

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

**REGULAR MEETINGS  
MONDAY, OCTOBER 16, 2000**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:13 p.m. on Monday, October 16, 2000, with Councillor SerVaas presiding.

Councillor Talley introduced Pastor Regina Adrian of the Bells Chapel Church of God in Christ, who led the opening prayer. Councillor Talley then invited all present to join him in the Pledge of Allegiance to the Flag.

**ROLL CALL**

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

*29 PRESENT: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Hinkle, Horseman, Knox, Langsford, Massie, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford*

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

**OFFICIAL COMMUNICATIONS**

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

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

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, October 16, 2000, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

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

September 14, 2000

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Monday, September 18, 2000, a copy of a Notice of Public Hearing on Proposal Nos. 583, 586, and 589, 2000, said hearing to be held on Monday, October 16, 2000, at 7:00 p.m. in the City-County Building.

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

September 29, 2000

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Wednesday, October 4, 2000, a copy of a Notice of Public Hearing on Proposal No. 589, 2000, said hearing to be held on Monday, October 16, 2000, at 7:00 p.m. in the City-County Building.

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

September 24, 2000

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

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Suellen Hart, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 101, 2000 - the annual budget for the Revenue Bonds Debt Service Funds for 2001

FISCAL ORDINANCE NO. 102, 2000 - the annual budget for the Marion County Office of Family and Children for 2001

FISCAL ORDINANCE NO. 103, 2000 - the annual budget for the Metropolitan Emergency Communications Agency for 2001

FISCAL ORDINANCE NO. 104, 2000 - approves an appropriation of \$4,678,500 in the State and Federal Grants Fund and \$22,294 in the County Grants Fund to fund the Expedited Case Management 2, Juvenile Assessment Project, Juvenile Support Services Project, Representation for Juveniles, Juvenile Teen Court, Adolescent sexual Adjustment Program, Access Visitation, Community Corrections, Adult Services., Fugitive Task Force, Failed Chances, Juvenile Accountability Incentive Block Grant 2 and 3, Task Force for Safe Streets, Child Advocates Expansion Program, Parent-Child Visitation, Victim Assistance and Youth Emergency Services for fiscal year 2001

FISCAL ORDINANCE NO. 105, 2000 - the annual budget for Indianapolis and Marion County for 2001\*

FISCAL ORDINANCE NO. 106, 2000 - approves an increase of \$12,000,000 in the 2000 Budget of the Marion County Office of Family and Children (Family and Children Fund) to fund the expenditures for the remainder of 2000, financed by proceeds from short term borrowing

FISCAL ORDINANCE NO. 107, 2000 - approves a transfer of \$180,000 in the 2000 Budget of the Department of Parks and Recreation (City Cumulative Capital Development Fund) for the repair of shelter houses and the construction of playgrounds at various parks throughout the city

FISCAL ORDINANCE NO. 108, 2000 - approves an increase of \$100,000 in the 2000 Budget of the Department of Parks and Recreation (Federal Grants Fund) to pay for a summer lunch program for youth

enrolled in day camp and supervised play programs, and youth from the neighborhood, financed with federal funds

FISCAL ORDINANCE NO. 109, 2000 - approves an increase of \$600,551 in the 2000 Budgets of the County Auditor, County Sheriff, Community Corrections, and Marion County Justice Agency (County Misdemeanant Fund) to provide for the diversion of misdemeanor populations from state facilities, funded by County Corrections Funds from the State of Indiana

FISCAL ORDINANCE NO. 112, 2000 - approves an increase of \$29,809 in the 2000 Budget of the Marion County Justice Agency (State and Federal Grants Fund) to assist the Julian Center in funding the Respite Care Program for children, funded by a grant from the Indiana Criminal Justice Institute

FISCAL ORDINANCE NO. 113, 2000 - approves an increase of \$24,880 in the 2000 Budget of the Marion County Justice Agency (State and Federal Grants Fund) to provide individual and group counseling for adults to work through victimization issues, funded by a grant from the Indiana Criminal Justice Institute (Crime Victim Assistance Grant)

SPECIAL ORDINANCE NO. 12, 2000 - authorizes the County Auditor to borrow \$12,000,000 from a financial institution on behalf of the County Office of Family and Children to pay for the County Office's obligations pursuant to IC 12-19-5 and appropriating the proceeds of the borrowing

SPECIAL RESOLUTION NO. 64, 2000 - recognizes David A. Stirsman for his service on the Indianapolis Public Transportation Corporation Board of Directors

SPECIAL RESOLUTION NO. 71, 2000 - recognizes the 28th Annual Indianapolis-Scarborough Peace Games, and Directors Bob Cockrum and Suzi Snapp

POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 3, 2000 - the annual budget for the Police Special Service District for 2001

FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 2, 2000 - the annual budget for the Fire Special Service District for 2001

SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 3, 2000 - the annual budget for the Solid Waste Collection Special Service District for 2001

Respectfully,  
s/Bart Peterson, Mayor

\*Approval of Fiscal Ordinance No. 105, 2000 excepts separate items therein which were vetoed, as set forth in detail along with my signature on the original ordinance.

RETURN OF ORDINANCE AND  
ANNOUNCEMENT OF VETO OF SEPARATE ITEMS

Pursuant to the authority vested in the Office of Mayor by Indiana Code 36-3-4-16, I hereby veto the following separate items of Fiscal Ordinance No. 105, 2000, presented to me on September 14, 2000, for the reasons stated below.

1. In ARTICLE FIVE, Section 5.02 of the Ordinance, entitled "Annual Compensation of Employees of the Consolidated City and County" and appearing on Page 111, I hereby announce my veto of the separate item designated Subsection (b) thereof, for the reasons that it constitutes an unwarranted and unnecessary infringement of the executive powers with respect to personnel management.
2. In ARTICLE FIVE, Section 5.02 of the Ordinance, entitled "Annual Compensation of Employees of the Consolidated City and County" and appearing on Page 111, I hereby announce my veto of the separate item designated Subsection (c) thereof, for the reason that it constitutes an unwarranted and unnecessary infringement of the executive powers with respect to personnel management.
3. In ARTICLE FOUR, Section 4.01 of the Ordinance, entitled "State, Local and Federal Grants" and appearing on Page 96, I hereby announce my veto of the separate item designated Subsection (e), for the reason that it is inconsistent with appropriate public policy in the area of economic development.
4. In ARTICLE FOUR, Section 4.01 of the Ordinance, entitled "State, Local and Federal Grants" and appearing on Page 96, I hereby announce my veto of the separate item designated Subsection (f), for the reason that the Office of Corporation Counsel advises that this provision almost certainly violates the United States Constitution.

The remainder of the Ordinance, including all items and provisions not specifically identified above in this veto of separate items, hereby is approved and signed by me this Twenty-fourth day of September, 2000.

s/Bart Peterson, Mayor

**SPECIAL ORDERS – UNFINISHED BUSINESS**  
**Reconsideration of Fiscal Ordinance No. 105, 2000, Vetoes**

Councillor Borst made the following motion:

Mr. President:

I move that Fiscal Ordinance No. 105, 2000, the Annual Budget for 2001, be made a special order of unfinished business at this meeting for consideration of each of the four items purportedly vetoed by the mayor, and that each item be considered separately.

Councillor Massie seconded the motion.

Councillor Horseman stated that this motion is out of order at this time, as these items are not before this body and the agenda has not been adopted. President SerVaas stated that this body does receive official communications, and it is in order that motions regarding those communications be made at this time. Councillor Horseman said that there is no place in the agenda at this time for a motion on an official communication. She stated that this item is labeled as a Special Order of Unfinished Business and falls under agenda item XI under the Council Rules. President SerVaas stated that while he understands Councillor Horseman's comments, he believes this motion is in order at this time.

Councillor Horseman moved, seconded by Councillor Talley, to appeal the President's ruling on this motion. President SerVaas asked General Counsel and Parliamentarian Robert Elrod for his opinion on this ruling. Mr. Elrod stated that Sec. 151-71 provides that "the order of business shall be determined by the President in advance of the meeting, subject to adoption of the agenda by the Council." He stated that the agenda has been submitted by the President and is before this body. He said that a more appropriate motion would be to modify the agenda as submitted.

President SerVaas called for a vote on the motion to appeal the President's ruling. He said that a positive vote sustains the Chair's ruling. The Chair's ruling was sustained by the following roll call vote; viz:

*15 YEAS: Bainbridge, Borst, Bradford, Cockrum, Coonrod, Coughenour, Dowden, Hinkle, Langsford, Massie, Schneider, SerVaas, Smith, Soards, Tilford*  
*14 NAYS: Black, Boyd, Brents, Conley, Douglas, Gibson, Gray, Horseman, Knox, Moriarty Adams, Nytes, Sanders, Short, Talley*

President SerVaas called for a vote on Councillor Borst's motion to reconsider Fiscal Ordinance No. 105, 2000. The motion carried by the following roll call vote; viz:

*15 YEAS: Bainbridge, Borst, Bradford, Cockrum, Coonrod, Coughenour, Dowden, Hinkle, Langsford, Massie, Schneider, SerVaas, Smith, Soards, Tilford*  
*14 NAYS: Black, Boyd, Brents, Conley, Douglas, Gibson, Gray, Horseman, Knox, Moriarty Adams, Nytes, Sanders, Short, Talley*

Councillor Short stated that the motion is to reconsider Fiscal Ordinance No. 105, 2000 as a special order of unfinished business, which according to the rules comes later in the agenda. He stated that this item should be inserted into the agenda in the appropriate place. Mr. Elrod stated that the order of business is determined by the President in advance of the meeting, and the agenda has been submitted which has this item listed earlier. He stated that if Councillor Short would like to make a motion to modify that agenda, this would be in order.

Councillor Horseman stated that the agenda shall be determined by the President in advance of the meeting subject to adoption of an agenda by the Council. She said that this item has conveniently been placed on the agenda before the adoption of the agenda.

### ADOPTION OF THE AGENDA

Councillor Borst moved, seconded by Councillor Massie, for adoption of the agenda. The agenda was adopted on the following roll call vote; viz:

*15 YEAS: Bainbridge, Borst, Bradford, Cockrum, Coonrod, Coughenour, Dowden, Hinkle, Langsford, Massie, Schneider, SerVaas, Smith, Soards, Tilford*  
*14 NAYS: Black, Boyd, Brents, Conley, Douglas, Gibson, Gray, Horseman, Knox, Moriarty Adams, Nytes, Sanders, Short, Talley*

Councillor Massie stated that, as Chairman of the Rules and Public Policy Committee, he has serious concerns about the Mayor's recent exercise of the line item veto on elements of the 2001 budget of the Consolidated City and County. He stated that he believes the Mayor's actions were inappropriate and were not legal. In his veto message of September 25, 2000, the Mayor cited the law of the State of Indiana, stating, "In short, I will consider exercising veto authority when the City-County Council has passed a resolution that infringes inappropriately on the power and duty of the Mayor to carry out his or her executive functions, was passed hastily without time for due consideration of the complete consequences of the law, violates Federal or State constitutional or statutory law, or is inconsistent with good government or appropriate public policy." Councillor Massie said that these are sincere and legitimate concerns; however, the sincerity and worthiness of his rationale do not justify the Mayor's actions. He stated that the Mayor ignored the legal provisions for addressing his concerns and illegally intruded on the separation of powers. He said that he has three specific observations regarding this ill-advised action. First, the Indiana Code clearly defines proper use of the line item veto power and states that the veto is to be used for lines appropriating money or levying a tax. If the items had been appropriations or taxations, the Mayor's concerns would have been appropriately expressed through line item vetoes. These line items were neither, and the Mayor reached past the legal limit of his power, and his action was not according to law.

Councillor Boyd asked what the point of this dissertation is, and if Councillor Massie's comments are related to a motion. President SerVaas ruled that Councillor Boyd is out of order as the floor has not been yielded to him. Councillor Massie stated that his comments pertain directly to a forthcoming motion, and the Council body has indulged Councillor Boyd in speeches numerous times and would like the same consideration.

Councillor Massie stated that, secondly, the Mayor's explanations indicate a valid concern. However, the same law the Mayor ignored in his veto also makes provisions for those times when the executive and legislative branches differ over issues other than appropriations or taxation. The Mayor should have appealed to the judicial branch of government as directed by law. Finally, the Mayor resorted to a tool meant only for appropriations and taxation, and ignored the legally defined path to settlement of separation of power issues. In this decision, the Mayor did exactly what he alleged the Council had done. He attempted to infringe on the rightful powers of another branch of government. Councillor Massie stated that it is clear that the line item veto is not the legal remedy for a perceived infringement of power or dispute over public policy. The use of the line item veto is an infringement on the Council's legally directed responsibilities as the fiscal body of this City and County. Councillor Massie yielded the floor to the sponsor of two of the items that were vetoed, Councillor Coonrod.

Councillor Horseman stated that this body has totally disregarded the Council rules, and speeches are being made when there is no motion before this body. President SerVaas stated that the floor has been yielded to Councillor Coonrod and Councillor Horseman is out of order. Councillor Gray stated that the rules of the Council have not been adhered to all evening.

**Subsection 5.02 (b) – Salaries of highly paid positions and Subsection 5.02 (c) – 2001 salary schedule for city employees**

Councillor Coonrod stated that he agrees with Councillor Massie that the Mayor's line item vetoes are probably not legally valid because they veto ordinance text and not specific appropriation line items. He said that the first two vetoes relate to amendments he offered in the Administration and Finance Committee. Without these amendments, the proposed budget named broad salary ranges and provided for unlimited headcounts for highly paid positions. He stated that these amendments did not affect Police, Fire, or County salaries. The Mayor explained his veto by saying that the amendment "constitutes an unwarranted and unnecessary infringement of the executive power with respect to personnel management." Councillor Coonrod stated that while it is true the Mayor, as executive, has the power to hire and fire personnel and direct their activities, there is no provision in the Constitution or statutes that authorize a Mayor, or any other executive in government, to create job positions and set salaries. In particular, Indiana Code 36-3-6-3 does not authorize a Mayor to create government jobs or salaries, but specifically provides that the Council must do so. The amendment to name specific salaries for highly paid employees and a schedule of compensation for lower-paid employees fits squarely within this authorization. He said that these amendments came out of the realization that the Mayor had substantially increased salaries for deputy mayors and had created six brand new assistant deputy mayor positions. He said that these actions were taken without any consultation with the Council or any public hearings, and the Mayor did not comply with the very liberal procedures in place. Had the Council failed to take action, it would have been an abdication of the Council's duty to the public. He stated that all existing salaries were left intact, with the allowance for a cost of living increase in an attempt not to micro-manage, contrary to the Mayor's accusations in the press release. Councillor Coonrod added that if these vetoes are found to be valid, the City will then have no salaries authorized for the year 2001, because the authorization has been vetoed. While the Mayor says that he can pay salaries based on the 2000 budget ordinance, the ordinance is very clear that salaries are authorized only for the year 2000. He stated that a taxpayer lawsuit could easily force the Mayor's hand and make it impossible for him to legally continue most City operations as of January 1, 2001.

Councillor Coonrod moved, seconded by Councillor Cockrum, that the Mayor's veto of Section 5.02 (b) of the 2001 budget ordinance be overridden.

Councillor Boyd stated that he is concerned that there has been no communication with the Mayor's Office or members of the minority party regarding the attempts to override these vetoes. He said that the Mayor stated in his veto message that this amendment capped the salaries of dozens of policy-making employees at less than the maximum range of the scale adopted in the prior administration. He said that the Mayor's overall budget for his office is going to be 3% less than the same budget area for the previous administration. Councillor Boyd said that the Mayor further indicated that at all levels of government, the concept of separation of powers has been consistent and time-honored, and that is the major principle the body is dealing with this evening, to insure that no one branch has undue authority over another. He stated that the Mayor explained his reasons for the veto quite well in his veto message.

Councillor Sanders stated that the veto simply returns the pay structure to the schedule that was set by this Council last year, and to infer that the City is left with no salary structure is very troubling. She added that she was in the meeting where these amendments were offered, and she feels the business of setting schedules is better suited to more thought and research.

Councillor Conley stated that he finds it quite troubling that these pay structures were used before in prior administrations and were not an issue, but are suddenly cause for concern.

The motion to override the veto failed to obtain the necessary two-thirds majority on the following roll call vote; viz:

*15 YEAS: Bainbridge, Borst, Bradford, Cockrum, Coonrod, Coughenour, Dowden, Hinkle, Langsford, Massie, Schneider, SerVaas, Smith, Soards, Tilford*

*14 NAYS: Black, Boyd, Brents, Conley, Douglas, Gibson, Gray, Horseman, Knox, Moriarty Adams, Nytes, Sanders, Short, Talley*

Councillor Coonrod moved, seconded by Councillor Massie, that the Mayor's veto of Section 5.02 (c) of the 2001 budget ordinance be overridden.

Councillor Boyd stated that he is opposed to this motion for the same reasons mentioned regarding the earlier veto on this section.

The motion to override the veto failed to obtain the necessary two-thirds majority on the following roll call vote; viz:

*15 YEAS: Bainbridge, Borst, Bradford, Cockrum, Coonrod, Coughenour, Dowden, Hinkle, Langsford, Massie, Schneider, SerVaas, Smith, Soards, Tilford*

*14 NAYS: Black, Boyd, Brents, Conley, Douglas, Gibson, Gray, Horseman, Knox, Moriarty Adams, Nytes, Sanders, Short, Talley*

#### **Subsection 4.01 (e) – Limitations on economic development activities**

Councillor Coonrod yielded the floor to Councillor Schneider.

Councillor Schneider stated that he offered the amendment to the budget proposal, which was the subject of Mayor Peterson's third veto. He stated that he offered this amendment because of the new regional partnership taking the place of the Indianapolis Economic Development Corporation (IEDC) and the limitations placed on economic development growth in Marion County specifically, due to this move to a more regional effort. He stated that this is poor public policy and Indianapolis taxpayers should not have their tax dollars spent outside of the County.

Councillor Schneider moved, seconded by Councillor Smith, that the Mayor's veto of Section 4.01 (e) of the 2001 budget ordinance be overridden.

Councillor Boyd stated that the Mayor's veto message indicated that he vetoed this section because this amendment required that all funds appropriated to the Department of Metropolitan Development for both regional and economic development be used to locate businesses in Marion County. He said that the Mayor said that 21<sup>st</sup> Century companies are looking to regional areas for expansion and he believes a region-wide investment will benefit the Indianapolis marketplace as a whole. The Mayor said that this amendment prohibits the City from participating in any regional marketing approach. Councillor Boyd stated that regionalism is a very important policy decision that should not have been decided incidentally as a part of the budget process.

The motion to override the veto failed to obtain the necessary two-thirds majority on the following roll call vote; viz:

*15 YEAS: Bainbridge, Borst, Bradford, Cockrum, Coonrod, Coughenour, Dowden, Hinkle, Langsford, Massie, Schneider, SerVaas, Smith, Soards, Tilford*  
*14 NAYS: Black, Boyd, Brents, Conley, Douglas, Gibson, Gray, Horseman, Knox, Moriarty Adams, Nytes, Sanders, Short, Talley*

Councillor Schneider yielded the floor to Councillor Massie. Councillor Massie yielded the floor to Councillor Hinkle who was the sponsor of the final amendment to the budget which was vetoed.

#### **Subsection 4.01 (f) – Limitations on Community Enhancement Funds**

Councillor Hinkle stated that Front Porch Alliance (FPA) was a program to use a few government dollars as leverage to support already established, but poorly funded, community programs that could reach out in a bigger way to youth in the community. This was not a program that benefited only churches, just because the programs are often referred to as faith-based. Government often gets in the way of communities in need by providing a one-size-fits-all program. FPA was a program designed to help community-based groups carry out their visions by connecting them to other resources and organizations designed to support such community-based programs. Councillor Hinkle read from “The New Democrat Blueprint - Ideas for a New Century,” published by the Democrat National Central Committee which says that “government solutions, no matter how well-intended, are not enough to empower people. Real solutions are found when common people work together to create results. In order to bring health to our communities, there must be cooperation between government agencies, churches, synagogues, neighborhood organizations, labor unions, charities, businesses, and citizens.” Councillor Hinkle stated that this was what FPA was all about. He detailed several of the successes of the FPA. He stated that the purpose of his amendment during the budget process was to address concerns shared with him about the lack of commitment for continuation of the FPA. His amendment simply was intended to supplement the process and insure that everyone received a fair and complete hearing. He said that none of these dollars have gone to support any religious practices of any organization, and therefore, he does not believe this amendment is unconstitutional.

Councillor Hinkle moved, seconded by Councillor Smith, that the Mayor’s veto of Section 4.01 (f) of the 2001 budget ordinance be overridden.

Councillor Boyd stated that the Mayor did an excellent job of explaining why he vetoed this section. The Mayor indicated that it was the opinion of Corporation Counsel that this ordinance had the strong likelihood of violating the establishment clause of the first amendment to the United States Constitution. The amendment created separate approval processes for faith-based applicants and secular applicants. He stated that the terms and conditions of the grants could differ between religiously affiliated and secular groups, which is unconstitutional. This amendment could possibly make the City liable for a lawsuit. He said that the Mayor’s staff is already handling these grants adequately and effectively.



The motion to override the veto failed to obtain the necessary two-thirds majority on the following roll call vote; viz:

*15 YEAS: Bainbridge, Borst, Bradford, Cockrum, Coonrod, Coughenour, Dowden, Hinkle, Langsford, Massie, Schneider, SerVaas, Smith, Soards, Tilford*  
*14 NAYS: Black, Boyd, Brens, Conley, Douglas, Gibson, Gray, Horseman, Knox, Moriarty Adams, Nytes, Sanders, Short, Talley*

Councillor Massie stated that he respects the depth of the Mayor's veto remarks and the way he thought this process through. He said that it seems as though his reasons were valid and genuine. However, he added that valid concerns over public policy are not what Indiana Law allows for usage of line item veto power.

### APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journals of August 28 and September 11, 2000. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 658, 2000. The proposal, sponsored by Councillor Short, recognizes the 2000, Triple-A national champion Indianapolis Indians baseball team. Councillor Short read the proposal and presented representatives with copies of the document and Council pins. Max Schumacher, president and chairman of the board, recognized Chris Herndon, director of community relations, and thanked the Council for the recognition. Councillor Short moved, seconded by Councillor Borst, for adoption. Proposal No. 658, 2000 was adopted by a unanimous voice vote.

Proposal No. 658, 2000 was retitled SPECIAL RESOLUTION NO. 72, 2000, and reads as follows:

#### CITY-COUNTY SPECIAL RESOLUTION NO. 72, 2000

A SPECIAL RESOLUTION recognizing the 2000, Triple-A national champion Indianapolis Indians baseball team.

WHEREAS, on Thursday, September 21, 2000, in wind-swept Cashman Field in Las Vegas, the fired up Indianapolis Indians baseball team beat the Memphis Redbirds 9-2 in Game Four to win the Triple-A World Series; and

WHEREAS, the Indians, the Triple-A minor league affiliate of the Milwaukee Brewers, offers quality and affordable professional sports for Indianapolis families, having been honored by "Baseball America" magazine as the "Team of the Decade" for Triple-A baseball; and

WHEREAS, last year the magazine declared Indianapolis' Victory Field as the best minor league baseball park in America; and

WHEREAS, on the playing field the Indianapolis Indians has been in the playoffs five times during the past seven years, and their Victory Field stadium has ranked in the top five in attendance in all of minor league baseball for each of the past four seasons, and in the executive offices, the franchise has been financially profitable for each of the past 28 years; now, therefore:

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

SECTION 1. The Indianapolis City-County Council congratulates the Indianapolis Indians for bringing home the Triple-A baseball championship trophy again this year.

SECTION 2. The Council expresses its pride in the award and trophy-winning Indianapolis Indians players, owners and directors, coaching staff, office and field staff, fans, and President and Chairman of the Board Max Schumacher for their top flight affordable pro sports in Indianapolis.

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

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

PROPOSAL NO. 659, 2000. The proposal, sponsored by Councillor Horseman, recognizes the recipients of the Hispanic Education Center's Fourth Annual Hispanic American Service Achievement Awards. Councillor Horseman read the proposal and presented copies of the document and Council pins to representatives. Award recipients Esperanza Zendejas and Marco Dominguez thanked the Council for the recognition. Councillor Horseman moved, seconded by Councillor Gibson, for adoption. Proposal No. 659, 2000 was adopted by a unanimous voice vote.

Proposal No. 659, 2000 was retitled SPECIAL RESOLUTION NO. 73, 2000, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 73, 2000

A SPECIAL RESOLUTION recognizing the recipients of the Hispanic Education Center's Fourth Annual Hispanic American Service Achievement Awards.

WHEREAS, the Board of Directors of the Hispanic Education Center has established the Hispanic American Service Achievement Award to recognize persons in Central Indiana who contribute in an exceptional way to the enrichment of the local Hispanic community; and

WHEREAS, at the Fourth Annual Awards Dinner on August 19, 2000, held at the Oakhill Mansion in Carmel, four leading citizens were recognized for their personal and professional achievement, volunteer service, and initiatives that benefit the Hispanic community; and

WHEREAS, receiving awards this year were **Monica Medina** the Executive Director of the Hispano Center and now at IUPUI, **Esperanza Zendejas** former Superintendent of the Indianapolis Public Schools and now with Eli Lilly & Co. and who hosts a local radio program that emphasizes practical advice, **Marco Dominguez** a long time instructor at Butler University with WTBU-TV programs that emphasize music, Hispanic culture, dance, and celebrations, and **Carmen DeRusha** of the Purdue Cooperative Extension Service who is very active in Fiesta-Indianapolis each September; and

WHEREAS, these outstanding individuals add their talents to the vitality of Indianapolis; now, therefore:

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

SECTION 1. The Indianapolis City-County Council commends the Hispanic Education Center for sponsoring this showcase awards event that recognizes exemplary people who generously contribute their talents and energy to this community.

SECTION 2. The Mayor is invited to join in this resolution by affixing his signature hereto.

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

PROPOSAL NO. 484, 2000. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 484, 2000 on October 9, 2000. The proposal, sponsored by Councillor Boyd, reappoints Aaron E. Haith to the Public Housing Board. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as

amended. Councillor Hinkle moved, seconded by Councillor Boyd, for adoption. Proposal No. 484, 2000, as amended, was adopted on the following roll call vote; viz:

20 YEAS: *Bainbridge, Black, Boyd, Bradford, Cockrum, Conley, Coonrod, Douglas, Gibson, Gray, Knox, Langsford, Massie, Moriarty Adams, Nytes, SerVaas, Smith, Soards, Talley, Tilford*  
0 NAYS:  
9 NOT VOTING: *Borst, Brents, Coughenour, Dowden, Hinkle, Horseman, Sanders, Schneider, Short*

Proposal No. 484, 2000, as amended, was retitled COUNCIL RESOLUTION NO. 74, 2000, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 74, 2000

A COUNCIL RESOLUTION reappointing Aaron E. Haith to the Public Housing Board.

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

SECTION 1. As a member of the Public Housing Board, the Council appoints:

Aaron E. Haith

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2003. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

PROPOSAL NO. 568, 2000. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 568, 2000 on September 28, 2000. The proposal, sponsored by Councillor Moriarty Adams, approves the Mayor's appointment of Cassandra A. Jordan as Administrative Hearing Officer of the Department of Capital Asset Management and Public Works. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Coughenour moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 568, 2000 was adopted by a unanimous voice vote.

Proposal No. 568, 2000 was retitled COUNCIL RESOLUTION NO. 75, 2000, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 75, 2000

A COUNCIL RESOLUTION approving the Mayor's appointment of Cassandra A. Jordan as Administrative Hearing Officer of the Department of Capital Asset Management and Public Works.

WHEREAS, pursuant to IC 36-3-4 and Section 103-503 of the "Revised Code of the Consolidated City and County," a mayoral appointment of the Administrative Hearing Officer of the Department of Capital Asset Management and Public Works is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Cassandra A. Jordan to serve at his pleasure as the Administrative Hearing Officer of the Department of Capital Asset Management and Public Works; now, therefore:

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

SECTION 1. Cassandra A. Jordan is approved and confirmed by the City-County Council to serve at the pleasure of the Mayor as Administrative Hearing Officer of the Department of Capital Asset Management and Public Works.

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

## **INTRODUCTION OF PROPOSALS**

PROPOSAL NO. 602, 2000. Introduced by Councillor Langsford. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$40,000 in the 2000 Budgets of the County Auditor and County Coroner (County Grants Fund) for the purpose of hiring a full-time employee to conduct educational programs for at-risk youth, funded by a grant from the Indianapolis Foundation"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 603, 2000. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$6,360 the 2000 Budget of the County Coroner to cover the purchase of new computers"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 604, 2000. Introduced by Councillors Coonrod and Sanders. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$480,000 in the 2000 Budget of the Department of Administration, Indianapolis Fleet Services Division (Consolidated County Fund) to cover increased maintenance costs for vehicles owned by various city departments and other municipal agencies"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 605, 2000. Introduced by Councillor Coonrod. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$3,100,000 in the 2000 Budget of the Information Services Agency (Information Services Internal Services Fund) to cover technology based pass-through costs from City and County agencies that were not included in the 2000 budget, but have since been identified as needed before the end of 2000, funded by the revenues collected from the appropriate City and County agencies"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 606, 2000. Introduced by Councillors Bradford and Coonrod. The Clerk read the proposal entitled: "A Proposal for a General Resolution which authorizes the County Auditor to perform an audit of the Marion County Office of Family and Children, and file a report of said audit with the City-County Council"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 607, 2000. Introduced by Councillor Bradford. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$132,813 in the 2000 Budgets of the County Auditor and Cooperative Extension Service (State and Federal Grants Fund) to fund the Grassroots Prevention Projects, funded by a three-year award from the Indiana Family and Social Services Administration"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 608, 2000. Introduced by Councillor Bradford. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$50,000 in the 2000 Budgets of the County Auditor and Cooperative Extension Service (County Grants Fund) to fund the Turf Management Project, funded by a grant from the Indiana State Lawn Care Association"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 609, 2000. Introduced by Councillor Bradford. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$25,000 in the 2000 Budgets of the County Auditor and Cooperative Extension Service (County Grants Fund) to continue funding for the Youth Program, funded by a grant from the Marion County 4-H Clubs, Inc."; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 610, 2000. Introduced by Councillor Bradford. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$4,228 in the 2000 Budgets of the County Auditor and Cooperative Extension Service (County Grants Fund) to cover short falls in the High Hopes Program, funded by a grant from the Marion County 4-H Clubs, Inc."; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 611, 2000. Introduced by Councillors SerVaas, Langsford, and Cockrum. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which designates a one block long section of North Street from Pennsylvania Street to Meridian Street as the '38th Infantry Division Memorial Way'"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 612, 2000. Introduced by Councillor Tilford. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints James O. Dillard to the Speedway Library Board"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 613, 2000. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$194,260 in the 2000 Budget of the County Sheriff (Cumulative Capital Development Fund) to purchase eight vehicles and essential equipment due to the hiring of additional deputies, financed by fund balances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 614, 2000. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$103,880 in the 2000 Budgets of the County Auditor and County Sheriff (State and Federal Grants Fund) to provide salaries and fringe benefits for the Victim Assistance Program and the Child Abuse Prevention and Intervention Program for fiscal year 2000/2001, funded by a grant from the Indiana Criminal Justice Institute"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 615, 2000. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$5,000 in the 2000 Budget of the County Sheriff (State and Federal Grants Fund) to pay the expenses for officers to attend a Fugitive Investigators Conference, funded by a grant from the U.S. Department of Justice"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 616, 2000. Introduced by Councillors Talley and Dowden. The Clerk read the proposal entitled: "A Proposal for a Police Special Service District Fiscal Ordinance which approves an increase of \$484,965 in the 2000 Budget of the Department of Public Safety, Police Division (Federal Grants Fund) to implement a Community Oriented Policing Services (COPS) After-School Initiative, to continue the Indianapolis Partnership to Combat Domestic Violence, and to purchase computers, radio equipment, and law enforcement vehicles, financed by federal funds"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 617, 2000. Introduced by Councillors Talley and Dowden. The Clerk read the proposal entitled: "A Proposal for a Fire Special Service District Fiscal Ordinance which approves an increase of \$150,000 in the 2000 Budget of the Department of Public Safety, Fire Division (Federal Grants Fund) to manage the Federal Emergency Management Agency's (FEMA) Urban Search and Rescue Task Force-1, financed with federal funds"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 618, 2000. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$200,000 in the 2000 Budgets of the County Auditor and the Prosecuting Attorney (State and Federal Grants Fund) to continue funding the Community Justice Court Project, which includes the salaries of a project coordinator, resource coordinator, and court clerk; and the partial salaries of a public defender, Sheriff's deputy, and deputy prosecutor, funded by federal funds from Department of Justice (Executive Office for Weed and Seed)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 619, 2000. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$16,855 in the 2000 Budgets of the County Auditor and the Prosecuting Attorney (State and Federal Grants Fund) to re-appropriate funds from seven grants to cover partial salary for the grants manager position in the Prosecutor's Office"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 620, 2000. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$46,817 in the 2000 Budgets of the County Auditor and the Prosecuting Attorney (State and Federal Grants Fund) to continue funding a specialized domestic violence/stalking prosecutor for the Indianapolis Partnership to Combat Domestic Violence Program, funded with federal funds (through the Indianapolis Police Department from the Violence Against Women Grant's Office, Department of Justice)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 621, 2000. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$20,000 in the 2000 Budgets of the County Auditor and the Prosecuting Attorney (County General Fund) which is a reimbursement for salary dollars expended on prosecution in the Antcliff case, financed by a check from the Estate of Charlene Kincaid Antcliff"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 622, 2000. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$305,000 in the 2000 Budget of the Marion County Public Defender Agency (Pre-Trial Release Program Fund) to cover a budget shortfall resulting from a 24% increase in appeals and increased costs associated with depositions of death penalty cases, financed by fund balances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 623, 2000. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$111,000 in the 2000 Budgets of the County Auditor and the Marion County Public Defender Agency (County General Fund) to cover a short fall in Character 03 resulting from a 24% increase in appeals and increased death penalty costs"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 624, 2000. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$18,259 in the 2000 Budgets of the County Auditor and the Marion County Justice Agency (State and Federal Grants Fund) to continue the Arrestee Drug Abuse Monitoring Program, funded by a federal grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 625, 2000. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$59,725 in the 2000 Budget of the Marion County Justice Agency (State and Federal Grants Fund) to implement a full-scale, community-wide public awareness campaign of intolerance to violence, funded by a grant from the Indiana Criminal Justice Institute"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 626, 2000. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$245,000 in the 2000 Budgets of the County Auditor and Marion County Justice Agency (Law Enforcement Equitable Share Fund) to fund the salaries of deputy prosecutors and paralegals who are prosecuting drug related cases"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 627, 2000. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$30,000 in the 2000 Budget of the Marion County Superior Court (State and Federal Grants Fund) to continue funding a supervised visitation program for domestic relation cases involving violent allegations, funded by a grant from the Indiana Criminal Justice Institute"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 628, 2000. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$160,806 in the 2000 Budgets of the County Auditor and Marion County Superior Court (State and Federal Grants Fund) to provide a drug treatment diversion program under the supervision of the Drug Treatment Court and Drug Treatment Executive Committee, funded by a grant from the Indiana Criminal Justice Institute"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 629, 2000. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$5,842 in the 2000 Budget of the Marion County Superior Court, Juvenile Division (Guardian Ad Litem Fund) to appropriate additional funds from the State of Indiana for Child Advocates, Inc."; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 630, 2000. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$80,069 in the 2000 Budgets of the County Auditor and the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) to fund additional programs (Juvenile Accountability Incentive Block Grant)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 631, 2000. Introduced by Councillors Coonrod, Schneider, Dowden, Tilford, and Bradford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends Sec. 293-104 of the Revised Code concerning the board of ethics"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 632, 2000. Introduced by Councillor Smith. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Jacqueline Joyner Cissell to the Board of Asset Management and Public Works"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 633, 2000. Introduced by Councillor Smith. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for the Smithfield Subdivision (District 23)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 634, 2000. Introduced by Councillor Smith. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for Misty Ridge Subdivision (District 23)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 635, 2000. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 54th Street and Channing Road, and at 54th Street and Roxbury Road (District 11)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 636, 2000. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Behner Circle and Castle Knoll Boulevard (Castle Knoll Farms Subdivision) (District 3)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 637, 2000. Introduced by Councillor Douglas. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 13th Street and Grant Avenue (District 10)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 638, 2000. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 25th Street and Highland Place, and at 28th Street and Highland Place (District 22)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 639, 2000. Introduced by Councillor Black. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 43rd Street and Sunset Avenue (District 6)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 640, 2000. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Forest Manor and Winding Way (District 4)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 641, 2000. Introduced by Councillor Bradford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 61st Street and Park Avenue (District 7)"; and the President referred it to the Capital Asset Management Committee.



PROPOSAL NO. 642, 2000. Introduced by Councillor Knox. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for the railroad crossing on Rochester Avenue between North Street and Garden Avenue (District 17)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 643, 2000. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for Kopetsky Park Subdivision (District 25)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 644, 2000. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for Perry Commons Subdivision, Sections 1 and 2 (District 25)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 645, 2000. Introduced by Councillor Langsford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Hawthorne Avenue and St. Joseph Street (District 13)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 646, 2000. Introduced by Councillor Soards. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Bayswater Boulevard and Redan Drive, and at Bayswater Boulevard and Stanhope Way (District 1)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 647, 2000. Introduced by Councillor Cockrum. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for the Ameriplex Business Park (District 19)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 648, 2000. Introduced by Councillor SerVaas. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls at 59th Street and Grandiose Drive (District 2)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 649, 2000. Introduced by Councillor SerVaas. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 81st Street and Claffey Drive (District 2)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 651, 2000. Introduced by Councillor Short. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a one-way traffic flow and angled parking on Barth Avenue from Orange Street to Anders Street (District 21)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 652, 2000. Introduced by Councillors Black and Gray. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Meridian Street near 34th Street (Districts 6, 9)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 653, 2000. Introduced by Councillors Black and Nytes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on 32nd Street near Pennsylvania Avenue (Districts 6, 22)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 654, 2000. Introduced by Councillor Black. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on 46th Street at various locations (District 6)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 655, 2000. Introduced by Councillors Black, Gray, and Nytes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Meridian Street near 32nd Street, and authorizes a traffic signal at 32nd Street and Meridian Street (Districts 6, 9, 22)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 656, 2000. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions in the Harvard Square Cooperative (District 24)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 657, 2000. Introduced by Councillors Massie and Coughenour. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on State Avenue between Hanna Avenue and National Avenue (Districts 20, 24)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 676, 2000. Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the establishment of the Consolidated Fort Harrison Military Base Reuse Area"; and the President referred it to the Metropolitan Development Committee.

#### SPECIAL ORDERS - PRIORITY BUSINESS

RESOLUTION NO. 85, 2000, adopted by the Board of Asset Management and Public Works, establishing vehicle loading zones in the Regional Center, which resolution was certified to the Council on October 3, 2000, pursuant to Sec. 621-423 of the Revised Code of the Consolidated City and County. Robert Elrod, General Counsel, reported that by a unanimous vote, the board recommends adoption. Loading Zone Resolution No. 85, 2000 was ratified by the following roll call vote; viz:

*23 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Horseman, Langsford, Massie, Moriarty Adams, Sanders, Schneider, SerVaas, Smith, Soards, Tilford*

*0 NAYS:*

*6 NOT VOTING: Gray, Hinkle, Knox, Nytes, Short, Talley*

President SerVaas passed the gavel to Vice President Borst and made the following motion:

Mr. President:

I move that Proposal No. 661, 2000 (Rezoning Case 2000-ZON-074) be scheduled for a hearing before this Council at its next regular meeting on October 30, 2000 at 7:00 p.m. and that the Clerk read the announcement of such hearing and enter same in the minutes of this meeting.

Councillor Bradford seconded the motion and Proposal No. 661, 2000 was scheduled for a public hearing on October 30, 2000. Proposal No. 661, 2000 is identified as follows:

2000-ZON-074

6600 EAST WESTFIELD BOULEVARD (approximate address), INDIANAPOLIS.  
WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT #2  
CHARLES G. MACK requests a rezoning of 7.5 acres, being in the C-S District, to the C-S classification, to provide for a restaurant and tavern.

PROPOSAL NO. 660, 2000, PROPOSAL NOS. 662-669, 2000, and PROPOSAL NOS. 670-675, 2000. Introduced by Councillor Hinkle. Proposal No. 660, 2000, Proposal Nos. 662-669, 2000, and Proposal Nos. 670-675, 2000 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on October 10, 2000. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 165-179, 2000, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 165, 2000.

2000-ZON-081

801 DR. MARTIN LUTHER KING JR. STREET (approximate address), INDIANAPOLIS.  
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 16  
SEXTON DEVELOPMENT, LLC., by Timothy E. Ochs, requests a rezoning of 1.944 acres, being in the I-3-U (RC) District, to the CBD-S (RC) classification to provide for multi-family residential development.

REZONING ORDINANCE NO. 166, 2000.

2000-ZON-096

8545 SOUTH U.S. 31 (approximate address), INDIANAPOLIS.  
PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 24  
CHARLES M. AND CANDACE S. BARCUS request a rezoning of 0.469 acre, being in the D-3 District, to the C-1 classification to provide for commercial uses.

REZONING ORDINANCE NO. 167, 2000.

2000-ZON-101

6350 SOMMER AWNING BOULEVARD (approximate address), INDIANAPOLIS.  
WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 4  
HAMM & SONS INCORPORATED, by Joseph D. Calderon, request a rezoning of 2.962 acres, being in the C-S District, to the C-S classification to provide for the distribution of plumbing, heating, and cooling materials and other I-1-S and I-2-S uses.

REZONING ORDINANCE NO. 168, 2000.

2000-ZON-102

8804 CRAWFORDSVILLE ROAD (approximate address), INDIANAPOLIS.  
WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 18  
SAMUEL J. GOLDSBERRY, SR., by James E. Caughey, requests a rezoning of 0.61 acre, being in the C-ID District, to the C-5 classification to provide for a transmission repair facility.

REZONING ORDINANCE NO. 169, 2000.

2000-ZON-103

3801 and 3821 WEST 34<sup>th</sup> STREET (approximate address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 8

SPEEDWAY GENERAL BAPTIST CHURCH, INC. requests a rezoning of 2.42 acres, being in the D-5 and C-4 Districts, to the SU-1 classification to provide for the construction of a church and associated facilities.

REZONING ORDINANCE NO. 170, 2000.

2000-ZON-105

8534 MADISON AVENUE (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 24

FREDERICK J. BRINKMAN, by Deniece Rogers Safewright, requests a rezoning of 1 acre, being in the D-A District, to the C-1 classification to provide for commercial uses.

REZONING ORDINANCE NO. 171, 2000.

2000-ZON-106

1944-2002 SOUTH SHELBY STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 23

DICKSON ENTERPRISES, by David Kingen, requests a rezoning of 0.4 acre, being in the I-3-U District, to the D-8 classification to legally establish four single-family dwellings and two detached garages.

REZONING ORDINANCE NO. 172, 2000.

2000-ZON-839

600-800 SHERMAN DRIVE (approximate address), INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 15

SHERMAN PARK, LP, by Joseph D. Calderon, requests a rezoning of 49 acres, being in the I-4-U, C-1, D-5, and C-3 Districts, to the C-S classification to provide for commercial and industrial uses.

REZONING ORDINANCE NO. 173, 2000.

2000-ZON-111

9950 SOUTHEASTERN AVENUE (approximate address), INDIANAPOLIS.

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23

SOUTHMINSTER PRESBYTERIAN CHURCH requests a rezoning of 10.34 acres, being in the D-A District, to the SU-1 classification to legally establish a church.

REZONING ORDINANCE NO. 174, 2000.

2000-ZON-114

6060 NORTH COLLEGE AVENUE (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 7

RN SPECIALISTS, INC., by Brian J. Tuohy, requests a rezoning of 0.25 acre, being in the D-4 District, to the C-1 classification to provide for commercial office uses within an existing commercial building.

REZONING ORDINANCE NO. 175, 2000.

2000-ZON-115

6225 WEST WASHINGTON STREET (approximate address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 19

SHONEY'S, INC., by Joseph D. Calderon, requests a rezoning of 1.172 acres, being in the C-S District, to the C-S classification to provide for retail uses permitted by the C-4 District.

REZONING ORDINANCE NO. 176, 2000.

2000-ZON-117

11531 EAST WASHINGTON STREET (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 13

SPEEDWAY SUPERAMERICA, LLC, by Philip A. Nicely, requests a rezoning of 0.52 acre, being in the I-2-S and C-3 Districts, to the C-3 classification to provide for a gasoline service station and a convenience store.

REZONING ORDINANCE NO. 177, 2000.

2000-ZON-844

10990 EAST 30<sup>th</sup> STREET (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 5

CRAIG R. HEINDEL, by David A. Retherford, requests a rezoning of 0.484 acre, being in the D-A District, to the C-3 classification to provide for commercial uses.

REZONING ORDINANCE NO. 178, 2000.

2000-ZON-848

5331 ANNETTE STREET (approximate address), INDIANAPOLIS

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 2

CIVIL TOWN OF ROCKY RIPPLE, by Brett Westerfeld, requests a rezoning of 0.25 acre, being in the D-5 District, to the PK-1 classification to provide for a public park.

REZONING ORDINANCE NO. 179, 2000.

2000-ZON-092

949 SOUTH ILLINOIS STREET and 946 SOUTH MERIDIAN STREET (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22

PHILIP McDOUGAL AND QUENTIN E. WALTON, SR., request a rezoning of 0.83 acre, being in the C-5 (RC) District, to the CBD-2 (RC) classification to provide for a daycare center and a restaurant.

Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal Nos. 597-601, 2000 on October 9, 2000.

PROPOSAL NO. 597, 2000. The proposal is a special ordinance for Cloverleaf/Phase I Apartments in an amount not to exceed \$3,000,000 to be used for the acquisition and renovation of the existing 136-unit apartment complex located at 835 Cloverleaf Terrace (District 18). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Hinkle moved, seconded by Councillor Langsford, for adoption. Proposal No. 597, 2000 was adopted on the following roll call vote; viz:

*27 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Hinkle, Horseman, Knox, Langsford, Massie, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Smith, Soards, Tilford*

*0 NAYS:*

*2 NOT VOTING: Short, Talley*

Proposal No. 597, 2000 was retitled SPECIAL ORDINANCE NO. 14, 2000, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 14, 2000

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its City of Indianapolis, Indiana Multifamily Housing Mortgage Revenue Bonds, Series 2000A (GNMA Collateralized-Cloverleaf Phase I Apartments Project) in the aggregate principal amount not to exceed Two Million Five Hundred Thousand Dollars (\$2,500,000) and its City of Indianapolis, Indiana taxable Multifamily Housing Mortgage Revenue Bonds, Series 2000B (GNMA Collateralized-Cloverleaf/Phase I Apartments Project) in the aggregate principal amount not to exceed One Hundred Thousand Dollars (\$100,000) and approving and authorizing other actions in respect thereto.

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

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

WHEREAS, a representative of Community Reinvestment Foundation – II, Inc., an Indiana nonprofit public benefit corporation (the "Company") has requested that the City of Indianapolis, Indiana (the "Issuer") issue bonds and lend the proceeds thereof to the Company in order to enable the Company to undertake and complete the acquisition, rehabilitation, equipping and improvement of the existing 136-unit Cloverleaf/Phase I Apartments on an approximately 10.91 acre parcel of land located at 835 Cloverleaf Terrace, Indianapolis, Indiana (the "Project"); and

WHEREAS, the Indianapolis Economic Development Commission (the "Commission") has rendered a report of the Commission concerning the proposed financing of economic development facilities for the Company and the Metropolitan Development Commission of Marion County has been given the opportunity to comment thereon pursuant to Indiana code, Title 36, Article 7, Chapter 12, Section 23(b); and

WHEREAS, pursuant to and in accordance with the Act, the Issuer desires to provide funds to finance the acquisition, rehabilitation, equipping and improvement of the Project by issuing its City of Indianapolis, Indiana Multifamily Housing Mortgage Revenue Bonds, Series 2000A (GNMA Collateralized-Cloverleaf/Phase I Apartments Project) (the "Series 2000A Bonds") and its City of Indianapolis, Indiana Taxable Multifamily Housing Mortgage Revenue Bonds, Series 2000B (GNMA Collateralized-Cloverleaf/Phase I Cloverleaf/Phase I Apartments Project) (the "Series 2000B Bonds") in the total aggregate principal amount not to exceed Two Million Two Hundred Thousand Dollars (\$2,600,000) (the Series 2000A Bonds together with the Series 2000B Bonds are collectively referred to as the "Bonds"); and

WHEREAS, the Commission, after a public hearing conducted on September 20, 2000 pursuant to Indiana Code Title 36, Article 7, Chapter 12, Section 24 and Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") found that the financing of the Project complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of the Issuer and its citizens; and

WHEREAS, the Issuer intends to issue the Bonds pursuant to a Trust Indenture (the "Trust Indenture") between the Issuer and Wells Fargo Bank Indiana, N.A., as Trustee (the "Trustee") in order to obtain funds to lend to the Company pursuant to a Financing Agreement (the "Financing Agreement") by and among the Issuer, the Company, the Trustee and P/R Mortgage & Investment Corp. (the "Lender") for the purpose of financing or providing reimbursement for a portion of the cost of the Project and to pay a portion of the costs of issuance of the Bonds; and

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

WHEREAS, the Issuer, the Company and the Trustee will enter into a Land Use Restriction Agreement (the "Land Use Restriction Agreement") which will govern the use of the Project; and

WHEREAS, the Issuer, the Company and the Trustee will enter into a Tax Regulatory Agreement (the "Tax Regulatory Agreement") to assure compliance with the Code; and

WHEREAS, the Issuer, the Company and The Sturges Company (the "Underwriter") will enter into a Purchase Contract (the "Purchase Contract") regarding the sale of the Bonds; and

WHEREAS, the Underwriter will utilize a Preliminary Official Statement (the "Preliminary Official Statement") and an Official Statement (the "Official Statement") in connection with the offering and sale of the Bonds; and

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

WHEREAS, there have been submitted to the Commission for its approval substantially final forms of the (1) Trust Indenture; (2) Financing Agreement; (3) Purchase Contract; (4) Preliminary Official Statement; (5) Land Use Restriction Agreement; (6) Tax Regulatory Agreement; (7) Bonds (hereinafter referred to collectively as the "Financing Documents"); and (8) this proposed form of special ordinance all of which were approved by the Commission by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

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

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

SECTION 2. The forms of the Financing Documents presented herewith (i) are hereby approved (ii) are incorporated herein and (iii) shall be kept on file by the Clerk of the Council or City-Controller. In compliance with Indiana Code Title 36, Article 1, Chapter 5, Section 4, two (2) copies of the Financing Documents are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Issuer shall issue its Series 2000A Bonds in the aggregate principal amount not to exceed Two Million Five Hundred Thousand Dollars (\$2,500,000) and its Series 2000B Bonds in an aggregate principal amount not to exceed One Hundred Thousand Dollars (\$100,000) for the purpose of procuring funds to loan to the Company in order to finance or provide reimbursement for a portion of the cost of the Project which Bonds will be payable as to principal and interest solely from the payments made by the Company pursuant to the Financing Agreement to evidence and secure said loan and as otherwise provided in the above-described Financing Documents. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

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

SECTION 5. The City Clerk and City Controller are authorized and directed to sell such Bonds to the purchasers thereof pursuant to the Purchase Contract at a price not less than 97% of the aggregate principal amount thereof, plus accrued interest, if any, and at rates of interest not to exceed 12% per annum.

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

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

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

PROPOSAL NO. 598, 2000. The proposal is a special ordinance for Carriage House South Apartments in an amount not to exceed \$10,000,000 to be used for the acquisition, rehabilitation, equipping and improvement of the existing 358-unit apartment complex located at 7626 Portage Lane (District 20). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Moriarty Adams stated that she will abstain from voting on Proposal Nos. 598 and 599, 2000.

Councillor Hinkle moved, seconded by Councillor Coughenour, for adoption. Proposal No. 598, 2000 was adopted on the following roll call vote; viz:

*21 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Gray, Hinkle, Knox, Langsford, Massie, Nytes, Sanders, SerVaas, Soards, Tilford*

*0 NAYS:*

*8 NOT VOTING: Dowden, Gibson, Horseman, Moriarty Adams, Schneider, Short, Smith, Talley*

Proposal No. 598, 2000 was retitled SPECIAL ORDINANCE NO. 15, 2000, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 15, 2000

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its City of Indianapolis, Indiana Multifamily Housing Mortgage Revenue Bonds, Series 2000 (GNMA Collateralized-Carriage House South Apartments Project) in the aggregate principal amount not to exceed Ten Million Dollars (\$10,000,000) and approving and authorizing other actions in respect thereto.

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

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

WHEREAS, a representative of Carriage House South Limited, LP, an Indiana limited partnership (the "Company") has requested that the City of Indianapolis, Indiana (the "Issuer") issue bonds and lend the proceeds thereof to the Company in order to enable the Company to undertake and complete the acquisition, rehabilitation, equipping and improvement of the existing 358-unit Carriage House South Apartments on an approximately 36.08 acre parcel of land located at 7626 Portage Lane, Indianapolis, Indiana (the "Project"); and

WHEREAS, the Indianapolis Economic Development Commission (the "Commission") has rendered a report of the Commission concerning the proposed financing of economic development facilities for the Company and the Metropolitan Development Commission of Marion County has been given the opportunity to comment thereon pursuant to Indiana code, Title 36, Article 7, Chapter 12, Section 23(b); and

WHEREAS, pursuant to and in accordance with the Act, the Issuer desires to provide funds to finance the acquisition, rehabilitation, equipping and improvement of the Project by issuing its City of Indianapolis, Indiana Multifamily Housing Mortgage Revenue Bonds, Series 2000 (GNMA Collateralized-Carriage House South Apartments Project) (the "Bonds") in the aggregate principal amount not to exceed Ten Million Dollars (\$10,000,000); and

WHEREAS, the Commission, after a public hearing conducted on September 20, 2000 pursuant to Indiana Code Title 36, Article 7, Chapter 12, Section 24 and Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") found that the financing of the Project complies with the purposes and



provisions of the Act and that such financing will be of benefit to the health and welfare of the Issuer and its citizens; and

WHEREAS, the Issuer intends to issue the Bonds pursuant to a Trust Indenture (the "Trust Indenture") between the Issuer and Wells Fargo Bank Indiana, N.A., as Trustee (the "Trustee") in order to obtain funds to lend to the Company pursuant to a Financing Agreement (the "Financing Agreement") by and among the Issuer, the Company, the Trustee and P/R Mortgage & Investment Corp. (the "Lender") for the purpose of financing or providing reimbursement for a portion of the cost of the Project and to pay a portion of the costs of issuance of the Bonds; and

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

WHEREAS, the Issuer, the Company and the Trustee will enter into a Land Use Restriction Agreement (the "Land Use Restriction Agreement") which will govern the use of the Project; and

WHEREAS, the Issuer, the Company and the Trustee will enter into a Tax Regulatory Agreement (the "Tax Regulatory Agreement") to assure compliance with the Code; and

WHEREAS, the Issuer, the Company and The Sturges Company (the "Underwriter") will enter into a Purchase Contract (the "Purchase Contract") regarding the sale of the Bonds; and

WHEREAS, the Underwriter will utilize a Preliminary Official Statement (the "Preliminary Official Statement") and an Official Statement (the "Official Statement") in connection with the offering and sale of the Bonds; and

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

WHEREAS, there have been submitted to the Commission for its approval substantially final forms of the (1) Trust Indenture; (2) Financing Agreement; (3) Purchase Contract; (4) Preliminary Official Statement; (5) Land Use Restriction Agreement; (6) Tax Regulatory Agreement; (7) Bonds (hereinafter referred to collectively as the "Financing Documents"); and (8) this proposed form of special ordinance all of which were approved by the Commission by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

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

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

SECTION 2. The forms of the Financing Documents presented herewith (i) are hereby approved (ii) are incorporated herein and (iii) shall be kept on file by the Clerk of the Council or City-Controller. In compliance with Indiana Code Title 36, Article 1, Chapter 5, Section 4, two (2) copies of the Financing Documents are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Issuer shall issue its Bonds in the aggregate principal amount not to exceed Ten Million Dollars (\$10,000,000) for the purpose of procuring funds to loan to the Company in order to finance or provide reimbursement for a portion of the cost of the Project which Bonds will be payable as to principal and interest solely from the payments made by the Company pursuant to the Financing Agreement to evidence and secure said loan and as otherwise provided in the above-described Financing Documents. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

SECTION 4. The Issuer approves the use and distribution of a Preliminary Official Statement and an Official Statement, in substantially the form submitted to the Issuer, in connection with the issuance, sale and delivery of the Bonds, and authorizes and directs the Mayor of the Issuer to sign the Official Statement if so requested by counsel to the Underwriter. Rule 15c2-12(b)(1) of the Securities Exchange

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

SECTION 5. The City Clerk and City Controller are authorized and directed to sell such Bonds to the purchasers thereof at a price and at the rates of interest as set forth in the Purchase Contract.

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

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

SECTION 8. The Issuer hereby preliminarily finds and determines that the amount of tax credits to be allocated to the Project under Section 42 of the Code and regulations promulgated thereunder does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project. In making the foregoing determination, the Issuer has relied upon representations of the Company. The foregoing determinations shall not be construed to be a representation or warranty by the Issuer as to the feasibility or viability of the Project. The Issuer hereby authorizes and directs the Mayor to make the foregoing determination again for and on behalf of the Issuer at the request of the Company following receipt of supporting materials submitted by the Company or of the Indiana Housing Finance Authority ("IHFA") to the effect that (i) the amount of tax credits to be allocated to the Project under Section 42 of the Code does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project, and (ii) the Project satisfied the requirements for the allocation of a housing credit dollar amount under IHFA's qualified allocation plan. Such determinations shall occur on or about the date of the sale of the Bonds to the purchasers thereof and on or about the date that each building of the Project is placed in service. In reliance upon the representations of the Company, it is hereby found and determined that the Project satisfies the requirements for the allocation of a housing credit dollar amount under IHFA's qualified allocation plan.

SECTION 9. This special ordinance shall be in full force and effect upon adoption and compliance with Indiana Code Title 36, Article 3, Chapter 4, Section 14.

PROPOSAL NO. 599, 2000. The proposal is a special ordinance for Pheasant Run Limited Partnership in an amount not to exceed \$13,000,000 to be used for the construction of a 184-unit, multi-family apartment complex located at 1000 South Franklin Road in southeastern Marion County (District 13). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Hinkle moved, seconded by Councillor Langsford, for adoption. Proposal No 599, 2000 was adopted on the following roll call vote; viz:

25 YEAS: *Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Hinkle, Horseman, Knox, Langsford, Massie, Nytes, Sanders, Schneider, Smith, Soards, Tilford*  
0 NAYS:  
4 NOT VOTING: *Moriarty Adams, SerVaas, Short, Talley*

Proposal No. 599, 2000 was retitled SPECIAL ORDINANCE NO. 16, 2000, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 16, 2000

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue up to \$10,000,000 City of Indianapolis, Indiana Multifamily Housing Economic Development Revenue Bonds (Pheasant Run Apartments, L.P. Project) Series 2000 (the "Bonds") and approving and authorizing other actions in respect thereto.

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

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

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

WHEREAS, Pheasant Run Apartments, L.P. (the "Company") has requested that the city of Indianapolis, Indiana (the "Issuer") issue bonds and lend the proceeds thereof to the Company in order to enable the Company to finance certain capital assets, including, but not limited to, the acquisition, construction and equipping of an apartment complex consisting of approximately 184 apartment units ranging from one to three bedrooms located in approximately twelve buildings, located at 1000 South Franklin Road, Indianapolis, Indiana (the "Project"); and

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

WHEREAS, pursuant to and in accordance with the Act, the Issuer desires to provide funds to finance the Project by issuing not to exceed \$10,000,000 City of Indianapolis, Indiana Multifamily Housing Economic Development Revenue Bonds (Pheasant Run Apartments, L.P. Project) Series 2000 (the "Bonds"); and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on September 20, 2000, pursuant to Indiana Code Title 36, Article 7, Chapter 12, Section 24 and Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), found that the financing of the Project complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of the Issuer and its citizens; and

WHEREAS, the Issuer intends to issue the Bonds pursuant to a Trust Indenture (the "Indenture") dated as of October 1, 2000, by and between the Issuer and Wells Fargo Bank Indiana, N.A., as Trustee (the "Trustee") in order to obtain funds to lend to the Company pursuant to a Loan Agreement (the "Loan Agreement") dated as of October 1, 2000, between the Issuer and the Company for the purpose of financing or providing reimbursement for the cost of the Project and to pay a portion of the costs of issuance of the Bonds; and

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

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

WHEREAS, the Commission has heretofore approved the substantially final forms of the Trust Indenture; Loan Agreement; Promissory Note; Bond Purchase Agreement; Environmental Indemnity Agreement; Assignment Agreement; Assignment of Construction Documents; Assignment of management Agreement; Assignment of Partnership Equity; Compliance Monitoring Agreement; Land Use Restriction Agreement; Absolute and Unconditional Guaranty of Operating Deficits; Absolute and Unconditional Guaranty of Completion; Mortgage, Security Agreement, Assignment of Leases and Rents and Financing Statement; Assignment of Mortgage; Security Agreement, Assignment of Leases and Rents and Financing Statement and promissory Note; Construction Disbursing and Servicing Agreement; and Limited Offering Memorandum and forms of the Bonds (hereinafter referred to collectively as the "Financing Documents") and has recommended for adoption this proposed form of special ordinance by a Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore;

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

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

SECTION 2. The forms of the Financing Documents presented herewith is hereby approved and all such documents shall be kept on file by the Clerk of the Council or City-Controller. In compliance with Indiana Code Title 36, Article 1, Chapter 5, Section 4, two (2) copies of the Financing Documents are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Issuer shall issue its Bonds in one or more series and in the principal amounts not to exceed \$10,000,000 for the purpose of procuring funds to loan to the Company in order to finance or provide reimbursement for a portion of the cost of the Project which Bonds will be payable as to principal and interest solely from the payments made by the Company pursuant to the Loan Agreement to evidence and secure said loan and as otherwise provided in the above-described Financing Documents. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

SECTION 4. The Mayor and City Clerk are authorized and directed to sell such Bonds to the purchasers thereof at a price not less than 96% and not more than 104% of the aggregate principal amount thereof plus accrued interest, if any, and at a rate of interest not to exceed eight percent (8%) per annum. The Bonds will mature no later than July 1, 2040.

SECTION 5. The Mayor and Clerk are authorized and directed to execute those Financing Documents approved herein which require the signature of the Mayor and Clerk and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the Issuer. The signatures of the Mayor and the Clerk on the Bonds may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the Issuer. The signatures of the Mayor and the Clerk on the Bonds may be facsimile signatures. The Clerk and the City Controller are authorized to arrange for the delivery of such Bonds to the purchasers payment for which will be made in the manner set forth in the Financing Documents. The Mayor and Clerk may, by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures thereon, approve changes therein and also in those Financing Documents which do not require the signature of the Mayor and/or Clerk without further approval of this City-County Council or the Commission if such changes do not affect terms set forth in Indiana Code Title 36, Article 7, Chapter 12, Section 27(a)(1) through (a)(10).

SECTION 6. The provisions of this special ordinance and the Financing Documents shall constitute a contract binding between the Issuer and the holder or holders of the Bonds and after the issuance of said Bonds, this special ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder or holders so long as said Bonds or the interest thereon remains unpaid.

SECTION 7. Rule 15c2-12(b)(1) of the Securities Exchange Act of 1934, as amended (the "SEC Rule"), provides that, prior to the time a participating underwriter or placement agent bids for, purchases, offers or sells municipal securities, the participating underwriter or placement agent shall obtain and review an official statement that an issuer of such securities deems a "near final" official statement. The Limited Offering Memorandum is hereby deemed final as of its date, except for the omission of no more than the

following information: the offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, ratings and other terms of the securities depending on such matters. The Mayor, the Clerk or any other officer of the Issuer familiar with the matters with respect to the Issuer set forth in the Limited Offering Memorandum is hereby authorized to certify to the underwriter, that the information in the Limited Offering Memorandum with respect to the Issuer is deemed to be final within the meaning of the SEC Rule prior to the distribution of the Limited Offering Memorandum.

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

SECTION 9. The City of Indianapolis hereby finds and determines that the amount of tax credits to be allocated to the Project under Section 42 of the Internal Revenue Code of 1986, as amended, does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project. In making the foregoing determination, the City of Indianapolis has relied upon representations of the Company. The foregoing determinations shall not be construed to be a representation or warranty by the City of Indianapolis as to the feasibility of the Project. The City of Indianapolis hereby authorizes and directs the Mayor of the City of Indianapolis to review and make the foregoing determination again for and on behalf of the City of Indianapolis at the request of the Company, following receipt of supporting materials submitted by the Company to the Indiana Housing Finance Authority ("IHFA") and either written representations of the Company or of IHFA to the effect that (i) the amount of tax credits to be allocated to the Project under Section 42 of the Code does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project and (ii) the Project satisfies the requirements for the allocation of a housing credit dollar amount under IHFA's qualified allocation plan. Such determinations shall occur on or about the date of the sale of the Bonds to the Purchasers thereof and on or about the date that each building is placed in service. In reliance upon the representations of the Company, it is hereby found and determined that the Project satisfies the requirements for the allocation of a housing credit dollar amount under IHFA's qualified allocation plan.

PROPOSAL NO. 600, 2000. The proposal is a special ordinance for Retirement Living, Inc. (d/b/a Marquette Manor) in an amount not to exceed \$8,000,000 to be used for the renovations to and the acquisition, construction and equipping of a 43-bed, 38,000 square foot addition to the existing retirement facilities located at 8140 Township Line Road (District 2). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Hinkle moved, seconded by Councillor Black, for adoption. Proposal No. 600, 2000 was adopted on the following roll call vote; viz:

23 YEAS: *Bainbridge, Black, Borst, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Hinkle, Horseman, Knox, Langsford, Massie, Moriarty Adams, Sanders, SerVaas, Smith, Soards, Tilford*  
0 NAYS:  
6 NOT VOTING: *Boyd, Gray, Nytes, Schneider, Short, Talley*

Proposal No. 600, 2000 was retitled SPECIAL ORDINANCE NO. 17, 2000, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 17, 2000

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue up to \$8,000,000 City of Indianapolis, Indiana Adjustable Rate Demand Economic Development Revenue Bonds (Marquette Manor Project) Series 2000 (the "Bonds") and approving and authorizing other actions in respect thereto.

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

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

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

WHEREAS, a representative of Retirement Living, Inc. (d/b/a Marquette Manor) (the "Company") has requested that the City of Indianapolis; Indiana (the "Issuer") issue bonds and lend the proceeds thereof to the Company in order to enable the Company to finance certain capital assets, including, but not limited to, renovations to and the acquisition, construction and equipping of a 43 bed, 38,000 square foot addition to the Company's existing retirement facilities, located at 8140 Township Line Road, Indianapolis, Indiana (the "Project"); and

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

WHEREAS, pursuant to and in accordance with the Act, the Issuer desires to provide funds to finance the Project by issuing not to exceed \$8,000,000 City of Indianapolis, Indiana Adjustable Rate Demand Economic Development Revenue Bonds, Series 2000 (Marquette Manor Project) (the "Bonds"); and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on September 20, 2000, pursuant to Indiana Code Title 36, Article 7, Chapter 12, Section 24 and Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), found that the financing of the Project complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of the Issuer and its citizens; and

WHEREAS, the Issuer intends to issue the Bonds pursuant to a Trust Indenture (the "Indenture") dated as of October 1, 2000, by and between the Issuer and Bank One Trust Company, N.A., as Trustee (the "trustee") in order to obtain funds to lend to the Company pursuant to a Loan Agreement (the "Loan Agreement") dated as of October 1, 2000, between the Issuer and the Company for the purpose of financing or providing reimbursement for the cost of the Project and to pay a portion of the costs of issuance of the Bonds; and

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

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

WHEREAS, there has been submitted to the Commission for its approval substantially final forms of the Trust Indenture, Loan Agreement and Preliminary Official Statement, and forms of the Bonds (hereinafter referred to collectively as the "Financing Documents") and this proposed form of special ordinance which are by this reference incorporated herein by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

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

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

SECTION 2. The forms of the Financing Documents presented herewith is hereby approved and all such documents shall be kept on file by the Clerk of the Council or City-Controller. In compliance with Indiana Code Title 36, Article 1, Chapter 5, Section 4, two (2) copies of the Financing Documents are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Issuer shall issue its Bonds in one or more series and in the principal amounts not to exceed \$8,000,000 for the purpose of procuring funds to loan to the Company in order to finance or provide reimbursement for a portion of the cost of the Project which Bonds will be payable as to principal and interest solely from the payments made by the Company pursuant to the Loan Agreement to evidence and secure said loan and as otherwise provided in the above-described Financing Documents.

The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

SECTION 4. The Mayor and City Clerk are authorized and directed to sell such Bonds to the purchasers thereof at a price not less than 99% of the aggregate principal amount thereof plus accrued interest, if any, and at a rate of interest not to exceed ten percent (10%) per annum. The Bonds will mature no later than 30 years from the date of issuance.

SECTION 5. The Mayor and Clerk are authorized and directed to execute those Financing Documents approved herein which require the signature of the Mayor and Clerk and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the Issuer. The signatures of the Mayor and the Clerk on the Bonds may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the Issuer. The signatures of the Mayor and the Clerk on the Bonds may be facsimile signatures. The Clerk and the City Controller are authorized to arrange for the delivery of such Bonds to the purchasers payment for which will be made in the manner set forth in the Financing Documents. The Mayor and Clerk may, by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures thereon, approve changes therein and also in those Financing Documents which do not require the signature of the Mayor and/or Clerk without further approval of this City-County Council or the Commission if such changes do not affect terms set forth in Indiana Code Title 36, Article 7, Chapter 12, Section 27(a)(1) through (a)(10).

SECTION 6. The provisions of this special ordinance and the Financing Documents shall constitute a contract binding between the Issuer and the holder or holders of the Bonds and after the issuance of said Bonds, this special ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder or holders so long as said Bonds or the interest thereon remains unpaid.

SECTION 7. Rule 15c2-12(b)(1) of the Securities Exchange Act of 1934, as amended (the "SEC Rule"), provides that, prior to the time a participating underwriter or placement agent bids for, purchases, offers or sells municipal securities, the participating underwriter or placement agent shall obtain and review an official statement that an issuer of such securities deems a "near final" official statement. The Preliminary Official Statement is hereby deemed final as of its date, except for the omission of no more than the following information: the offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, ratings and other terms of the securities depending on such matters. The Mayor, the Clerk or any other officer of the Issuer familiar with the matters with respect to the Issuer set forth in the Preliminary Official Statement is hereby authorized to certify to the underwriter, that the information in the Preliminary Official Statement with respect to the Issuer is deemed to be final within the meaning of the SEC Rule prior to the distribution of the Preliminary Official Statement.

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

Councillor Hinkle asked for consent to move Proposal No. 551, 2000 next on the agenda. Consent was given.

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

PROPOSAL NO. 551, 2000. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 551, 2000 on August 17, 2000. The proposal is a final resolution for Bedford Park Apartments in an amount not to exceed \$10,000,000 which consists of the acquisition and renovation of the existing 312-unit apartment complex located at 4900 Edinborough Way (District 17). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Hinkle moved, seconded by Councillor Black, for adoption. Proposal No. 551, 2000 was adopted on the following roll call vote; viz:

24 YEAS: *Bainbridge, Black, Borst, Boyd, Bradford, Brens, Cockrum, Conley, Coonrod, Coughenour, Dowden, Gibson, Hinkle, Horseman, Knox, Langsford, Massie, Nytes, Sanders, Schneider, SerVaas, Smith, Soards, Tilford*

0 NAYS:

5 NOT VOTING: *Douglas, Gray, Moriarty Adams, Short, Talley*

Proposal No. 551, 2000 was retitled SPECIAL ORDINANCE NO. 20, 2000, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 20, 2000

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its City of Indianapolis, Indiana Multifamily Housing Revenue Bonds (Bedford Park Apartments Project) Series 2000 (the "Bonds") in the aggregate principal amount not to exceed Ten Million Dollars (\$10,000,000) and approving and authorizing other actions in respect thereto.

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

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

WHEREAS, a representative of Edinborough Associates, L.P., an Indiana limited partnership (the "Company") has requested that the City of Indianapolis, Indiana (the "Issuer") issue bonds and lend the proceeds thereof to the Company in order to enable the Company to undertake and complete the acquisition, rehabilitation, equipping and improvement of the existing 312-unit Bedford Park Apartments on an approximately 14.8 acre parcel of land located at 4900 Edinborough Lane, Indianapolis, Indiana (the "Project"); and

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

WHEREAS, pursuant to and in accordance with the Act, the Issuer desires to provide funds to finance the acquisition, rehabilitation, equipping and improvement of the Project by issuing its City of Indianapolis, Indiana Multifamily Housing Revenue Bonds (Bedford Park Apartments Project) Series 2000 (the "Bonds") in an aggregate principal amount not to exceed Ten Million Dollars (\$10,000,000); and

WHEREAS, the Commission, after a public hearing conducted on August 9, 2000 pursuant to Indiana Code Title 36, Article 7, Chapter 12, Section 24 and Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") found that the financing of the Project complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of the Issuer and its citizens; and

WHEREAS, the Issuer intends to issue the Bonds pursuant to a Trust Indenture (the "Trust Indenture") by and between the Issuer and Wells Fargo Bank Indiana, N.A., as Trustee (the "Trustee") in order to obtain funds to lend to the Company pursuant to a Loan and Financing Agreement (the "Loan and Financing Agreement") by and between the Issuer and the Company for the purpose of financing or providing reimbursement for a portion of the cost of the Project and to pay a portion of the costs of issuance of the Bonds; and

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

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



WHEREAS, there have been submitted to the Commission for its approval substantially final forms of the (1) Trust Indenture; (2) Loan and Financing Agreement; (3) Assignment of Note (relating to the Promissory Note of the Company); (4) Assignment of Mortgage (relating to the Mortgage, Security Agreement and Assignment of Rents and Leases); (5) Regulatory Agreement; (6) Bond (hereinafter referred to collectively as the "Financing Documents"); and (7) this proposed form of special ordinance all of which were approved by the Commission by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

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

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

SECTION 2. The forms of the Financing Documents presented herewith (i) are hereby approved (ii) are incorporated herein and (iii) shall be kept on file by the Clerk of the Council or City-Controller. In compliance with Indiana Code Title 36, Article 1, Chapter 5, Section 4, two (2) copies of the Financing Documents are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Issuer shall issue its Bonds in the aggregate principal amount not to exceed Ten Million Dollars \$10,000,000 for the purpose of procuring funds to loan to the Company in order to finance or provide reimbursement for a portion of the cost of the Project which Bonds will be payable as to principal and interest solely from the payments made by the Company pursuant to the Loan and Financing Agreement to evidence and secure said loan and as otherwise provided in the above-described Financing Documents. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

SECTION 4. The City Clerk and City Controller are authorized and directed to sell such Bonds to the purchasers thereof at a price not less than 100% of the aggregate principal amount thereof, plus accrued interest, if any, and at an adjustable rate of interest determined in the manner set forth in the Trust Indenture.

SECTION 5. The Mayor and City Clerk are authorized and directed to execute those Financing Documents approved herein which require the signature of the Mayor and City Clerk and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the Issuer. The signatures of the Mayor and the City Clerk on the Bonds may be facsimile signatures. The City Clerk and City Controller are authorized to arrange for the delivery of such Bonds to the purchaser, payment for which will be made in the manner set forth in the Financing Documents. The Mayor and City Clerk may, by their execution of the Financing Documents requiring their signatures or imprinting of their facsimile signatures thereon, approve changes therein and also in those Financing Documents which do not require the signature of the Mayor and/or City Clerk without further approval of this City-County Council or the Commission if such changes do not affect terms set forth in Indiana Code Title 36, Article 7, Chapter 12, Section 27(a)(1) through (a)(10).

SECTION 6. The provisions of this special ordinance and the Financing Documents shall constitute a contract binding between the Issuer and the holder or holders of the Bonds and after the issuance of said Bonds, this special ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder or holders so long as said Bonds or the interest thereon remains unpaid.

SECTION 7. The Issuer hereby preliminarily finds and determines that the amount of tax credits to be allocated to the Project under Section 42 of the Code and regulations promulgated thereunder does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project. In making the foregoing determination, the Issuer has relied upon representations of the Company. The foregoing determinations shall not be construed to be a representation or warranty by the Issuer as to the feasibility or viability of the Project. The Issuer hereby authorizes and directs the Mayor to make the foregoing determination again for and on behalf of the Issuer at the request of the Company following receipt of supporting materials submitted by the Company or of the Indiana Housing Finance Authority ("IHFA") to the effect that (i) the amount of tax credits to be allocated to the Project under Section 42 of the Code does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project, and (ii) the Project satisfied the requirements for the allocation of a housing credit dollar amount under IHFA's qualified allocation plan. Such determinations

shall occur on or about the date of the sale of the Bonds to the purchasers thereof and on or about the date that each building of the Project is placed in service. In reliance upon the representations of the Company, it is hereby found and determined that the Project satisfies the requirements for the allocation of a housing credit dollar amount under IHFA's qualified allocation plan.

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

### SPECIAL ORDERS – PRIORITY BUSINESS

PROPOSAL NO. 601, 2000. The proposal is a special ordinance approving and agreeing to certain amendments to the terms of the \$7,950,000 City of Indianapolis, Indiana Multifamily Housing Refunding Revenue Bonds, Series 1997A (Broad Ripple Lakes, LP Project) and the \$2,530,000 City of Indianapolis, Indiana Multifamily Housing Refunding Revenue Bonds, Series 1997B (Broad Ripple Lakes, LP Project) (collectively, the "Bonds") including the extension of the maturity of the Bonds, all as set forth in the Second Supplemental Indenture of Trust dated as of October 1, 2000, which amendments have been consented to by the sole bondholder. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Moriarty Adams stated that she will abstain from voting on this proposal to avoid a conflict of interest.

Councillor Hinkle moved, seconded by Councillor Coughenour, for adoption. Proposal No. 601, 2000 was adopted on the following roll call vote; viz:

26 YEAS: *Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Hinkle, Horseman, Knox, Langsford, Massie, Sanders, Schneider, SerVaas, Short, Smith, Soards, Tilford*  
0 NAYS:  
3 NOT VOTING: *Moriarty Adams, Nytes, Talley*

Proposal No. 601, 2000 was retitled SPECIAL ORDINANCE NO. 18, 2000, and reads as follows:

#### CITY-COUNTY SPECIAL ORDINANCE NO. 18, 2000

A SPECIAL ORDINANCE authorizing the city of Indianapolis to approve certain amendments to the terms of the \$7,950,000 City of Indianapolis, Indiana Multifamily Housing Refunding Revenue bonds, Series 1997 A (Broad Ripple Lakes, LP Project) and the \$2,530,000 City of Indianapolis, Indiana Multifamily Housing Refunding revenue bonds, series 1997 B (Broad Ripple Lakes, LP Project) (collectively, the "Bonds") and approving and authorizing other actions in respect thereto.

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

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

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

WHEREAS, a representative of Broad Ripple Lakes, L.P. (the "Borrower") has requested that the City of Indianapolis, Indiana (the "Issuer") approve and agree to certain amendments to the terms of the Bonds (as defined herein), which amendments have been consented to by the sole owner of the Bonds, Allstate Insurance Company, in order to enable the Borrower to undertake and complete the acquisition,

development, rehabilitation and equipping of a 398-unit apartment complex located at 5018 LeMans Drive, Indianapolis, Indiana (the "Project"); and

WHEREAS, pursuant to and in accordance with the Act and the Indenture of Trust, dated as of December 1, 1997, as previously amended and supplemented by a First Supplemental Indenture of Trust, dated August 31, 1998 (collectively, the "Original Indenture"), the issuer desires to approve the amendments set forth in the Second Supplemental Indenture of Trust, dated as of October 1, 2000 (the "Second Supplemental Indenture"), including the extension of the maturity of the \$7,950,000 City of Indianapolis, Indiana Multifamily Housing Refunding Revenue Bonds, Series 1997 A (Broad Ripple Lakes, LP Project) and the \$2,530,000 City of Indianapolis, Indiana Multifamily Housing Refunding Revenue bonds, Series 1997 B (Broad Ripple Lakes, LP Project) (collectively, the "Bonds"); and

WHEREAS, the Indianapolis Economic Development Commission, conducted a public hearing on September 20, 2000 pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"); and

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

WHEREAS, there has been submitted to the Commission for its approval, the substantially final form of the Second Supplemental Indenture of Trust and the proposed form of special ordinance which are by this reference incorporated herein, now, therefore:

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

SECTION 1. It is hereby found that the extension of the maturity of the Bonds and the other amendments referred to in the Second Supplemental Indenture will be of benefit to the health or general welfare of the Issuer and its citizens and comply with the purposes and provisions of the Act and the Original Indenture.

SECTION 2. The form of Second Supplemental Indenture presented herewith is hereby approved and such document shall be kept on file by the Clerk of the Council or City-Controller. In compliance with Indiana Code Title 36, Article 1, Chapter 5, Section 4, two (2) copies of the Second Supplemental Indenture are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Issuer hereby approves the amendments to the terms of the Bonds as set forth in the Second Supplemental Indenture in order to assist the Borrower with the completion and operation of the Project. The Bonds are not, and shall never constitute, a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

SECTION 4. The Mayor and City Clerk are authorized and directed to execute the Second Supplemental Indenture approved herein and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the Issuer. The Mayor and City Clerk may, by their execution of the Second Supplemental Indenture, approve changes therein and also in those other documents which do not require the signature of the Mayor and/or City Clerk without further approval of the City-County Council or the Commission.

SECTION 5. The provisions of this special ordinance and the Second Supplemental Indenture shall constitute a contract binding between the issuer and the holder or holders of the Bonds and after its adoption, this special ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder or holders so long as said Bonds or the interest thereon remains unpaid.

SECTION 6. This special ordinance shall be in full force and effect upon adoption and compliance with Indiana Code Title 36, Article 3, Chapter 4, Section 14.

Councillor Hinkle asked for consent to move Proposal No. 394, 2000 next on the agenda. Consent was given.

### SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 394, 2000. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 394, 2000 on June 5, June 26, July 17, and October 9, 2000. The proposal is an inducement resolution for Washington Pointe Apartments in an amount not to exceed \$7,500,000 for the acquisition of an undeveloped 10.589 tract of land and the construction of a 144-unit multifamily housing residential rental project located at 601 Washington Pointe Drive (District 13). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken. Councillor Hinkle moved, seconded by Councillor Langsford, to strike. Proposal No. 394, 2000 was stricken on the following roll call vote; viz:

*26 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Hinkle, Horseman, Knox, Langsford, Massie, Sanders, Schneider, SerVaas, Short, Smith, Soards, Tilford*

*0 NAYS:*

*3 NOT VOTING: Moriarty Adams, Nytes, Talley*

### SPECIAL ORDERS – PUBLIC HEARING

PROPOSAL NO. 583, 2000. Councillor Coonrod reported that the Administration and Finance Committee heard Proposal No. 583, 2000 on October 3, 2000. The proposal, sponsored by Councillors Nytes and Brents, approves an increase of \$45,000 in the 2000 Budget of the Office of the City Controller (City Cumulative Capital Development Fund) to make electrical repairs at the Indianapolis City Market and to conduct an engineering study of the effects of the Market Square Arena demolition on the Indianapolis City Market, financed by a reduction in fund balances. Councillor Coonrod moved, seconded by Councillor Tilford, to postpone Proposal No. 583, 2000 until October 30, 2000. Proposal No. 583, 2000 was postponed by a unanimous voice vote.

PROPOSAL NO. 586, 2000. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 586, 2000 on October 4, 2000. The proposal approves an increase of \$59,610 in the 2000 Budget of the of Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) to appropriate the state grant for Child Advocates Inc. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 8:56 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Massie, for adoption. Proposal No. 586, 2000 was adopted on the following roll call vote; viz:

*25 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, Moriarty Adams, Nytes, Sanders, SerVaas, Short, Smith, Soards, Tilford*

*0 NAYS:*

*4 NOT VOTING: Bradford, Hinkle, Schneider, Talley*

Proposal No. 586, 2000 was retitled FISCAL ORDINANCE NO. 114, 2000, and reads as follows:

#### CITY-COUNTY FISCAL ORDINANCE NO. 114, 2000

A FISCAL ORDINANCE amending the City-County Annual Budget for 2000 (City-County Fiscal Ordinance No. 98, 1999) appropriating an additional Fifty-nine Thousand Six Hundred Ten (\$59,610) in

the State and Federal Grants Fund for purposes of the Marion County Superior Court, Juvenile Division, and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(cc) of the City-County Annual Budget for 2000 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court, Juvenile Division, for the appropriation of the Child Advocates Inc. grant.

SECTION 2. The sum of Fifty-nine Thousand Six Hundred Ten (\$59,610) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SUPERIOR COURT</u>	
<u>JUVENILE DIVISION</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	59,610
TOTAL INCREASE	59,610

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	59,610
TOTAL REDUCTION	59,610

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

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

PROPOSAL NO. 589, 2000. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 589, 2000 on September 28, 2000. The proposal, sponsored by Councillor Knox, approves an increase of \$600,000 in the 2000 Budget of the Department of Public Works, Contract Compliance Division (Consolidated County Fund) to pay for towing and storage of abandoned vehicles, financed by a reduction in fund balances. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

President SerVaas called for public testimony at 8:58 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Knox, for adoption. Proposal No. 589, 2000, as amended, was adopted on the following roll call vote; viz:

- 25 YEAS: Bainbridge, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Tilford
- 1 NAY: Black
- 3 NOT VOTING: Coughenour, Hinkle, Talley

Proposal No. 589, 2000, as amended, was retitled FISCAL ORDINANCE NO. 115, 2000, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 115, 2000

A FISCAL ORDINANCE amending the City-County Annual Budget for 2000 (City-County Fiscal Ordinance No. 98, 2000) appropriating an additional Six Hundred Thousand Dollars (\$600,000) in the Consolidated County Fund for purposes of the Department of Public Works, Contract Compliance Division and reducing the unappropriated and unencumbered balance in the Consolidated County Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(k) of the City-County Annual Budget for 2000 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works, Contract Compliance Division, to pay for towing and storage of abandoned vehicles.

SECTION 2. The sum of Six Hundred Thousand Dollars (\$600,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC WORKS</u>	
<u>CONTRACT COMPLIANCE DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
3. Other Services and Charges	600,000
TOTAL INCREASE	600,000

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

	<u>CONSOLIDATED COUNTY FUND</u>
Unappropriated and Unencumbered	
Consolidated County Fund	600,000
TOTAL REDUCTION	600,000

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

**SPECIAL ORDERS - FINAL ADOPTION**

PROPOSAL NO. 426, 2000. Councillor Massie reported that Rules and Public Policy Committee heard Proposal No. 426, 2000 on June 19, August 1, August 8, September 12, and October 10, 2000. The proposal, sponsored by Councillors Coonrod and Massie, establishes procedures for council litigation. By a 4-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Massie moved, seconded by Councillor Coonrod, for adoption.

Councillor Horseman stated that she finds it troubling that this proposal was not brought up during the previous administration, as the situation that prompted it seemed to happen at that time. She said that there are still many questions that need to be resolved regarding legislation that would "pit" the legislative body against the executive body of this City's administration.

Proposal No. 426, 2000, as amended, was adopted on the following roll call vote; viz:

15 YEAS: *Bainbridge, Borst, Bradford, Cockrum, Coonrod, Coughenour, Dowden, Hinkle, Langsford, Massie, Schneider, SerVaas, Smith, Soards, Tilford*  
 13 NAYS: *Black, Boyd, Brents, Conley, Douglas, Gibson, Gray, Horseman, Knox, Moriarty Adams, Nytes, Sanders, Short*  
 1 NOT VOTING: *Talley*

Proposal No. 426, 2000, as amended, was retitled GENERAL ORDINANCE NO. 104, 2000, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 104, 2000

A GENERAL ORDINANCE amending the Revised Code establishing procedures for council litigation.

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

SECTION 1. The "Revised Code of the Consolidated City and County" be, and is hereby amended by adding a new Sec. 151-7 to read as follows:

**Sec. 151-7. Litigation procedures.**

(a) If the City-County Council or members of the City-County Council are named as parties in any judicial or administrative proceeding under circumstances that any member of the Council or the Corporation Counsel deems the interests of the Council or the City may be adverse to each other, such councillor or the Corporation Counsel shall inform the President of the City-County Council of such circumstances. Upon being so advised the President shall determine if such a conflict exists. If he determines that a conflict does exist, the General Counsel shall represent the City-County Council in accordance with Sec. 151-101(d) of the Code.

(b) In any judicial or administrative proceeding that either the City-County Council or members of the City-County Council are named as parties or in which the City-County Council has intervened as a party, the President is authorized to provide instructions to the attorney representing the City-County Council as to the conduct of the proceeding, including agreeing to settlement, decisions to petition for review or appeal, and other issues arising during the proceedings.

(c) During any such proceeding, any member of the City-County Council may introduce a proposal for a council resolution that specific instructions issued by the President to the attorney representing the Council be reviewed or reconsidered. The President shall refer such proposal to the Committee on Rules and Public Policy. If the City-County Council adopts the proposal, the instructions of the Presidents are overruled and replaced by those contained in the proposal.

(d) The instructions of the President to the attorney representing the City-County Council shall be in force and effect until and unless those instructions are overruled or replaced by those contained in a resolution adopted by the City-County Council. If such a resolution is adopted, the instructions contained in such resolution shall be in force and effect and the President may issue further instructions, provided that the President's further instructions do not conflict with the instructions contained in such resolution. Thereafter, the City-County Council may modify or rescind its prior resolution in accordance with Subsection (c) of this section.

SECTION 2. The "Revised Code of the Consolidated City and County," specifically Sec. 151-101, be amended by inserting the underlined text to read as follows:

**Sec. 151-101. Duties of the general counsel generally.**

(a) The general counsel shall be responsible to see that all ordinances and resolutions requested by members of the council are drafted, shall review and approve all proposed ordinances and resolutions as to form and legality, shall advise the clerk as to all matters regarding publication and codification of ordinances and shall give legal advice as requested by the councils, their committees and their members.

(b) The general counsel shall be responsible for editing and supervising of the codification of the ordinances and is authorized to renumber and rearrange sections of ordinances or the codification as deemed appropriate.

(c) The general counsel shall also attend meetings of the majority caucus and advise such caucus unless the majority caucus requests other legal representation or if the general counsel determines that an ethical conflict requires withdrawal from such representation.

(d) The general counsel shall represent the Council or councillors (or supervise counsel retained for such purposes, as approved by the president) whenever the corporation counsel has refused to do so or when authorized by resolution of the council.

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

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 584, 585, 587, and 588, 2000 on October 4, 2000. He asked for consent to vote on all these proposals together. Consent was given.

PROPOSAL NO. 584, 2000. The proposal amends the Code by changing the name of the County Corrections Fund to the County Misdemeanant Fund. PROPOSAL NO. 585, 2000. The proposal approves the transfer of \$75,000 in the 2000 Budget of the Metropolitan Emergency Communications Agency (MECA Fund) and repeals F. O. No. 84, 2000. PROPOSAL NO. 587, 2000. The proposal approves a transfer of \$16,000 in the 2000 Budget of the Marion County Superior Court, Juvenile Division (County General Fund) to pay for psychological services for the remainder of year 2000. PROPOSAL NO. 588, 2000. The proposal approves a transfer of \$214,000 in the 2000 Budget of the Marion County Superior Court, Juvenile Division (Juvenile Court Alternative School Services Fund) to pay for the operation of New Directions Academy. By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal Nos. 584, 585, 587, and 588, 2000 were adopted on the following roll call vote; viz:

24 YEAS: *Bainbridge, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Hinkle, Knox, Langsford, Massie, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Tiford*

1 NAY: *Gray*

4 NOT VOTING: *Black, Gibson, Horseman, Talley*

Proposal No. 584, 2000 was retitled GENERAL ORDINANCE NO. 105, 2000, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 105, 2000

A GENERAL ORDINANCE amending Section 135-271 and Section 283-225 of the Revised Code of the Consolidated City and County.

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

SECTION 1. Division 7 of Chapter 136 of the "Revised Code of the Consolidated City and County" be, and is hereby, amended by deleting the stricken-through text and inserting the underlined text to read as follows:

DIVISION 7. COUNTY ~~CORRECTIONS~~ MISDEMEANANT FUND

Sec. 135-271. Created.

(a) ~~The city-county council hereby elects to receive deposits from the department of corrections in accordance with IC 11-12-6.~~

(b) ~~The city-county council hereby elects to receive such deposits at level 3 funding. Level 3 funding shall be equal to three thousand five hundred dollars (\$3,500.00) times eighty-four (84) (Marion County base integer) or two hundred ninety-four thousand dollars (\$294,000.00) for the year ending April 30, 2000.~~

(ea) There is hereby created a "county corrections misdemeanant fund," to be administered by the city-county council. The fund shall consist of deposits received from the department of corrections in accordance with IC 11-12-6-13.

(db) The county corrections misdemeanant fund may be used only for funding the operation of the county jail, jail programs, or other local correctional facilities or other community based programs. Any money remaining in a county corrections misdemeanant fund at the end of the year does not revert to any other fund but remains in the county corrections misdemeanant fund.



SECTION 2. Sec. 283-225 of the "Revised Code of the Consolidated City and County" be, and is hereby amended by deleting the stricken-through text and inserting the underlined text to read as follows:

Sec. 283-225. Additional duties and responsibilities.

The board shall be charged with the following duties and responsibilities:

- (1) To confer with the appropriate city, county, regional and federal agencies concerned with law enforcement and the administration of justice for the purpose of improving programs and policies.
- (2) To confer with the appropriate city, county, regional and federal agencies for the purpose of securing funds for the support of the MCJA.
- (3) To advise law enforcement and the justice agencies on improved policies and programs.
- (4) To determine the means of financing any justice related information services, subject to the approval of the council where applicable.
- (5) To review and approve all budgets, contracts and expenditures for services, equipment purchases, rents or leases, consultants, management or technical personnel, studies, programs and materials or supplies for the subject agencies' common database justice information system.
- (6) To conduct studies and evaluations of any and all information needs and current systems operating in the subject agencies.
- (7) To contract for technical and specialized assistance in administering its duties.
- (8) To require annual plans and resources inventories of the subject agencies and submit such plans for inclusion in the annual city/county master plan for information services.
- (9) To develop, maintain and communicate information services policy for the subject agencies.
- (10) To submit job descriptions and salary levels consistent with ISA and the standards established by the auditor's office.
- (11) To approve the employment or retention by personal services contract a director for justice systems who shall have such duties as directed herein.
- (12) To promulgate rules and regulations for the efficient administration of its policies and procedures for the subject agencies.
- (13) To establish requirements for standards for privacy of personally identifiable confidential information and security of systems and records of subject agencies.
- (14) To delegate any functions to the director, subject to review by the board.
- (15) To hire personnel, who serve at the director's pleasure according to law, to carry out its duties.
- (16) To undertake such other studies or programs related to or involving the subject agencies as may be adopted by the board or assigned to the board by the city-county council.
- (17) To contract for assistance in the collection of money owed to the subject agencies and to add the costs of collection, if amount owed exceeds twenty-five dollars (\$25.00) and became delinquent after July, 1986, to the amount owed and collected.
- (18) To administer the pretrial services division and its subdivisions, including the lockup services, conditional release office, failure to appear office, and office of the jail ombudsman.
- (19) To administer the law enforcement fund and to have authority over expenditures from the fund.
- ~~(20) To coordinate expenditures of the county correction fund in furtherance of streamlining and coordination of the delivery of pretrial services; and~~
- (21-20) To administer the pretrial release fund and have authority over expenditures from the fund.

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

Proposal No. 585, 2000 was retitled FISCAL ORDINANCE NO. 116, 2000, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 116, 2000

A FISCAL ORDINANCE amending the City-County Annual Budget for 2000 (City-County Fiscal Ordinance No. 97, 1999) by transferring and appropriating an additional Seventy-five Thousand Dollars (\$75,000) in the Metropolitan Emergency Communications Agency Fund for purposes of the Metropolitan Emergency Communications Agency and reducing certain other appropriations for that agency, and repealing City-County Fiscal Ordinance No. 84, 2000.

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

SECTION 1. City-County Fiscal Ordinance No. 84, 2000, adopted by the City-County Council on August 7, 2000, is hereby repealed and hereafter shall have no legal effect.

SECTION 2. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 of the Metropolitan Emergency Communications Agency Annual Budget for 2000 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Metropolitan Emergency Communications Agency to meet mission requirements.

SECTION 3. The sum of Seventy-five Thousand Dollars (\$75,000) be, and the same is hereby transferred for the purposes as shown in Section 4 by reducing the accounts as shown in Section 5.

SECTION 4. The following increased appropriation is hereby approved:

<u>METROPOLITAN EMERGENCY</u>	<u>METROPOLITAN EMERGENCY</u>
<u>COMMUNICATIONS AGENCY</u>	<u>COMMUNICATIONS AGENCY FUND</u>
2. Supplies	75,000
TOTAL INCREASE	75,000

SECTION 5. The said increased appropriation is funded by the following reductions:

<u>METROPOLITAN EMERGENCY</u>	<u>METROPOLITAN EMERGENCY</u>
<u>COMMUNICATIONS AGENCY</u>	<u>COMMUNICATIONS AGENCY FUND</u>
3. Other Services and Charges	75,000
TOTAL DECREASE	75,000

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

Proposal No. 587, 2000 was retitled FISCAL ORDINANCE NO. 117, 2000, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 117, 2000

A FISCAL ORDINANCE amending the City-County Annual Budget for 2000 (City-County Fiscal Ordinance No. 98, 1999) transferring and appropriating an additional Sixteen Thousand Dollars (\$16,000) in the County General Fund for purposes of the Marion County Superior Court, Juvenile Division, and reducing certain other appropriations for that court.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(cc) of the City-County Annual Budget for 2000 be, and is hereby amended

by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court, Juvenile Division, to fund psychological services for the remainder of year 2000.

SECTION 2. The sum of Sixteen Thousand Dollars (\$16,000) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION COUNTY SUPERIOR COURT, JUVENILE DIVISION</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	16,000
TOTAL INCREASE	16,000

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

<u>MARION COUNTY SUPERIOR COURT, JUVENILE DIVISION</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	16,000
TOTAL DECREASE	16,000

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

Proposal No. 588, 2000 was retitled FISCAL ORDINANCE NO. 118, 2000, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 118, 2000

A FISCAL ORDINANCE amending the City-County Annual Budget for 2000 (City-County Fiscal Ordinance No. 98, 1999) transferring and appropriating an additional Two-Hundred Fourteen Thousand Dollars (\$214,000) in the Juvenile Court Alternative School Services Fund for purposes of the Marion County Superior Court, Juvenile Division, and reducing certain other appropriations for that court.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(cc) of the City-County Annual Budget for 2000 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court, Juvenile Division, to fund the operation of New Directions Academy.

SECTION 2. The sum of Two-Hundred Fourteen Thousand Dollars (\$214,000) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION COUNTY SUPERIOR COURT</u>	<u>JUVENILE COURT ALTERNATIVE</u>
<u>JUVENILE DIVISION</u>	<u>SCHOOL SERVICES FUND</u>
3. Other Services and Charges	214,000
TOTAL INCREASE	214,000

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

<u>MARION COUNTY SUPERIOR COURT</u>	<u>JUVENILE COURT ALTERNATIVE</u>
<u>JUVENILE DIVISION</u>	<u>SCHOOL SERVICES FUND</u>
1. Personal Services	214,000
TOTAL DECREASE	214,000

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

PROPOSAL NO. 596, 2000. Councillor Massie reported that the Rules and Public Policy Committee heard Proposal No. 596, 2000 on October 10, 2000. The proposal, sponsored by Councillors SerVaas, Borst, and Boyd, authorizes the Mayor to take all action necessary and appropriate to repurchase the property of the Indianapolis Water Company. By a 5-0-1 vote, the

Committee reported the proposal to the Council with the recommendation that it do pass as amended.

President SerVaas stated that water is a vital commodity and he hopes both parties will join the sponsors and the Mayor in seeing that the ownership of the Water Company stays within the City's control. Councillor Conley agreed and stated that this seems to be a "no-brainer" concept.

Councillors Horseman and Short stated that they will abstain from voting on this proposal to avoid the appearance of a conflict of interest.

Councillor Massie moved, seconded by Councillor Coughenour, for adoption. Proposal No. 596, 2000, as amended, was adopted on the following roll call vote; viz:

*26 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coomrod, Coughenour, Douglas, Dowden, Gibson, Gray, Hinkle, Knox, Langsford, Massie, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Smith, Soards, Tilford*  
*0 NAYS:*  
*3 NOT VOTING: Horseman, Short, Talley*

Proposal No. 596, 2000 was retitled SPECIAL ORDINANCE NO. 19, 2000, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 19, 2000

A SPECIAL ORDINANCE authorizing the Mayor to take all action necessary and appropriate to repurchase the property of the Indianapolis Water Company ("the water company") pursuant to IC 8-1-2, IC 8-1-11.2, or any other pertinent statute, ordinance, or contract.

WHEREAS, the City wishes to maintain local ownership and control of the water company to ensure the needs and health of the citizens of Indianapolis are kept as a priority; and

WHEREAS, the City also wishes to ensure healthy, consistent, and cost-effective water service to the citizens of Indianapolis; and

WHEREAS, the original franchise the City granted to the water company gave the City the right to repurchase the company and state statutes further permit such a purchase; and

WHEREAS, the City may repurchase the water company at a fair value determined by the appropriate regulating experts and the City will have ample funds to service the debt issued to pay for that purchase without burdening other City funds; and

WHEREAS, the City wishes, through municipal ownership, to avoid water-rate increases that may result in the future from investor-ownership of the water company; and

WHEREAS, IC 8-1-2 authorizes the City to repurchase the property of a public utility and IC 8-1-11.2 authorizes a consolidated city to purchase a public utility when the City-County Council, by ordinance, has declared it to be expedient so to do; and

WHEREAS, the City also possesses other legal and contract-based rights to purchase utility property; and

WHEREAS, the City must take immediate action to vindicate the interests described above; and

WHEREAS, the City-County Council believes it to be expedient and in the best interests of the citizens of Indianapolis to make such a repurchase of the water company property; now, therefore:

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

SECTION 1. The City-County Council hereby determines and declares it expedient and in the best interests of the citizens of Indianapolis to authorize the Mayor, on the City's behalf, to purchase the property of the water company.

SECTION 2. The Mayor is hereby empowered to take all action necessary and appropriate to acquire the water company, on the City's behalf, pursuant to this ordinance, governing law, and applicable contract rights, for a price and upon such terms and conditions that he deems reasonable and in the best interest of the City; provided, however, (1) that the Mayor shall consult regarding the price and terms and conditions of sale with the Council through its President and such committees as the President may deem appropriate, (2) the price, terms and conditions shall be subject to final confirmation and approval by subsequent ordinance of the Council.

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

## NEW BUSINESS

Mr. Elrod read the following announcement:

Mr. President:

This Council will hold a public hearing on Rezoning Petition No. 2000-ZON-074, Council Proposal No. 661, 2000, at its next regular meeting on October 30, 2000, such meeting to convene at 7:00 p.m. in these Council Chambers in the City-County Building in Indianapolis. This petition proposes to rezone 7.5 acres at 6600 East Westfield Boulevard from C-S District to C-S classification to provide for a restaurant and tavern.

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

Councillor Massie made the following motion:

Mr. President:

I move that the President be authorized to file a petition pursuant to IC 36-4-4-5 to determine whether or not the mayor had authority to veto separate items of Fiscal Ordinance No. 105, 2000 (the Annual Budget for 2001) as set forth in his amendment dated September 23, 2000, specifically:

- (1) Subsection (b) of Section 5.02,
- (2) Subsection (c) of Section 5.02,
- (3) Subsection (e) of Section 4.01, and
- (4) Subsection (f) of Section 4.01,

and if such veto power was properly exercised whether the mayor has authority to fix salaries of city employees in 2001 pursuant to the terms of the Annual Budget adopted for 2000.

Councillor Soards seconded the motion.

Councillor Gray asked on whose behalf this petition would be filed. Councillor Massie stated that he is asking that the President be authorized to act on behalf of this body, so that the judicial branch can rule as to whether or not the vetoes are valid, and if they are valid, if there are salaries in place for 2001 as the result of the vetoes.

Councillor Horseman stated that according to Sec. 151-61 of the rules, she is not sure that something like this can be voted on tonight without public hearing. She said that she also has questions as to who can represent this body, as there is an issue before the body presently regarding a potential conflict of interest on behalf of the counsel. She asked who will represent and advise the 14 members of this body who do not wish to go along with this lawsuit. She

moved, seconded by Councillor Boyd, to postpone action on this motion until it can be properly researched.

President SerVaas called for a vote on the motion to postpone action on this motion. The motion to postpone failed by the following roll call vote; viz:

*13 YEAS: Black, Boyd, Brents, Conley, Douglas, Gibson, Gray, Horseman, Knox, Moriarty Adams, Nyles, Sanders, Short*

*15 NAYS: Bainbridge, Borst, Bradford, Cockrum, Coonrod, Coughenour, Dowden, Hinkle, Langsford, Massie, Schneider, SerVaas, Smith, Soards, Tilford*

*1 NOT VOTING: Talley*

Councillor Massie stated that this motion is not suggesting a lawsuit, but is simply filing a petition that requests the Superior Court to give the body a determination of the dispute of separation of powers.

Councillor Short stated that he has not seen this motion in writing, and does not think it can be voted on unless members of the body have the motion in writing. Councillor Massie provided written copies of the motion.

Councillor Gibson asked who will be listed as defendants in this action. President SerVaas stated that there are no defendants. Councillor Gibson asked who is defined as the plaintiff. President SerVaas stated that this motion is not a lawsuit, but is simply an authorization for a petition to be filed with the courts for a legal opinion.

Councillor Horseman stated that no matter what the President calls this petition, it is civil litigation, and the City will likely be allowed to submit a brief in response to this. She asked if the minority will be given money to retain counsel to challenge the majority's filing of this suit. She stated that the minority caucus has not had any discussion on this matter and there are several questions unanswered, even though general counsel is supposed to be representing both parties.

Councillor Coonrod said that there has been extensive discussion on this issue and the recourse provided the Council regarding these vetoes. He said that any individual Council member could file this petition without a vote this evening. The President is simply giving the body the opportunity for discussion and an avenue for comments to be recorded regarding this matter.

Councillor Conley asked why the President does not just file the petition and save all this wasted time. Councillor Coonrod said that the President is allowing people to air their views and have their vote recorded as to whether they are in favor of the petition or not.

Councillor Gibson moved, seconded by Councillor Horseman, to amend the motion to amend the petition to name those 15 members in favor of the petition as petitioners and exclude the names of the 14 members opposing the petition.

Councillor Coonrod stated that this offered amendment would completely change the nature of the main motion and he believes it to be out of order.

Councillor Horseman stated that this is not true, and that the lawsuit should not be brought in the name of this entire Council, but only in the names of those who vote in favor of it. President SerVaas stated that Councillor Horseman is out of order, and that the floor was yielded first to Councillor Black.

Councillor Black stated that it appears to him that every effort has been directed toward abrogating the responsibility and authority of the Mayor of Indianapolis. He said that it is nothing but politics in an attempt to hamstring the Mayor's authority.

Councillor Borst stated that he does not believe this is an accurate statement. He said that the Mayor has originated three ordinances this year, the violent video game ordinance, the curfew ordinance, and the budget ordinance, and he has received all three. He said that this body has also approved all of his directors and appointments.

Councillor Nytes stated that she would encourage the Council not to proceed with this, as there are already reports that the courts cannot handle all the workload they have before them presently. She said that she does not feel this political squabble is substantive enough to further burden an already overloaded court docket.

Councillor Massie said that this is not a political squabble, but rather a valid question about whether or not these vetoes are lawful. He said that according to law, line item vetoes are allowed only for appropriation of money or taxation. He said that while the Mayor gave very noble reasons and he respects his reasons, those reasons are not grounds for use of the power of the line item veto. Indiana Law makes it very clear as to how separation of power issues should be resolved.

Councillor Gray stated that he is sure the Mayor has had good legal advice to make a solid decision. He stated that such a petition is a waste of time and he does not want his name on it. Councillor Conley said that he would like for those names to be recorded in the petition.

Mr. Elrod stated that the petition is brought by the President of the Council, and the President would be the party that files the petition. Councillor Horseman stated that the law says that this petition can be brought in the name of the entire Council. Councillor Massie stated that this is not his motion. He said that he moved that the President be authorized to file the petition. Councillor Horseman said that moving his authorization does not necessarily indicate that he will be the named petitioner.

Councillor Boyd stated that the motion does not mandate any action, but authorizes the President to take action as to whether or not he will file the petition. He said that this matter is being put squarely on the shoulders of the President. Councillor Massie stated that this is correct, and that his motion will put this burden squarely on the President's shoulders.

President SerVaas called for a vote on Councillor Gibson's motion to insure that no member of the Council opposing this petition will be named as a petitioner. The motion failed by the following roll call vote; viz:

*14 YEAS: Black, Boyd, Brents, Conley, Douglas, Gibson, Gray, Hinkle, Horseman, Knox, Moriarty Adams, Nytes, Sanders, Short*

*14 NAYS: Bainbridge, Borst, Bradford, Cockrum, Coonrod, Coughenour, Dowden, Langsford, Massie, Schneider, SerVaas, Smith, Soards, Tilford*

*1 NOT VOTING: Talley*

Councillor Boyd asked for a ten-minute recess for his caucus to meet regarding this issue. President SerVaas stated that there is a motion on the floor and a recess is not in order at this time. [Clerk's Note: Several members of the minority caucus left the chamber at 9:43 p.m.]

President SerVaas called for a vote on Councillor Massie's motion. The motion carried by the following roll call vote; viz:

15 YEAS: Bainbridge, Borst, Bradford, Brents, Cockrum, Coonrod, Coughenour, Dowden, Hinkle, Langsfjord, Massie, Schneider, Smith, Soards, Tiford  
2 NAYS: Moriarty Adams, Nytes  
12 NOT VOTING: Black, Boyd, Conley, Douglas, Gibson, Gray, Horseman, Knox, Sanders, SerVaas, Short, Talley

### ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, he has been asked to offer the following motion for adjournment by:

- (1) Councillor Smith in memory of Burrle Elrod and William Toney; and
- (2) Councillor Gray in memory of Chief Robert Baskerville; and
- (3) Councillor Langsfjord in memory of Dr. Verne Ketner; and
- (4) Councillor Talley in memory of William Gardner; and
- (5) Councillors Coughenour and Moriarty Adams in memory of Jack E. Hart; and
- (6) Councillor Coughenour in memory of Ben Ito; and
- (7) Councillor Bradford in memory of Sid Maurer, William R. Stanfill, and Edward F. Priller;
- (8) Councillors Massie, Borst, and Coughenour in memory of Virginia George; and
- (9) Councillor Short in memory of Tom Jeffers; and
- (10) Councillor Gibson in memory of Mark E. Walker; and
- (11) Councillor Hinkle in memory of William (Bill) Enlow, Jr.

President SerVaas moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Burrle Elrod, William Toney, Chief Robert Baskerville, Dr. Verne Ketner, William Gardner, Jack E. Hart, Ben Ito, Sid Maurer, William R. Stanfill, Edward F. Priller, Virginia George, Tom Jeffers, Mark E. Walker, and William (Bill) Enlow, Jr. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:47 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 16th day of October, 2000.

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



President



Clerk of the Council

ATTEST:

(SEAL)