directly or indirectly related to employment, because of race, sex, color, religion, national origin or ancestry. Breach of this provision may be regarded as a material breach of the contract.

Section 2. Effectice Date. This Ordinance shall be in full force and effect from and after its passage, approved by the Mayor, and publication pursuant to law.

PROPOSAL NO. 10, 1975. Following discussion, during which Councilman Cottingham spoke in favor of Proposal No. 10, 1975, Proposal No. 10, 1975, was *passed* on the following roll call vote; viz: *15 Ayes:* Mr. Caplinger, Mr. Clark, Mr. Cottingham, Mr. Durnil, Mr. Giffin, Mr. Gilmer, Mr. Griffith, Mr. Hasbrook, Mr. Hinkle, Mr. Kimbell, Mr. Miller, Mr. Patterson, Mr. SerVaas, Mr. Tintera, and Mr. West. *11 Noes:* Mr. Bayt, Mr. Boyd, Mr. Campbell, Mr. Cantwell, Mrs. Chandler, Mr. Dowden, Mr. Elmore, Mrs. Gibson, Mr. Hawkins, Mr. McPherson, and Mr. Schneider. Mr. Brown and Mr. Gorham were out of Chambers. Proposal No. 10, 1975, was retitled General Ordinance No. 16, 1975, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 16, 1975

A GENERAL ORDINANCE amending City-County General Ordinance No. 57, 1974, to authorize additional personnel for certain county offices and to fix the maximum salaries for such positions to be financed by participation in the Comprehensive Employment and Training Act of 1973.

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

Section 1. For purposes of participation in the Public Service Employment Program funded under Title II of the Comprehensive Employment and Training Act of 1973, additional employees are authorized for the departments of county government as shown in Sections 2, 3, and 4 which personnel shall be in addition to those herein before authorized by ordinance.

Section 2. City-County General Ordinance No. 57, 1974, be and is hereby, further amended in Section 4 by adding the following additional employees for the Departments indicated, the maximum salaries for which shall be the amounts set opposite the position, to-wit:

MARION COUNTY JUVENILE CENTER

Number	Position	Monthly Rate	Total
4	Child Care Aides	\$428.00	\$10,272.00
2	Caseworkers	589.00	7,068.00
1	Maintenance	372.00	2,232.00
1	Clerk-Typist	407.00	2,442.00
1	Assistant Cook	359.00	2,154.00
			<hr/>
			\$24,168.00

Section 3. City-County General Ordinance No. 57, 1974, be and is hereby further amended in Section 5 by addition of the following additional employees for the departments indicated, the maximum salaries for which shall be the amounts set opposite the position, to-wit:

MARION COUNTY COOPERATIVE EXTENSION

Number	Position	Monthly Rate	Total
19	Extension Aides	\$602.00	\$36,120.00
3	Secretaries	453.00	8,154.00
1	Machine Operator	420.00	2,520.00
10	Extension Aides (P.T.)	270.00	16,200.00
1	Home Economist	841.00	5,046.00
			<hr/>
			\$68,040.00

Section 4. City-County General Ordinance No. 57, 1974, be and is hereby further amended in Section 6 by addition of the following additional employees for the department indicated, the maximum salaries for which shall be the amounts set opposite the position, to-wit:

CENTER TOWNSHIP ASSESSOR

Number	Position	Monthly Rate	Total
2	Clerk-Typists	\$435.00	\$ 5,220.00
			\$ 5,220.00

Section 5. The additional personnel authorized in Sections 2, 3, and 4 of this ordinance shall not be employed until and unless the appropriate hiring officer has entered into a contract with the Manpower Division of the Department of Administration, City of Indianapolis, approving said positions for contractual reimbursement under the Comprehensive Employment and Training Act of 1973; and all such employees hired by reason of such authorization shall in all respects be in conformity to the requirement imposed under that act.

Section 6. This Ordinance shall be in full force and effect from and after adoption.

PROPOSAL NOS. 40-46, 1975. No action was taken on Proposal Nos. 40-46, 1975. Proposal Nos. 40-46, 1975, were retitled Rezoning Ordinances 2-8, 1975, and read as follows:

R. O. No. 2, 1975 — 74-Z-135 — P. O. No. 40, 1975—

PERRY TOWNSHIP, COUNCILMANIC DISTRICT No. 24, 6838 GRAY ROAD, INDIANAPOLIS

F & E Realty Company by Michael C. Cook, Attorney, 1100 Merchants Bank Building requests rezoning of 0.83 acre, being in D-3 district, to C-1 classification to provide accessory off street parking for office buildings at 6900 Gray Road.

- R. O. No. 3, 1975 — 74-Z-195 — P. O. No. 41, 1975—
WARREN TOWNSHIP, COUNCILMANIC DISTRICT No. 13,
11903-11923 WELLAND STREET, CUMBERLAND, INDIANA
William L. and Barbara J. Garriott by Nelson G. Grills, Attorney,
802 Board of Trade Building request rezoning of 1.08 acres, being
in D-5 district, to C-1 classification to provide for an office
building.
- R. O. No. 4, 1975 — 74-Z-196 — P. O. No. 42, 1975—

PERRY TOWNSHIP, COUNCILMANIC DISTRICT NO. 23,
2540 EAST HANNA AVENUE, INDIANAPOLIS

R.S.T. REALTY, INC. by Donald F. Shine, President by Richard
L. Brown, Attorney, 156 East Market St. requests rezoning of
5.18 acres, being in C-3 district, to C-4 classification to provide
for a supermarket, retail shops and restaurant.
- R. O. No. 5, 1975 — 74-Z-197 — P. O. No. 43, 1975—

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT NO. 20,
1719 NORTH LUETT AVENUE, INDIANAPOLIS

Division of Beatrice Foods, Inc. k/a Cryogenic Associates, Inc.
by Raymond Good, Attorney, 5972 Madison Avenue, requests
rezoning of 1.00 acre, being in D-5 district, to I-2-U classification
to provide for an industrial building.
- R. O. No. 6, 1975 — 74-Z-201 — P. O. No. 44, 1975—

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT NO. 1,
431 WEST 86TH STREET, INDIANAPOLIS

Carlin H. & Edith K. Smith by Philip A. Nicely, Attorney, 1100
First Federal Building request rezoning of 1.30 acres, being in
A-2 district, to D-1 classification to provide for single family
dwellings.
- R. O. No. 7, 1975 — 74-Z-204 — P. O. No. 45, 1975—

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT NO. 24,
5330 PACIFIC AVENUE, BEECH GROVE, INDIANA

School City of Beech Grove by Richard L. Brown, Attorney, 156 East Market Street requests rezoning of 51.70 acres, being in A-2 district, to SU-2 classification to permit school uses.

R. O. No. 8, 1975 — 75-Z-6 — P. O. No. 46, 1975—

CENTER TOWNSHIP, COUNCILMANIC DISTRICT NO. 21,
110-114 NORTH REISNER STREET, INDIANAPOLIS

The Metropolitan Development Commission by F. Ross Vogelgesang, Administrator Division of Planning and Zoning, Metropolitan Development Department, 2041 City-County Building requests rezoning of 0.26 acre, being in PK-1 district, to I-4-U classification to correct mapping error.

NEW BUSINESS

Councilman SerVaas moved, seconded by Councilman Giffin that the Report of the Committee on Committees, as corrected, listing new Committee members be adopted. The motion carried by unanimous voice vote.

PERMANENT COMMITTEES OF THE CITY-COUNTY COUNCIL

COMMITTEE ON COMMITTEES—Mr. Thomas C. Hasbrook, Mr. Beurt SerVaas, Mr. Rozelle Boyd

ADMINISTRATION—Mr. Richard Clark, Chairman; Mr. Jack Patterson, Mr. William A. Dowden, Mr. Phillip Hinkle, Mrs. Henri Gibson, Mr. Don Miller

ECONOMIC DEVELOPMENT—Mr. Ken Giffin, Chairman; Mr. William A. Dowden, Mr. A. Clark Elmore, Mr. Roger Brown, Mr. Rozelle Boyd, Mr. Edgar Campbell, Mr. Don Miller

MUNICIPAL CORPORATIONS—Mr. Jack Patterson, Chairman; Mr. Thomas C. Hasbrook, Mr. John C. Ruckelshaus, Mr. Stephen R. West, Mr. Henry Bayt

COMMUNITY AFFAIRS—Mr. Donald N. Griffith, Chairman; Mr. John C. Ruckelshaus, Mr. Dwight L. Cottingham, Mr. A. Clark Elmore, Mr. Allen Durnil, Mrs. Artricia Noel Chandler, Mr. Paul F. Cantwell

COUNTY AND TOWNSHIPS—Mr. Dwight Cottingham, Chairman; Mr. Donald McPherson, Mr. William G. Schneider, Mr. Harold Hawkins, Mr. Don Caplinger, Mr. Don Miller

RULES AND POLICY—Mr. Beurt SerVaas, Chairman; Mr. Thomas C. Hasbrook, Mr. Rozelle Boyd, Mr. Paul Cantwell, Mr. Alan R. Kimbell, Mr. William G. Schneider, Mr. George Tintera

PUBLIC SAFETY—Mr. Alan R. Kimbell, Chairman; Mr. Roger Brown, Mr. Donald N. Griffith, Mr. Phillip Hinkle, Mr. Edgar T. Campbell, Mr. George Tintera

PUBLIC WORKS—Mr. Donald R. McPherson, Chairman; Mr. Richard Clark, Mr. John Ruckelshaus, Mr. William G. Schneider, Mr. Paul F. Cantwell, Mr. George Tintera

TRANSPORTATION—Mr. Joe Gorham, Chairman; Mr. A. Clark Elmore, Mr. Kenneth N. Giffin, Mr. Allen Durnil, Mr. Henry Bayt, Mr. Phillip Hinkle

METROPOLITAN DEVELOPMENT—Mr. Stephen R. West, Chairman; Mr. Allen Durnil, Mr. Gordon Gilmer, Mr. Don Caplinger, Mrs. Artricia Noel Chandler

PARKS AND RECREATION—Mr. Gordon G. Gilmer, Chairman; Mr. William A. Dowden, Mr. Joe Gorham, Mr. Harold Hawkins, Mr. Don Caplinger, Mr. Roger Brown, Mrs. Henri Gibson

ANNOUNCEMENTS AND ADJOURNMENT

Councilman SerVaas announced that the next meeting of the City-County Council, to be held February 3, 1975, will be in the newly renovated Council Chambers.

Councilman Boyd requested the Comprehensive Report from the head of LSO.

Upon motion made by Councilman Boyd, seconded by Councilman Giffin, the meeting adjourned at 9:30 p.m.

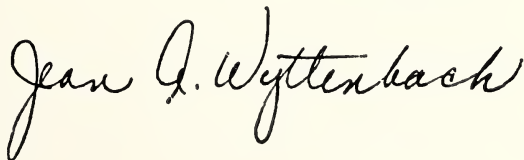
We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the City-County Council of Indianapolis-Marion County held at its Regular Meeting on the 20th day of January, 1975.

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 City-County Council

(SEAL)