

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

**REGULAR MEETINGS  
MONDAY, NOVEMBER 12, 2001**

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, November 12, 2001, with President SerVaas presiding.

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

**ROLL CALL**

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

*29 PRESENT: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, 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.

**INTRODUCTION OF GUESTS AND VISITORS**

Councillor Talley introduced Winnie and Paul Sanders of the Zale Construction Company. He said that Ms. Sanders is here observing Council proceedings as a part of her Civics program at Indianapolis University-Purdue University of Indianapolis (IUPUI). Councillor Massie asked all veterans in attendance to stand and be recognized. Councillor Horseman recognized Deloris Beaver, a long-time neighborhood advocate on the eastside. Councillor Moriarty Adams introduced Rosie Stockdale, Near East Side Community Organization (NESCO).

**OFFICIAL COMMUNICATIONS**

President SerVaas said that he has been asked to find ways to expedite the Council meetings. He said that when Committee public hearings produce unanimous recommendations for passage, he

would like to see an abbreviated report from the Chairman without much elaboration. He said that such proposals could be called out for further discussion if needed, but keeping reports to a minimum would expedite the agenda.

President SerVaas 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, November 12, 2001, 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

**October 23, 2001**

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 Friday, October 26, 2001, a copy of a Notice of Public Hearing on Proposal Nos. 549, 552-556, and 559-567, 2001, said hearing to be held on Monday, November 12, 2001, at 7:00 p.m. in the City-County Building.

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

**October 29, 2001**

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* on Wednesday, October 31, 2001 and in the *Indianapolis Star* on Thursday, November 1, 2001, a copy of a Notice of Public Hearing on Proposal No. 597, 2001, said hearing to be held on Monday, November 12, 2001, at 7:00 p.m. in the City-County Building.

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

**November 2, 2001**

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. 131, 2001 - approves an appropriation of \$92,000 in the 2001 Budget of the Cable Communications Agency (Consolidated County Fund) to purchase digital studio cameras and pedestals for the Channel 16 facility, financed by a cable franchise Public, Educational or Governmental Access Facilities (P.E.G.) grant

November 12, 2001

FISCAL ORDINANCE NO. 132, 2001 - approves an increase of \$1,450,000 in the 2001 Budget of the Department of Public Works, Engineering Division (Flood General Fund) to fund the start-up costs for implementing the Marion County Storm Water Management District, including hiring a qualified billing service and for consulting services to complete the calculation of user fees for non-residential properties, financed by fund balances

FISCAL ORDINANCE NO. 133, 2001 - approves a re-appropriation of \$1,680,002 in the 2001 Budget of the Department of Public Works, Engineering Division (Transportation General and State Grant Funds) to continue street reconstruction, landscaping, and storm sewer improvements near the Eli Lilly headquarters campus, funded by contributions from Eli Lilly Corporation and an Indiana Department of Commerce grant

FISCAL ORDINANCE NO. 134, 2001 - approves a transfer of \$10,000 in the 2001 Budget of the Department of Public Safety, Police Division (City Cumulative Capital Development Fund) for design of a new facility for the IPD Mounted Patrol unit, including housing for the horses

FISCAL ORDINANCE NO. 135, 2001 - approves a transfer of \$60,000 in the 2001 Budget of the Forensic Services Agency (County General Fund) to pay for various laboratory expenses including costs associated with relocating the biology unit to a new location

GENERAL ORDINANCE NO. 101, 2001 - authorizes a traffic signal at 9300 North Meridian (District 3)

GENERAL ORDINANCE NO. 102, 2001 - authorizes a multi-way stop at Candy Spots Drive and Hill Rise Drive (District 23)

GENERAL ORDINANCE NO. 103, 2001 - authorizes a multi-way stop at Appleby Lane and Hadway Drive, and a stop sign on Champton Drive at Appleby Lane (District 4)

GENERAL ORDINANCE NO. 104, 2001 - authorizes a multi-way stop at 12th Street and Goodlet Avenue (District 16)

GENERAL ORDINANCE NO. 105, 2001 - authorizes rush hour parking restrictions on Ohio Street, on the north side, from Hudson Street to East Street (District 16)

GENERAL RESOLUTION NO. 9, 2001 - authorizes the City to accept a state loan of \$60,000 for remediation of a brownfield site located at 1520 Central Avenue

SPECIAL RESOLUTION NO. 72, 2001 - recognizes Daughter Lydia Y. Andrews, Illustrious Commandress of Persian Court No. 24

SPECIAL RESOLUTION NO. 73, 2001 - recognizes the 25th Anniversary of Keep Indianapolis Beautiful

SPECIAL RESOLUTION NO. 74, 2001 - congratulates George Haerle for earning the Marion County Alliance of Neighborhood Associations' Steve West torchlight award

SPECIAL RESOLUTION NO. 75, 2001 - recognizes Indianapolis' top ghostly entertainer Bob Carter a.k.a. Sammy Terry

SPECIAL RESOLUTION NO. 76, 2001 - recognizes the Indianapolis Convention of the Federated King's Daughters group of the Seventh-Day Adventist Church

SPECIAL RESOLUTION NO. 77, 2001 - recognizes Franklin Township's Fire Chief Paul Bailey

SPECIAL RESOLUTION NO. 78, 2001 - determines the need to lease approximately 284 square feet of office space at the Forest Manor Multi-Service Center, 5603 East 38th Street, for home-detention personnel of the Marion County Community Corrections Agency

SPECIAL RESOLUTION NO. 79, 2001 - an inducement resolution for Trilithic, Inc. in an amount not to exceed \$6,500,000 consisting of the construction of an approximately 120,000 sq. ft. manufacturing facility for the production of electrical test equipment and components which will be located at 9710 Park Davis Drive (District 5)

FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 5, 2001 - approves an appropriation of \$870,000 in the 2001 Budget of the Department of Public Safety, Fire Division (Federal Grants Fund) to cover expenses incurred by the Urban Search and Rescue Task Force while being deployed in the New York City rescue efforts from September 11 through September 20, 2001, funded by a reimbursement from FEMA (Federal Emergency Management Agency)

Respectfully,  
s/Bart Peterson, Mayor

## **ADOPTION OF THE AGENDA**

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

## **APPROVAL OF THE JOURNAL**

The President called for additions or corrections to the Journal of October 22, 2001. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 633, 2001. The proposal, sponsored by Councillor Gray, recognizes the successful minority business development career of Donald E. Jones. Councillor Gray said that he will present this resolution to Mr. Jones at a later date. He moved, seconded by Councillor Talley, for adoption. Proposal No. 633, 2001 was adopted by a unanimous voice vote.

Proposal No. 633, 2001 was retitled SPECIAL RESOLUTION NO. 80, 2001, and reads as follows:

### **CITY-COUNTY SPECIAL RESOLUTION NO. 80, 2001**

A SPECIAL RESOLUTION recognizing the successful minority business development career of Donald E. Jones.

WHEREAS, Shortridge High School and Tennessee State University graduate Donald E. Jones was a successful young businessman in real estate and insurance through the 1960's and early 1970's, but he defined "success" a lot differently than many others; and

WHEREAS, with a personal dedication to helping small minority business men and women, Mr. Jones proceeded to spend the rest of his work career helping minority firms with loans, planning, marketing and selling their goods and services to the government and to large corporations; and

WHEREAS, in 1972, he became the Business Development Specialist with the Urban League's Business Development Center of Indianapolis, and then through the years he was with a number of organizations with similar goals, including being the Executive Director since 1984 of the Indiana Regional Minority Supplier Development Council; and

WHEREAS, during the past quarter century the known minority supplier firms to big corporations in the state has increased in annual sales volume from six million dollars to 250 million; and

WHEREAS, within the Indianapolis community, Donald Jones' drive and energy can be felt at the Alpha Home, Flanner House, the Indianapolis Division of Equal Opportunity, the Alpha Phi Alpha Fraternity, and at Witherspoon and Tabernacle Presbyterian Churches; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and thanks Donald E. Jones for his nearly three decades of leadership in assisting minority businesses to succeed.

SECTION 2. Indianapolis is very fortunate that this Tennessee-born gentleman decided a long time ago to call the Crossroads of America his home, and the Council wishes Mr. Jones the very best in the future.

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. 634, 2001. The proposal, sponsored by Councillor Gray, recognizes American Red Cross disaster information officer Nancy Retherford. Councillor Gray stated that Ms. Retherford could not be present this evening. He moved, seconded by Councillor Soards, to postpone Proposal No. 634, 2001 until November 26, 2001. Proposal No. 634, 2001 was postponed by a unanimous voice vote.

PROPOSAL NO. 550, 2001. President SerVaas reported that the Metropolitan Development Committee heard Proposal No. 550, 2001 on November 5, 2001. The proposal, sponsored by Councillors Smith and Gray, approves the Mayor's appointment of Maury Plambeck as the Director of the Department of Metropolitan Development. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Smith moved, seconded by Councillor Borst, for adoption. Proposal No. 550, 2001 was adopted by a unanimous voice vote.

Proposal No. 550, 2001 was retitled COUNCIL RESOLUTION NO. 72, 2001, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 72, 2001

A COUNCIL RESOLUTION approving the Mayor's appointment of Maury Plambeck as the Director of the Department of Metropolitan Development for a term ending December 31, 2001, and until his successor is appointed and qualified.

WHEREAS, pursuant to IC 36-3-5-2 and Section 231-212 of the "Revised code of the Consolidated City and County," a mayoral appointment of the Director of the Department of Metropolitan Development 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 Maury Plambeck to serve as Director of the Department of Metropolitan Development at his pleasure for a term ending December 31, 2001, and until his successor is appointed and qualified; now, therefore:

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

SECTION 1. Maury Plambeck is approved and confirmed by the City-County Council to serve as the Director of the Department of Metropolitan Development for a term ending December 31, 2001, and until his successor is appointed and qualified.

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

PROPOSAL NO. 592, 2001. The proposal, sponsored by Councillor SerVaas, approves a schedule of regular council meetings for the year 2002. Councillor Borst moved, seconded by Councillor Gray, for adoption. Proposal No. 592, 2001 was adopted by a unanimous voice vote.

Proposal No. 592, 2001 was retitled COUNCIL RESOLUTION NO. 73, 2001, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 73, 2001

A COUNCIL RESOLUTION approving a schedule of regular council meetings for the year 2002.

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

SECTION 1. The City-County Council hereby approves the following schedule of regular meetings for the year 2002:

- |      |                           |      |                            |
|------|---------------------------|------|----------------------------|
| (1)  | Monday, January 07, 2002  | (11) | Monday, July 22, 2002      |
| (2)  | Monday, January 28, 2002  | (12) | Monday, August 05, 2002    |
| (3)  | Monday, February 11, 2002 | (13) | Monday, August 26, 2002    |
| (4)  | Monday, February 25, 2002 | (14) | Monday, September 16, 2002 |
| (5)  | Monday, March 18, 2002    | (15) | Monday, October 07, 2002   |
| (6)  | Monday, April 08, 2002    | (16) | Monday, October 28, 2002   |
| (7)  | Monday, April 29, 2002    | (17) | Monday, November 11, 2002  |
| (8)  | Monday, May 20, 2002      | (18) | Monday, November 25, 2002  |
| (9)  | Monday, June 03, 2002     | (19) | Monday, December 16, 2002  |
| (10) | Monday, June 24, 2002     |      |                            |

## **INTRODUCTION OF PROPOSALS**

PROPOSAL NO. 599, 2001. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Curtis Coonrod to the Audit Committee"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 600, 2001. Introduced by Councillors Boyd, McWhirter, and Soards. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which extends by four years the age at which taxicabs and limousines must be removed from service, with the requirement of annual inspections during each of the four years"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 601, 2001. Introduced by Councillors Soards and Boyd. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which extends by one year certain dates associated with the initial licensure of pedal cabs in the Regional Center, and the study and report thereon"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 602, 2001. Introduced by Councillors Coonrod and Nytes. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which approves a public purpose grant in the amount of \$25,000 to Indiana University for the purpose of offsetting expenses necessary for cable connection to Educational Television's ("ETC") new broadcasting location"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 603, 2001. Introduced by Councillors Coonrod and Boyd. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$210,000 in the 2001 Budget of the Department of Administration, Fleet Services Division (Consolidated County Fund) to provide for increased costs of vehicle maintenance"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 604, 2001. Introduced by Councillor Massie. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$50,401 in the 2001 Budget of the Election Board (County General Fund) to provide consulting and attorney fees associated with the negotiation of a contract to procure optical scan voting technology"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 605, 2001. Introduced by Councillors Smith, Moriarty Adams, and Black. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$250,000 in the 2001 Budget of the Department of Metropolitan Development (Consolidated County Fund) to facilitate the move of Permits Division employees, currently stationed in the City-County Building, to existing city offices at 604 N. Sherman Drive in order to consolidate the

permits and inspections staffs into one location"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 606, 2001. Introduced by Councillors Smith and Nytes. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which approves the amounts, locations, and programmatic operation for each project to be funded from Community Development Grant Funds for 2002"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 607, 2001. Introduced by Councillor Cockrum. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which repeals Chapter 135, Article III, Division 8, Sections 381 through 384 of the Revised Code concerning park endowment maintenance fund and transferring its current funds to Parks General Fund"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 608, 2001. Introduced by Councillors Cockrum and Douglas. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$75,980 in the 2001 Budget of the Department of Parks and Recreation (Park General Fund) to purchase equipment for Little Valley Park and Perry Park, and to cover current year obligations of utility bills, financed by fund balances"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 609, 2001. Introduced by Councillors Cockrum and Douglas. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$48,078 in the 2001 Budget of the Department of Parks and Recreation (Federal Grants Fund) to contract with site coordinators of after-school programs at IPS' Forest Manor School and School 108"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 610, 2001. Introduced by Councillors Cockrum and Douglas. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$50,000 in the 2001 Budget of the Department of Parks and Recreation (Transportation General Fund) to contract for street tree and shrub removal services"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 611, 2001. Introduced by Councillors Cockrum and Douglas. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$377,500 in the 2001 Budget of the Department of Parks and Recreation (Park General Fund) to pay current year obligations of utility bills"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 612, 2001. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Charles Neill to the Citizens Police Complaint Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 613, 2001. Introduced by Councillors Dowden and Soards. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves certain public purpose grants totaling \$700,000 to various organizations and entities for calendar year 2002 from the Drug Free Community Fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 614, 2001. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$345,000 in the 2001 Budget of the County Sheriff (County General Fund) to pay food service bills for the remainder of 2001, financed by fund balances (County General Fund will be reimbursed \$200,356 by a federal grant)"; and the President referred it to the Public Safety and Criminal Justice Committee.

Councillor Dowden made the following motion:

Mr. President:

I move to suspend the requirements of Sec. 151-76 of the Council Rules as to Proposal No. 614, 2001, and authorize the Clerk to advertise the same for public hearing before this Council at its meeting on November 26, 2001.

Councillor Talley seconded the motion, and the Rules were suspended by a unanimous voice vote.

PROPOSAL NO. 615, 2001. Introduced by Councillors Dowden and Soards. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$58,327 in the 2001 Budget of the County Sheriff (State and Federal Grants Fund) for a one-time reimbursement to pay overtime for six officers assigned to the Indianapolis Metropolitan Gang Safe Street Task Force, funded by a FBI grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 616, 2001. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$24,000 in the 2001 Budgets of the County Auditor and County Sheriff (County Grants Fund) to provide a uniformed deputy with arrest powers for the security of runaways and Youth Emergency Services staff, funded by a grant from Youth Emergency Services"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 617, 2001. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$20,021 in the 2001 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. 618, 2001. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$11,178 in the 2001 Budgets of the County Auditor and Prosecuting Attorney (State and Federal Grants Fund) to support the "Fathers that Work " program, funded by a state grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 619, 2001. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$161,887 in the 2001 Budget of the County Auditor and Prosecuting Attorney (State and Federal Grants Fund) to support the "Indianapolis Partners for Fragile Families," funded by a federal grant (represents 3 years of funding)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 620, 2001. 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 2001



Budgets of the County Auditor and Prosecuting Attorney (State and Federal Grants Fund) to hire an intern to augment investigation and prosecution of cases (Opportunities Park Apartments - New Approach Anti-Drug Program), funded by a federal grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 621, 2001. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$14,067 in the 2001 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to provide additional funding for the Marion County Family Advocacy Center's Domestic Violence/Protective Order Advocates Program, funded by a grant from the Department of Justice"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 622, 2001. Introduced by Councillors Dowden and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Police Special Service District Fiscal Ordinance which approves an appropriation of \$850,000 in the 2001 Budget of the Department of Public Safety, Police Division (Police Pension Fund) to pay police pension costs for the balance of 2001, financed by fund balances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 623, 2001. Introduced by Councillors Dowden and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fire Special Service District Fiscal Ordinance which approves a reduction of \$850,000 in the 2001 Budget of the Department Public Safety, Fire Division (Fire Pension Fund) to allow a transfer of those appropriations to the Police Pension Fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 624, 2001. Introduced by Councillor Tilford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for the Valley Creek Subdivision (District 12)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 625, 2001. Introduced by Councillor Tilford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 36th Street and Harvest Avenue (District 12)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 626, 2001. Introduced by Councillor Soards. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls at Lafayette Road and Pilgrim Drive (District 1)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 627, 2001. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 10th Street and New Jersey Street (west leg), and one-way traffic on 10th Street from Alabama Street to Central Avenue (District 22)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 628, 2001. Introduced by Councillor Douglas. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes multi-way stops at 31st Street and Bolton Avenue and at 32nd Street and Bolton Avenue (District 10)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 629, 2001. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes 60 degree angled parking on

Shelby Street from Prospect Street to Woodlawn Avenue (District 16)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 630, 2001. Introduced by Councillor Short. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes one-way traffic flow on Sanders Street from Hartford Street to Leonard Street; and on Leonard Street from Sanders Street to Morris Street (District 21)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 631, 2001. Introduced by Councillors Douglas and Nytes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Rural Street, on the west side, from 13th Street to a point 320 feet north of Brookside Parkway South Drive (Districts 10, 22)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 632, 2001. Introduced by Councillor Soards. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which repeals the weight limit restriction on 79th Street between Zionsville Road and Moore Road, and imposes a weight limit restriction for 79th Street between Moore Road and Innovation Boulevard (District 1)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 635, 2001. Introduced by Councillors Coonrod, Bradford, Schneider, and Smith. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which repeals Chapter 273 of the Code and authorizes the Indiana Department of Public Utilities to acquire the assets of the water utility subsidiaries of IWC Resources, Inc."; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 636, 2001. Introduced by Councillors Coonrod, Bradford, Schneider, and Smith. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends Chapter 273 of the Code to require council approval of any water rate increases"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 637, 2001. Introduced by Councillors Coonrod, Bradford, Schneider, and Smith. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends Chapter 273 of the Code to prohibit golden parachute payments as part of the purchase price of any water utility"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 638, 2001. Introduced by Councillors Coonrod, Bradford, Schneider, and Smith. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends Chapter 273 of the Code to prohibit payment of any unfunded pension liabilities of any company in connection with any water utility asset purchase"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 639, 2001. Introduced by Councillors Coonrod, Bradford, Schneider, and Smith. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends Chapter 273 of the Code to provide that the Department of Waterworks shall not be authorized to act until certain allegations shall have been resolved"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 640, 2001. Introduced by Councillors Coonrod, Bradford, Schneider, and Smith. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends Chapter 273 of the Code to prohibit any non-Indiana ownership of any company managing any waterworks for the City"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 641, 2001. Introduced by Councillors Coonrod, Bradford, Schneider, and Smith. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends Chapter 273 of the Code to prohibit any firm from bidding on managing any waterworks for the City if any of its principals or senior management have made certain political contributions"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 642, 2001. Introduced by Councillors Coonrod, Bradford, Schneider, and Smith. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends Chapter 273 of the Code to require that no job reductions shall occur without council approval"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 643, 2001. Introduced by Councillors Coonrod, Bradford, Schneider, and Smith. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends Chapter 273 of the Code to require twenty percent of gross revenues of the waterworks to be placed in a Replacement and Extension Fund"; and the President referred it to the Public Works Committee.

### **SPECIAL ORDERS - PRIORITY BUSINESS**

PROPOSAL NO. 644, 2001, PROPOSAL NOS. 645-646, 2001, PROPOSAL NOS. 647-657, 2001, and PROPOSAL NO. 658, 2001. Introduced by Councillor Smith. Proposal No. 644, 2001, Proposal Nos. 645-646, 2001, Proposal Nos. 647-657, 2001, and Proposal No. 658, 2001 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on November 7, 2001. 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. 154-168, 2001, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 154, 2001.  
2000-ZON-161  
5104 BLUFF ROAD (approximate address), INDIANAPOLIS.  
PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 25  
CURTIS BRINKMAN, by Michael J. Kias, requests a rezoning of 18.6 acres, being in the D-A (FF) (FW) (W-5) District, to the D-6 (FF) (FW) (W-5) classification to provide for multi-family residential uses.

REZONING ORDINANCE NO. 155, 2001.  
2001-ZON-831  
8840 - 8852 SIGNATURE DRIVE AND 9000 VINCENNES CIRCLE (approximate addresses), INDIANAPOLIS.  
PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 1  
US 421, L.L.C., by Thomas Michael Quinn, requests a rezoning of 11.661 acres, being in the C-S, District to the C-4 classification to provide for commercial development.

REZONING ORDINANCE NO. 156, 2001.  
2001-ZON-845  
1605-21 NORTH SHADELAND AVENUE (approximate address), INDIANAPOLIS.  
WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 12.  
SPEEDWAY SUPERAMERICA, L.L.C., by Philip A. Nicely, requests a REZONING of 0.74 acre, being in the D-4 District, to C-3 classification to provide for a gasoline station / convenience store.

REZONING ORDINANCE NO. 157, 2001.

2001-ZON-071 (2001-DP-007)

5380 EMERSON WAY and 5220 LADYWOOD DRIVE (approximate addresses), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 11

LADYWOOD ESTATES, L.L.C. AND LADYWOOD DEVELOPMENT, INC., by David Kingen, requests a rezoning of 23.06 acres, being in the D-S (FF), D-A (FF), and D-2 (FF) Districts, to the D-P (FF) classification to provide for the conversion of 55 leased multi-family residences to individual owned townhomes, and the construction of 30 single-family dwellings and 35 attached townhomes (5.2 units/acre).

REZONING ORDINANCE NO. 158, 2001.

2001-ZON-107

6838 SOUTH EAST STREET (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 25

BRIAN BAUER, by Michael J. Kias, requests a rezoning of 0.90 acre, being in the D-A District, to the C-1 classification to provide for office commercial uses.

REZONING ORDINANCE NO. 159, 2001.

2001-ZON-109

4513 EAST 16<sup>TH</sup> STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 15

SCOTT W. and KATHY A. DEGRASSIE request a rezoning of 0.14 acre being in the C-1 District, to the D-5 classification, to provide for an existing single-family dwelling.

REZONING ORDINANCE NO. 160, 2001.

2001-ZON-111

2446 SOUTH MERIDIAN STREET (approximate address), INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 25

ROMAN CATHOLIC ARCHDIOCESE OF INDIANAPOLIS PROPERTIES, INC., by David Kingen, requests a rezoning of 90 acres, being in the C-1 (FF) and D-5 (FF) Districts, to the SU-10 (FF) classification to conform to the existing cemetery use.

REZONING ORDINANCE NO. 161, 2001.

2001-ZON-113

55 SOUTH HARDING STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 17

PARADIGM DEVELOPMENT, by Jeffrey W. Scripture, requests a rezoning of 1.674 acres, being in the I-4-U (RC) District, to the CBD-2 (RC) classification to provide for the redevelopment of the existing structures for multi-family dwellings.

REZONING ORDINANCE NO. 162, 2001.

2001-ZON-115

4654 SOUTHPORT CROSSING DRIVE (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 24

OUTBACK STEAKHOUSE OF FLORIDA INC., by Thomas Michael Quinn, requests a rezoning of 7.034 acres, being in the C-2 District, to the C-6 classification to provide for a family restaurant and other interstate related uses.

REZONING ORDINANCE NO. 163, 2001.

2001-ZON-116

10802 EAST 21<sup>ST</sup> STREET (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 12

KBS DEVELOPMENT COMPANY, by Philip A. Nicely, requests a rezoning of 1.98 acres, being in the D-A (FF) District, to the SU-1 (FF) classification to provide for religious uses.

REZONING ORDINANCE NO. 164, 2001.

2001-ZON-117

10760 and 10902 EAST 21<sup>ST</sup> STREET (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 12

KBS DEVELOPMENT COMPANY, by Philip A. Nicely, requests a rezoning of 7.824 acres, being in the D-A (FF) (FW) District, to the C-1 (FF) (FW) classification to provide for office uses.

REZONING ORDINANCE NO. 165, 2001.

2001-ZON-118

304 and 404 SOUTH 1<sup>ST</sup> AVENUE (EMERSON AVENUE) (approximate addresses),

CITY OF BEECH GROVE.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 24.

SPEEDWAY SUPERAMERICA LLC & GERTRUDE GREENE, by Philip A. Nicely, requests a rezoning of 1.04 acre, being in the D-5 District, to the C-3 classification to provide for a gasoline station/convenience store.

REZONING ORDINANCE NO. 166, 2001.

2001-ZON-820

2311 EAST 25<sup>TH</sup> STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 10

RODRIC K. RIED, by David Kingen, requests a rezoning of 0.30 acre, being in the D-5 District, to the C-3 classification to provide for a neighborhood commercial redevelopment project.

REZONING ORDINANCE NO. 167, 2001.

2001-ZON-842 (2001-DP-012)

5302 WEST 62<sup>ND</sup> STREET (approximate address), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 1

NATIONAL BENEVOLENT ASSOCIATION, by Mary E. Solada, requests a rezoning of 70.96 acres, being in the D-P District, to the D-P classification to provide for an addition to an existing retirement community, resulting in a density of 6.12 units per acre (5 units per acre provided by the original planned unit development, under petition 85-Z-163).

REZONING ORDINANCE NO. 168, 2001.

2001-ZON-033

5335 MENDENHALL ROAD (approximate address), INDIANAPOLIS.

DECATUR TOWNSHIP, COUNCILMANIC DISTRICT # 19

ROBERT R. CARR, by Thomas Michael Quinn, requests a rezoning of 1.25 acres, being in the D-A District, to the C-S classification to provide for C-1 uses including an assisted living and urgent care center.

PROPOSAL NO. 598, 2001. Councillor Smith reported that the Metropolitan Development Committee heard Proposal No. 598, 2001 on November 5, 2001. The proposal is a final action and public hearing for Pedcor Investments in an amount not to exceed \$11,000,000 which consists of the construction and equipping of a 208-unit apartment complex on an approximately 22.9 acre parcel of land located at 4970 and 4850 W. 62nd Street (District 1). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Smith moved, seconded by Councillor Coughenour, for adoption. Proposal No. 598, 2001 was adopted on the following roll call vote; viz:

*24 YEAS: Bainbridge, Black, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Gibson, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Talley, Tilford*

*0 NAYS:*

*5 NOT VOTING: Borst, Douglas, Dowden, Gray, Soards*

Proposal No. 598, 2001 was retitled SPECIAL ORDINANCE NO. 10, 2001, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 10, 2001

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue up to \$11,000,000 City of Indianapolis, Indiana Adjustable Rate Multifamily Housing Economic Development Revenue Bonds, Series 2001 (Pedcor Investments - 2001 - LIII, L.P. - Lakes of Georgetown Apartments) in one or more series, including its \$10,000,000 Adjustable Rate Multifamily Housing Economic Development Revenue Bonds, Series 2001A (Pedcor Investments - 2001 - LIII, L.P. - Lakes of Georgetown Apartments) (the "Series 2001A

Bonds") and its \$1,000,000 Taxable Adjustable Rate Multifamily Housing Economic Development Revenue Bonds, Series 2001B (Pecor Investments - 2001 - LIII, L.P. - Lakes of Georgetown Apartments) (the "Series 2001B Bonds") (collectively, the "Bonds") and approving and authorizing other actions in respect thereto.

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

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

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

WHEREAS, a representative of Pecor Investments - 2001 - LIII, 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 undertake and complete the acquisition, construction and equipping of an apartment complex with a total of 208 units, in a total of twelve buildings, to be located at 4970 and 4850 West 62<sup>nd</sup> Street, in 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 acquisition, construction and equipping of the Project by issuing the Bonds in one or more series in the aggregate principal amount not to exceed \$11,000,000, including the Series 2001A Bonds and the Series 2001B Bonds; and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on October 31, 2001, 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 in one or more series as follows: (a) the tax-exempt Series 2001A Bonds in an aggregate principal amount not to exceed \$10,000,000, pursuant to a Trust Indenture (the "Series 2001A Indenture"); and (b) the taxable Series 2001B Bonds in an aggregate principal amount not to exceed \$1,000,000, pursuant to a Trust Indenture (the "Series 2001B Indenture" and, together with the Series 2001A Indenture, the "Indentures"), each dated as of November 1, 2001, by and between the Issuer and The Huntington National Bank, as Trustee (the "Trustee") in order to obtain funds to lend to the Company pursuant to a Loan Agreement with respect to the Series 2001A Bonds by and between the Issuer and the Company (the "Series 2001A Loan Agreement") and a Loan Agreement with respect to the Series 2001B Bonds by and between the Issuer and the Company (the "Series 2001B Loan Agreement" and, together with the Series 2001A Loan Agreement, the "Loan Agreements"), each dated as of November 1, 2001, provided, however, that the aggregate principal amount of the Bonds shall not exceed \$11,000,000, 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 Agreements provide 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 Series 2001A Indenture, Series 2001A Loan Agreement, Series 2001B Indenture, Series 2001B Loan Agreement, Land Use Restriction Agreement, Remarketing Agreement, Bond Purchase Agreement and Preliminary Series 2001A Official Statement and 2001B 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, including in particular, the requirement of promoting a substantial likelihood of creating or retaining opportunities for gainful employment. Furthermore, it is hereby found that the Project will further a public purpose of the Issuer through, among other things, the provision of quality, affordable, multifamily housing and services to the tenants.

SECTION 2. The forms of the Financing Documents presented herewith are 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, as described above, including the Series 2001A Bonds and the Series 2001B Bonds, in the aggregate principal amount not to exceed \$11,000,000, 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 Documents 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 97% of the aggregate principal amount thereof plus accrued interest, if any, and at a rate of interest not to exceed 12% percent per annum. The Bonds will mature no later than January 1, 2036.

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

SECTION 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 City Clerk or any other officer of the Issuer familiar with the matters with respect to the Issuer set forth in the Preliminary Official Statement is hereby authorized to certify to the 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.

SECTION 9. The Issuer 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 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 of the City of Indianapolis to review and 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 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.

### SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 525, 2001. The proposal, sponsored by Councillor Dowden, approves an increase of \$260,999 in the 2001 Budget of the County Auditor (State and Federal Grants Fund) to fund the start-up costs for Legacy House and to provide advocate and support staff for victims of accidents caused by drunk drivers who are referred to Legacy House, funded by a grant from the Indiana Criminal Justice Institute (This is a pass through grant.). Councillor Dowden said this proposal was originally referred to the Public Safety and Criminal Justice Committee and then passed out of the Administration and Finance Committee with a 4-3 do pass recommendation. He added, however, that he has been advised that the Health and Hospital Corporation will be handling this grant and it therefore requires no action by the Council. He moved, seconded by Councillor Coonrod, to strike. Proposal No. 525, 2001 was stricken by a unanimous voice vote.

PROPOSAL NO. 549, 2001. Councillor Coonrod reported that the Administration and Finance Committee heard Proposal No. 549, 2001 on October 30, 2001. The proposal approves an increase of \$2,400,000 in the 2001 Budget of the Information Services Agency (Information Services Internal Service Fund) to fund the technology based pass-through costs of City and County agencies. 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 7:40 p.m. There being no one present to testify, Councillor Coonrod moved, seconded by Councillor Tilford, for adoption. Proposal No. 549, 2001 was adopted on the following roll call vote; viz:

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

Proposal No. 549, 2001 was retitled FISCAL ORDINANCE NO. 136, 2001, and reads as follows:



CITY-COUNTY FISCAL ORDINANCE NO. 136, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) appropriating an additional Two Million Four Hundred Thousand Dollars (\$2,400,000) in the Information Services Internal Service Fund for purposes of the Information Services Agency and reducing the unappropriated and unencumbered balance in the Information Services Internal Service 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(h) of the City-County Annual Budget for 2001 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Information Services Agency to cover technology based pass-through costs of City and County agencies

SECTION 2. The sum of Two Million Four Hundred Thousand Dollars (\$2,400,000) 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>INFORMATION SERVICES AGENCY</u>	<u>INFORMATION SERVICES</u>
3. Other Services and Charges	INTERNAL SERVICE FUND
TOTAL INCREASE	2,400,000
	2,400,000

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

	<u>INFORMATION SERVICES</u>
Unappropriated and Unencumbered	<u>INTERNAL SERVICE FUND</u>
Information Services Internal Service Fund	2,400,000
TOTAL REDUCTION	2,400,000

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

PROPOSAL NO. 552, 2001. Councillor Smith reported that the Metropolitan Development Committee heard Proposal No. 552, 2001 on November 5, 2001. The proposal, sponsored by Councillors Smith and Gray, approves an increase of \$302,000 in the 2001 Budget of the Department of Metropolitan Development, (State Grants, Federal Grants, and Redevelopment General Funds) for floodplain analysis and mapping, brownfields assessment and remediation, and for demolition of fire-damaged buildings at the Georgetown Apartments, financed by federal and state grants and by insurance proceeds. By a 6-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 7:41 p.m. There being no one present to testify, Councillor Coonrod moved, seconded by Councillor Nytes, for adoption. Proposal No. 552, 2001 was adopted on the following roll call vote; viz:

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

Proposal No. 552, 2001 was retitled FISCAL ORDINANCE NO. 137, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 137, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) appropriating an additional Three Hundred Two Thousand Dollars (\$302,000) in the Federal Grants, State Grants, and Redevelopment General Funds for purposes of the Department of Metropolitan Development and reducing the unappropriated and unencumbered balance in the Federal Grants, State Grants, and Redevelopment General Funds.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(i) of the City-County Annual Budget for 2001 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development to provide for floodplain analysis and mapping, brownfields assessment and remediation, and for demolition of fire-damaged buildings at the Georgetown Apartments.

SECTION 2. The sum of Three Hundred Two Thousand Dollars (\$302,000) 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 METROPOLITAN DEVELOPMENT</u>	
<u>ADMINISTRATION DIVISION</u>	
3. Other Services and Charges	<u>175,500</u>
TOTAL INCREASE	175,500

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u>	
<u>PERMITS DIVISION</u>	
3. Other Services and Charges	<u>40,000</u>
TOTAL INCREASE	40,000

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u>	
<u>COMMUNITY DEV. AND FINANCIAL SERVICES DIVISION</u>	
3. Other Services and Charges	<u>86,500</u>
TOTAL INCREASE	86,500

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

<u>STATE GRANTS FUND</u>	
Unappropriated and Unencumbered State Grants Fund	<u>175,500</u>
TOTAL DECREASE	175,500

<u>FEDERAL GRANTS FUND</u>	
Unappropriated and Unencumbered Federal Grants Fund	<u>40,000</u>
TOTAL DECREASE	40,000

<u>REDEVELOPMENT GENERAL FUND</u>	
Unappropriated and Unencumbered Redevelopment General Fund	<u>86,500</u>
TOTAL DECREASE	86,500

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 controller 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.

Councillor Cockrum reported that the Parks and Recreation Committee heard Proposal Nos. 553-556, 2001 on October 25, 2001. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 553, 2001. The proposal, sponsored by Councillors Cockrum and Brents, approves an appropriation of \$1,000,000 in the 2001 Budget of the Department of Parks and Recreation (Park General Fund) to begin architectural and engineering design for numerous capital improvements, financed by a grant from the Lilly Endowment. PROPOSAL NO. 554, 2001. The proposal, sponsored by Councillors Soards and Douglas, approves an appropriation of \$400,000 in the 2001 Budget of the Department of Parks and Recreation (Redevelopment Tax Increment Financing Fund) to construct phase 1 of the Eagle Creek Trail, connecting 56th and 46th Streets along Reed Road in Pike Township, financed by fund balances. PROPOSAL NO. 555, 2001. The proposal, sponsored by Councillors Cockrum, Brents, and Soards, approves an appropriation of \$25,000 in the 2001 Budget of the Department of Parks and Recreation (Park General Fund) to establish an After School Recreation Adventure Program (RAP) at four parks and three schools in Indianapolis, financed by a donation from the Marion County Health and Hospital Corporation. PROPOSAL NO. 556, 2001. The proposal, sponsored by Councillors Cockrum and Brents, approves an appropriation of \$20,000 in the 2001 Budget of the Department of Parks and Recreation (Federal Grants Fund) to prepare an inventory of street trees in Center Township, financed by federal funds (Local match is \$20,000 and is funded by existing appropriation in the Department of Parks and Recreation budget.). By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President SerVaas called for public testimony at 7:44 p.m. There being no one present to testify, Councillor Cockrum moved, seconded by Councillor Brents, for adoption. Proposal Nos. 553-556, 2001 were adopted on the following roll call vote; viz:

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

*0 NAYS:*

*2 NOT VOTING: Horseman, Short*

Proposal No. 553, 2001 was retitled FISCAL ORDINANCE NO. 138, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 138, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) appropriating an additional One Million Dollars (\$1,000,000) in the Park General Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Park General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(m) of the City-County Annual Budget for 2001 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to begin architectural and engineering design for numerous capital improvements.

SECTION 2. The sum of One Million Dollars (\$1,000,000) 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 PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
3. Other Services and Charges	<u>1,000,000</u>
TOTAL INCREASE	1,000,000

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

	<u>PARK GENERAL FUND</u>
Unappropriated and Unencumbered	.
Park General Fund	<u>1,000,000</u>
TOTAL REDUCTION	1,000,000

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

Proposal No. 554, 2001 was retitled FISCAL ORDINANCE NO. 139, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 139, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) appropriating Four Hundred Thousand Dollars (\$400,000) in the Redevelopment Tax Increment Financing Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Redevelopment Tax Increment Financing 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(m) of the City-County Annual Budget for 2001 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to construct phase I of the Eagle Creek Trail, connecting 56th and 46th Streets along Reed Road in Pike Township.

SECTION 2. The sum of Four Hundred Thousand Dollars (\$400,000) 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 PARKS AND RECREATION</u>	<u>REDEVELOPMENT TAX INCREMENT FINANCING FUND</u>
4. Capital Outlay	<u>400,000</u>
TOTAL INCREASE	400,000

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

	<u>REDEVELOPMENT TAX INCREMENT FINANCING FUND</u>
Unappropriated and Unencumbered	
Redevelopment Tax Increment Financing Fund	<u>400,000</u>
TOTAL REDUCTION	400,000

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

Proposal No. 555, 2001 was retitled FISCAL ORDINANCE NO. 140, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 140, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) appropriating an additional Twenty-five Thousand Dollars (\$25,000) in the Park General Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Park General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(m) of the City-County Annual Budget for 2001 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to establish an After School Recreation Adventure Program (RAP) at four parks and three schools in Indianapolis.

SECTION 2. The sum of Twenty-five Thousand Dollars (\$25,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
2. Supplies	8,500
3. Other Services and Charges	13,500
4. Capital Outlay	<u>3,000</u>
TOTAL INCREASE	25,000

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

	<u>PARK GENERAL FUND</u>
Unappropriated and Unencumbered Park General Fund	<u>25,000</u>
TOTAL REDUCTION	25,000

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

Proposal No. 556, 2001 was retitled FISCAL ORDINANCE NO. 141, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 141, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) appropriating an additional Twenty Thousand Dollars (\$20,000) in the Federal Grants Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the 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 1.01(m) of the City-County Annual Budget for 2001 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to prepare an inventory of street trees in Center Township.

SECTION 2. The sum of Twenty Thousand Dollars (\$20,000) 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 PARKS AND RECREATION</u>	<u>FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>20,000</u>
TOTAL INCREASE	20,000

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

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Federal Grants Fund	<u>20,000</u>
TOTAL REDUCTION	20,000

SECTION 5. The activity hereby approved through this ordinance is 50% funded by a federal grant. Matching funds have already been appropriated in the 2001 budget, as follows:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
3. Other Services and Charges	<u>20,000</u>
TOTAL	20,000

SECTION 6. Except to the extent of matching funds 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 controller 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 7. 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. 559-564, 2001 on October 23, 2001. He asked for consent to vote on Proposal Nos. 559-561, 2001 together and on Proposal Nos. 562-564, 2001 together. Consent was given.

PROPOSAL NO. 559, 2001. The proposal, sponsored by Councillors Dowden and Soards, approves an increase of \$244,000 in the 2001 Budgets of the County Auditor and the Prosecuting Attorney (State and Federal Grants Fund) to fund DUI enforcement in Marion County, funded by a grant through the Prosecuting Attorney and including other law enforcement agencies. PROPOSAL NO. 560, 2001. The proposal, sponsored by Councillor Dowden, approves a transfer of \$6,683 in the 2001 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to provide salary dollars from excess fringe money in the County Auditor's budget. PROPOSAL NO. 561, 2001. The proposal, sponsored by Councillors Dowden and Soards, approves an increase of \$360,000 in the 2001 Budgets of the County Auditor and the Prosecuting Attorney (State and Federal Grants Fund) to fund the Community Gun Violence Prosecution Program, funded by a federal grant (Local match is \$90,000 and will be funded by the Prosecuting Attorney.). By 7-0 votes, the Committee postponed the proposals. Councillor Dowden moved, seconded by Councillor Talley, to postpone. Proposal Nos. 559-561, 2001 were postponed until November 26, 2001 by a unanimous voice vote.

PROPOSAL NO. 562, 2001. The proposal, sponsored by Councillors Dowden and Soards, approves an increase of \$10,000 in the 2001 Budget of the County Auditor and the Marion County Superior Court (State and Federal Grants Fund) to fund domestic violence probation sweeps, funded by a federal grant (Violence Against Women Grant). PROPOSAL NO. 563, 2001. The proposal, sponsored by Councillor Dowden, approves a transfer of \$19,607 in the 2001 Budget of the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund - Juvenile Div \$15,883; Auditor \$3,724) to provide for expenses in the Juvenile Accountability Incentive Block Grant #2. PROPOSAL NO. 564, 2001. The proposal, sponsored by Councillor Dowden, approves an increase of \$51,987 and a transfer of \$389,340 in the 2001 Budgets of the County Auditor and the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) to provide for expenses in the Juvenile Accountability Incentive Block Grant #3, funded by a transfer and a reduction in fund balances. By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President SerVaas called for public testimony at 7:47 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Soards, for adoption. Proposal Nos. 562-564, 2001 were adopted on the following roll call vote; viz:

25 YEAS: Bainbridge, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Horseman, Langsford, Massie, McWhirter, Moriarty Adams, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford

0 NAYS:

4 NOT VOTING: Black, Gray, Knox, Nytes

Proposal No. 562, 2001 was retitled FISCAL ORDINANCE NO. 142, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 142, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) appropriating an additional Ten Thousand Dollars (\$10,000) in the State and Federal Grants Fund for purposes of the County Auditor and Marion County Superior Court 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(b, cc) of the City-County Annual Budget for 2001 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Auditor and Marion County Superior Court to fund domestic violence probation sweeps.

SECTION 2. The sum of Ten Thousand Dollars (\$10,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services - fringes	249
<u>MARION COUNTY SUPERIOR COURT</u>	
1. Personal Services	3,255
3. Other Services and Charges	6,496
TOTAL INCREASE	10,000

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	10,000
TOTAL REDUCTION	10,000

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. 563, 2001 was retitled FISCAL ORDINANCE NO. 143, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 143, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) transferring and appropriating an additional Nineteen Thousand Six Hundred Seven Dollars (\$19,607) in the State and Federal Grants Fund for purposes of the Marion County Superior Court, Juvenile Division, and reducing certain other appropriations for that agency and the County Auditor.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(b, cc) of the City-County Annual Budget for 2001 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court, Juvenile Division, to provide for expenses in the Juvenile Accountability Incentive Block Grant #2 (JAIBG #2).

SECTION 2. The sum of Nineteen Thousand Six Hundred Seven Dollars (\$19,607) 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 additional appropriation is hereby approved:

<u>MARION COUNTY SUPERIOR COURT,</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
<u>JUVENILE DIVISION</u>	
2. Supplies	6,438
3. Other Services and Charges	793
4. Capital Outlay	<u>12,376</u>
TOTAL INCREASE	19,607

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

<u>MARION COUNTY SUPERIOR COURT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
<u>JUVENILE DIVISION</u>	
1. Personal Services	15,883
<u>COUNTY AUDITOR</u>	
1. Personal Services – fringes	<u>3,724</u>
TOTAL DECREASE	19,607

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

Proposal No. 564, 2001 was retitled FISCAL ORDINANCE NO. 144, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 144, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) appropriating an additional Fifty-one Thousand Nine Hundred Eighty-seven Dollars (\$51,987) and transferring and appropriating an additional Three Hundred Eighty-nine Thousand Three Hundred Forty Dollars (\$389,340) in the State and Federal Grants Fund for purposes of the County Auditor and Marion County Superior Court, Juvenile Division, and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund and reducing certain other appropriations for that agency.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(b, cc) of the City-County Annual Budget for 2001 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Auditor and Marion County Superior Court, Juvenile Division, to provide for expenses in the Juvenile Accountability Incentive Block Grant #3.

SECTION 2. The sum of Four Hundred Forty-one Thousand Three Hundred Twenty-seven Dollars (\$441,327) be, and the same is hereby transferred and appropriated for the purposes as shown in Section 3 by reducing the accounts and the unappropriated balances as shown in Section 4.



SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services - fringes	62,570
MARION COUNTY SUPERIOR COURT, JUVENILE DIV.	
1. Personal Services	318,470
2. Supplies	8,300
3. Other Services and Charges	<u>51,987</u>
TOTAL INCREASE	441,327

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

<u>MARION COUNTY SUPERIOR COURT, JUVENILE DIVISION</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	389,340
Unappropriated and Unencumbered State and Federal Grants Fund	<u>51,987</u>
TOTAL DECREASE	441,327

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.

Councillor Dowden made the following motion:

Mr. President:

I move to suspend the Rules of the Council to allow consideration of Proposal No. 597, 2001, at this meeting.

Councillor Talley seconded the motion, and the Rules were suspended by a unanimous voice vote.

PROPOSAL NO. 597, 2001. The proposal, sponsored by Councillor Dowden, approves an increase of \$831,598 in the 2001 Budget of the Metropolitan Emergency Communications Agency (MECA Emergency Telephone System Fund) to assist in the implementation of a new Enhanced 9-1-1 system, financed by fund balances. Councillor Dowden said that this proposal is a technical amendment to Fiscal Ordinance Nos. 53 and 54, 2001 passed earlier by the full Council, which referenced the wrong fund. He moved, seconded by Councillor Borst, for adoption.

President SerVaas called for public testimony at 7:51 p.m. Abu Henderson, Marion County citizen, said that he does not understand why the Council continues to pour money down the drain for the 9-1-1 system. He said that calls to the emergency line are frequently put on hold or re-routed, and yet fees are still increasing.

Proposal No. 597, 2001 was adopted on the following roll call vote; viz:

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

Proposal No. 597, 2001 was retitled FISCAL ORDINANCE NO. 145, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 145, 2001

A FISCAL ORDINANCE amending the Annual Budget of the Metropolitan Emergency Communications Agency for 2001 (City-County Fiscal Ordinance No. 103, 2000) appropriating an additional Eight Hundred Thirty-one Thousand Five Hundred Ninety-eight Dollars (\$831,598) in the Metropolitan Emergency Communications Agency Emergency Telephone Systems Fund for purposes of the Metropolitan Emergency Communications Agency and reducing the unappropriated and unencumbered balance in the Metropolitan Emergency Communications Agency Emergency Telephone System Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 of the Metropolitan Emergency Communications Agency Annual Budget for 2001 be, and is hereby, amended by repealing City-County Fiscal Ordinance Nos. 53 and 54, 2001, and by the increases and reductions hereinafter stated for purposes of Metropolitan Emergency Communications Agency to assist in implementing a new Enhanced 9-1-1 system.

SECTION 2. The sum of Eight Hundred Thirty-one Thousand Five Hundred Ninety-eight Dollars (\$831,598) be, and the same is hereby, appropriated 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>METROPOLITAN EMERGENCY COMMUNICATIONS AGENCY</u>	<u>METROPOLITAN EMERGENCY COMMUNICATIONS AGENCY EMERGENCY TELEPHONE SYSTEM FUND</u>
3. Other Services and Charges	801,598
4. Capital Outlay	<u>30,000</u>
TOTAL INCREASE	831,598

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

	<u>METROPOLITAN EMERGENCY COMMUNICATIONS AGENCY EMERGENCY TELEPHONE SYSTEM FUND</u>
Unappropriated and Unencumbered Metropolitan Emergency Communications Agency Emergency Telephone Systems Fund	<u>831,598</u>
TOTAL REDUCTION	831,598

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

PROPOSAL NO. 565, 2001. Councillor Coonrod reported that the Administration and Finance Committee heard Proposal No. 565, 2001 on October 30, 2001. The proposal, sponsored by Councillors Coonrod and Nytes, approves an appropriation of \$570,000 in the 2001 Budget of the Metropolitan Emergency Communications Agency (MECA Sinking Fund) to make debt service payments on the 2001 MECA bond issue, previously approved by the City-County Council,

financed by fund balances. 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 7:51 p.m. There being no one present to testify, Councillor Coonrod moved, seconded by Councillor Nytes, for adoption. Proposal No. 565, 2001 was adopted on the following roll call vote; viz:

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

Proposal No. 565, 2001 was retitled FISCAL ORDINANCE NO. 146, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 146, 2001

A FISCAL ORDINANCE amending the Metropolitan Emergency Communications Agency (MECA) Budget for 2001 (City-County Fiscal Ordinance No. 103, 2000) appropriating Five Hundred Seventy Thousand Dollars (\$570,000) in the MECA Sinking Fund for purposes of the Metropolitan Emergency Communications Agency and reducing the unappropriated and unencumbered balance in the MECA Sinking 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 2 of the Metropolitan Emergency Communications Agency Annual Budget for 2001 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Metropolitan Emergency Communications Agency to make debt service payments on the 2001 MECA bond issue, previously approved by the City-County Council.

SECTION 2. The sum of Five Hundred Seventy Thousand Dollars (\$570,000) 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>METROPOLITAN EMERGENCY COMMUNICATIONS AGENCY</u>	<u>MECA SINKING FUND</u>
3. Other Services and Charges	<u>570,000</u>
TOTAL INCREASE	570,000

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

	<u>MECA SINKING FUND</u>
Unappropriated and Unencumbered	
MECA Sinking Fund	<u>570,000</u>
TOTAL REDUCTION	570,000

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

**SPECIAL ORDERS - UNFINISHED BUSINESS**

PROPOSAL NO. 466, 2001. Councillor Smith reported that the Metropolitan Development Committee heard Proposal No. 466, 2001 on October 18, 2001. On October 22, 2001, the proposal was returned to Committee by the full Council for further research. The proposal, sponsored by Councillor Tilford, prohibits sidewalk cafe sale areas from blocking handicap ramps. Councillor Smith said that research continues on the proposal, and he moved, seconded

by Councillor Tilford, to table Proposal No. 466, 2001 until research is completed. Proposal No. 466, 2001 was tabled by a unanimous voice vote.

### SPECIAL ORDERS - FINAL ADOPTION

Councillor Coonrod reported that the Administration and Finance Committee heard Proposal Nos. 545-547, 2001 on October 30, 2001. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 545, 2001. The proposal, sponsored by Councillors Coonrod and Sanders, authorizes tax anticipation borrowing for the City for the Consolidated City Police Force Account, the Police Pension Fund, the Consolidated City Fire Force Account, and the Firemen's Pension Fund, and the Park General Fund during the period from January 1, 2002, through December 31, 2002. PROPOSAL NO. 546, 2001. The proposal, sponsored by Councillors Coonrod and Sanders, authorizes tax anticipation borrowing for the County for the County General Fund and the County Family and Children Fund during the period from January 1, 2002, through December 31, 2002. PROPOSAL NO. 547, 2001. The proposal, sponsored by Councillor Langsford, determines the need to lease office space at 6767 E. Washington Street for the Community Relations Section of the Marion County Sheriff's Department. By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Coonrod moved, seconded by Councillor Langsford, for adoption. Proposal Nos. 545-547, 2001 were adopted on the following roll call vote; viz:

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

*0 NAYS:*

*2 NOT VOTING: Gray, Schneider*

Proposal No. 545, 2001 was retitled FISCAL ORDINANCE NO. 147, 2001, and reads as follows:

#### CITY-COUNTY FISCAL ORDINANCE NO. 147, 2001

A PROPOSAL FOR A FISCAL ORDINANCE approving temporary tax anticipation borrowing, authorizing the City of Indianapolis ("City") to make temporary loans for the use of the Consolidated City Police Force Account, the Police Pension Fund, the Consolidated City Fire Force Account, the Firemen's Pension Fund and the Park General Fund during the period January 1, 2002, through December 31, 2002, in anticipation of current taxes levied in the year 2001 and collectible in the year 2002 ("Taxes"), authorizing the issuance of tax anticipation time warrants ("Warrants") to evidence such loans; pledging and appropriating the Taxes to be received in such Funds to the payment of such Warrants, including the interest thereon; and fixing a time when this ordinance shall take effect.

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

A. that there will be insufficient funds in the Consolidated City Police Force Account to meet the current expenses payable from such Account prior to the June and December 2002 distributions of Taxes levied for such Account, and the June and December 2002 distributions of Taxes to be collected for the Consolidated City Police Force Account will collectively amount to more than Twenty-Nine Million Seven Hundred Seventy-two Thousand One Hundred Thirty-one and 20/100 Dollars (\$29,772,131.20) and the interest cost of making temporary loans for the Consolidated City Police Force Account;

B. that there will be insufficient funds in the Police Pension Fund to meet the current expenses for the payment of pensions and benefits to retired members and dependents of deceased members and other death benefits payable from such Fund prior to the June and December 2002 distributions of Taxes levied for such Fund, and the June and December 2002 distributions of Taxes collected for the Police Pension Fund will collectively amount to more than Four Million Two Hundred Sixty-one Thousand Seven Hundred Thirty-six

and 80/100 Dollars (\$4,261,736.80) and the interest cost of making temporary loans for the Police Pension Fund;

C. that there will be insufficient funds in the Consolidated City Fire Force Account to meet the current expenses payable from such Account prior to the June and December 2002 distributions of Taxes levied for such Account, and the June and December 2002 distributions of Taxes to be collected for the Consolidated City Fire Force Account will collectively amount to more than Twenty-three Million Four Hundred Ten Thousand Eight Hundred Forty-four and 80/100 Dollars (\$23,410,844.80) and the interest cost of making temporary loans for the Consolidated City Fire Force Account; and

D. that there will be insufficient funds in the Firemen's Pension Fund to meet the current expenses for the payment of pensions and benefits to retired members and dependents of deceased members and other death benefits payable from such Fund prior to the June and December 2002 distributions of Taxes levied for such Fund, and the June and December 2002 distributions of Taxes to be collected for the Firemen's Pension Fund will collectively amount to more than Three Million Seven Hundred Fifty-seven Thousand One Hundred Sixty-five and 60/100 Dollars (\$3,757,165.60) and the interest cost of making temporary loans for the Firemen's Pension Fund; and

E. that there will be insufficient funds in the Park General Fund to meet the current expenses for the payment of current expenses payable from such Fund prior to the June and December 2002 distributions of Taxes levied for such Fund, and the June and December 2002 distributions of Taxes to be collected for the Park General Fund will collectively amount to more than Thirteen Million Fifty-six Thousand Seventy-seven and 60/100 Dollars (\$13,056,077.60) and the interest cost of making temporary loans for the Park General Funds; and

WHEREAS, a necessity exists for the making of temporary loans for these Funds and Accounts in anticipation of Taxes for these Funds and Accounts actually levied for the year 2001 and in the course of collection for the year 2002; now, therefore:

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

SECTION 1. The City is authorized to borrow on temporary loans for the use and benefit of the Consolidated City Police Force Account of the City in the maximum principal amount of Twenty-Nine Million Seven Hundred Seventy-two Thousand One Hundred Thirty-one and 20/100 Dollars (\$29,772,131.20) in anticipation of Taxes for the Account for the year 2002, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the Consolidated City Police Force Account and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the Consolidated City Police Force Account from the June and December 2002 distributions of Taxes for the Consolidated City Police Force Account, to the Consolidated City Police Force Account, the 2002 Budget Payments of Loans (hereby created) for the payment of the principal of the Warrants evidencing such temporary loan, and the Consolidated City Police Force Account, 2002 Budget Fund No. 160, Character 03, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on such principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 2. The City is authorized to borrow on temporary loans for the use and benefit of the Police Pension Fund of the City in the maximum principal amount of Four Million Two Hundred Sixty-one Thousand Seven Hundred Thirty-six and 80/100 Dollars (\$4,261,736.80) in anticipation of Taxes for the Fund for the year 2002, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the Police Pension Fund and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the Police Pension Fund from the June and December 2002 distributions of Taxes for the Police Pension Fund, to the Police Pension Fund, the 2002 Budget Payments of Loans (hereby created) for the payment of the principal of the Warrants evidencing such temporary loans, and the Police Fund, 2002 Budget Fund No. 810, Character 03, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 3. The City is authorized to borrow on temporary loans for the use and benefit of the Consolidated City Fire Force Account of the City in the maximum principal amount of Twenty-three Million Four Hundred Ten Thousand Eight Hundred Forty-four and 80/100 Dollars (\$23,410,844.80) in anticipation of Taxes for the Account for the year 2002, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the Consolidated City Fire Force Account and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the Consolidated City Fire Force Account from the June and December 2002 distributions of Taxes for the Consolidated City Fire Force Account to the payment of the principal of the

Consolidated City Fire Force Account, the 2002 Budget Payments of Temporary Loans (hereby created) for the payment of the principal of the Warrants evidencing such temporary loan, and to the 2002 Budget Fund No. 161, Character 03, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 4. The City is authorized to borrow on temporary loans for the use and benefit of the Firemen's Pension Fund of the City in the maximum principal amount of Three Million Seven Hundred Fifty-seven Thousand One Hundred Sixty-five and 60/100 Dollars (\$3,757,165.60) in anticipation of Taxes for the Fund for the year 2002, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the Firemen's Pension Fund, and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the Firemen's Pension Fund from the June and December 2002 distributions of Taxes for the Firemen's Pension Fund to the Firemen's Pension Fund, the 2002 Budget Payments of Temporary Loans (hereby created) for the payment of the principal of the Firemen's Pension Fund 2002 Budget Fund No. 811, Character 03, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 5. The City is authorized to borrow on temporary loans for the use and benefit of the Park General Fund of the City in the maximum principal amount of Thirteen Million Fifty-six Thousand Seventy-seven and 60/100 Dollars (\$13,056,077.60) in anticipation of Taxes for the Fund for the Year 2002, which loans shall be evidenced by the Warrants and hereby certifies borrowing on behalf of the Park General Fund in the year 2001. The Warrants, including interest, shall be payable from the Park General Fund and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the Park General Fund from the June and December 2002 distributions of Taxes for the Park General Fund to the payment of the principal of the Park General Fund, the 2002 Budget Payments of Temporary Loans (hereby created) for the payment of the principal of the Warrants evidencing such temporary loan, and to the 2002 Budget Fund No. 170, Character 03, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 6. (a) All Warrants issued pursuant to this ordinance shall bear interest at the rate or rates, not to exceed a maximum rate of eight percent per annum, to be determined as provided in Section 7. The Warrants for each Fund or Account may be issued in one series, designated Series 2002 Warrants ("Series 2002 Warrants") or in two series, designated Series 2002A and Series 2002B ("Series A Warrants" and "Series B Warrants", respectively). The Series 2002 Warrants for each Fund or Account may be issued in an amount not to exceed the respective amounts set forth herein with interest thereon. The Series A Warrants for each Fund or Account may be issued in an amount not to exceed the amount of the distribution of Taxes scheduled for June 2002 for that Fund or Account. The Series B Warrants for each Fund or Account may be issued in amount not to exceed the amount of the December 2002 distribution of Taxes for that Fund or Account. All Series A Warrants shall mature and be payable not later than June 30, 2002. All Series B Warrants and Series 2002 Warrants shall mature and be payable not later than December 31, 2002. The Warrants shall be dated as of the date or dates of actual delivery of the respective Warrants.

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

SECTION 7. (a) The Controller may sell the Warrants in one or more Series as set forth in Section 6 pursuant to either subsection (b) or (c) of this section. The Controller is hereby authorized and directed to have the Warrants prepared, and the Mayor, Controller and Clerk are hereby authorized and directed to execute and attest the Warrants in the manner substantially set out in the form provided below.

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

(c) The Controller may sell any or all the Warrants at public sale. Prior to the sale of the Warrants at public sale, the Controller shall cause a notice of sale to be published twice, with the first publication at least fifteen days before the date of sale and the second publication at least three days before the sale date, in two newspapers of general circulation, printed in the English language and published in the City, as provided by IC 5-3-1. All bids at public sale for the Warrants shall be sealed and shall be presented to the Controller at his office, and all bids shall name the rate or rates of interest for the Warrants or portion thereof. If sold at public

sale, the Warrants, or portion thereof bid for, shall be awarded to the bidder or bidders offering the lowest net interest cost to the City determined by computing the total interest on all Warrants and deducting any premium. Any premium shall be used solely for the repayment of the principal of and interest on the Warrants. No bid at public sale for less than par shall be considered, and the Controller shall have the right to reject any and all bids at public sale. The proper officers of the City are authorized to deliver the time Warrants to the purchaser or purchasers of the Warrants at public sale in one or more series in exchange for the agreed purchase price in immediately available funds. The Warrants may be delivered in one or more Series at one time or in parcels from time to time, pursuant to any agreements or understandings with respect to such delivery by and between the Controller and the purchaser of the Warrants at public sale.

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

No. \_\_\_\_\_

Principal \$ \_\_\_\_\_

CITY OF INDIANAPOLIS  
TAX ANTICIPATION TIME WARRANT, SERIES 2002  
(\_\_\_\_\_ [FUND] [ACCOUNT])

On the \_\_\_\_\_ day of \_\_\_\_\_, 2002, the City of Indianapolis ("City") in Marion County, Indiana promises to pay to [bearer] [The Indianapolis Local Public Improvement Bond Bank], at the office of the Marion County Treasurer, ex officio Treasurer of the City, the sum of \_\_\_\_\_ Dollars (\$\_\_\_\_\_), or so much of the principal amount of this Warrant (set forth below) as shall have been advanced as shown in Exhibit A plus interest at the rate of \_\_\_\_\_% per annum on the amount advanced for the period of the advance, except that any advance in excess of the Maximum Cumulative Monthly Advance as shown on Exhibit B shall bear as a rate of \_\_\_\_\_% per annum. This Warrant shall be payable solely out of and from ad valorem property taxes levied in the year of 2001, and payable in the [first installment] [second installment] for the year 2002 ("Taxes"), which Taxes are now in course of collection for the \_\_\_\_\_ of the City, with which to pay general, current, operating expenses.

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

The temporary loan was authorized by an ordinance duly adopted by the City-County Council at a meeting thereof duly and legally convened and held on the \_\_\_\_\_ day of \_\_\_\_\_, 2001, for the purpose of providing funds for the \_\_\_\_\_ of the City, in compliance with IC 36-3-4-22.

The consideration for this Warrant is a loan made to the City in anticipation of Taxes levied for the \_\_\_\_\_ of the City for the year of 2001, payable in the [first installment] [second installment] for the year 2002, and the Taxes so levied are hereby specifically appropriated and pledged to the payment of this Tax Anticipation Time Warrant.

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

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

CITY OF INDIANAPOLIS

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

COUNTERSIGNED:

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

ATTEST:

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

EXHIBIT A  
(Advances)

[End of Warrant Form]

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

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

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

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

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

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

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

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

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

Proposal No. 546, 2001 was retitled FISCAL ORDINANCE NO. 148, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 148, 2001

A PROPOSAL FOR A FISCAL ORDINANCE approving temporary tax anticipation borrowing, authorizing Marion County, Indiana ("County") to make temporary loans for the use of the County General Fund and the County Family and Children's Fund ("Funds") during the period from January 1, 2002, through December 31, 2002, in anticipation of current taxes levied in the year 2001 and collectible in the year 2002 ("Taxes"), authorizing the issuance of tax anticipation time warrants ("Warrants") to evidence such loans; pledging and appropriating the Taxes to be received in the Funds to the payment of such Warrants, including the interest thereon; and fixing a time when this ordinance shall take effect.



WHEREAS, the Auditor of the County has filed with the Mayor of the City of Indianapolis ("City") an estimate and statement showing the amount of money needed to pay current expenses from the County General Fund and the County Family and Children's Fund pending the receipt of Taxes actually levied in 2001 and in the process of collection in 2002, and the Mayor did make and enter of record a finding and the Auditor and the Mayor have requested the City-County Council of Indianapolis and of Marion County ("City-County Council") to authorize temporary borrowing to procure funds necessary for use by the Funds to pay the incidental expenses necessary to be incurred in connection with the issuance and sale of the Warrants;

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

A. that there will be insufficient funds in the County General Fund to meet the current expenses payable from the County General Fund prior to the distributions of Taxes levied for such Fund, and the distributions of Taxes to be collected for the County General Fund will collectively amount to more than Seventy-Two Million One Hundred Twenty-Seven Thousand Sixty-nine Dollars and 60/100 (\$72,127,069.60) and the interest cost of making temporary loans for the County General Fund; and

B. that there will be insufficient funds in the County Family and Children's Fund to meet the current expenses payable from such Fund prior to the distributions of Taxes levied for such Fund, and the distributions of Taxes to be collected for the County Family and Children's Fund will collectively amount to more than Thirty One Million Eight Hundred Thirty Four Thousand One Hundred Twenty-two dollars and 40/100 Dollars (\$31,834,122.40) and the interest cost of making temporary loans for the County Family and Children's Fund; and

WHEREAS, a necessity exists for the making of temporary loans for these Funds in anticipation of Taxes for these Funds actually levied for the year 2001 and in the course of collection for the year 2002; now, therefore:

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

SECTION 1. The Auditor of the County and the Mayor of the City are authorized to borrow in the name of the County on temporary loans for the use and benefit of the County General Fund of the County in the maximum principal amount of Seventy Two Million One Hundred Twenty Seven Thousand Sixty-nine Dollars and 60/100 (\$72,127,069.60) in anticipation of Taxes for the Fund for the year 2002, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the County General Fund and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the County General Fund from the June and December 2002 distributions of Taxes for the County General Fund, for the payment of the principal of the Warrants evidencing such temporary loan and the amount of interest on such principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 2. The Auditor of the County and the Mayor of the City are authorized to borrow on temporary loans for the use and benefit of the County Family and Children's Fund of the County in the maximum principal amount of Thirty One Million Eight Hundred Thirty Four Thousand One Hundred Twenty-two dollars and 40/100 Dollars (\$31,834,122.40) in anticipation of Taxes for the Fund for the year 2002, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the County Family and Children's Fund and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the County Family and Children's Fund from the June and December 2002 distributions of Taxes for the County Family and Children's Fund, to the County Family and Children's Fund for the payment of the principal of the Warrants evidencing such temporary loans and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 3. (a) All Warrants issued pursuant to this ordinance shall bear interest at the rate or rates, not to exceed a maximum rate of eight percent per annum, to be determined as provided in Section 4 and subsection (b). The Warrants for each Fund may be issued in one series, designated Series 2002 Warrants ("Series 2002 Warrants") or in two series, designated Series 2002A and Series 2002B ("Series A Warrants" and "Series B Warrants", respectively). The Series 2002 Warrants for each Fund may be issued in an amount not to exceed the respective amounts set forth herein with interest thereon. The Series A Warrants for each Fund may be issued in an amount not to exceed the amount of the distribution of Taxes scheduled for June 2002 for that Fund. The Series B Warrants for each Fund may be issued in an amount not to exceed the amount of the December 2002 distribution of Taxes for that Fund. All Series A Warrants shall mature and be payable not later than on June 30, 2002. All Series B Warrants and Series 2002 Warrants shall mature and be payable not later than December 31, 2002. The Warrants shall be dated as of the date or dates of actual delivery of the respective Warrants.

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

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

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

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

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

No. \_\_\_\_\_ Principal \$ \_\_\_\_\_

MARION COUNTY  
TAX ANTICIPATION TIME WARRANT, SERIES 2002 \_\_\_\_  
(\_\_\_\_\_ FUND)

On the \_\_\_\_\_ day of \_\_\_\_\_, 2002, the Board of Commissioners of Marion County, Indiana ("County") promises to pay to [bearer] [The Indianapolis Local Public Improvement Bond Bank], at the office of the Marion County Treasurer the sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_), or so much of the principal amount of this Warrant (set forth below) as shall have been advanced as shown in Exhibit A plus interest at the rate of \_\_\_\_\_% per annum on the amount advanced for the period of the advance, except that any advance in excess of the Maximum Cumulative Monthly Advance as shown on Exhibit B shall bear interest at the rate of \_\_\_\_\_% per annum. This Warrant shall be payable solely out of and from ad valorem property taxes levied in the year 2001, and payable from the [first installment] [second installment] for the year 2002 ("Taxes"), which Taxes are now in course of collection for the County \_\_\_\_\_ Fund, with which to pay general, current, operating expenses.

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

The temporary loan was authorized by an ordinance duly adopted by the City-County Council at a meeting thereof duly and legally convened and held on the \_\_\_\_\_ day of \_\_\_\_\_, 2001, for the purpose of providing funds for the County \_\_\_\_\_ Fund, in compliance with IC 36-2-6.

The consideration for this Warrant is a loan made to the County in anticipation of Taxes levied for the County \_\_\_\_\_ Fund for the year of 2001, payable in the [first installment] [second installment] for the year 2002, and the Taxes so levied are hereby specifically appropriated and pledged to the payment of this Tax Anticipation Time Warrant.

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

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

THE BOARD OF COMMISSIONERS OF  
MARION COUNTY, INDIANA

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

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

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

COUNTERSIGNED:

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

ATTEST:

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

EXHIBIT A  
(Advances)  
[End of Warrant Form]

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

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

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

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

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

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

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

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

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

Proposal No. 547, 2001 was retitled SPECIAL RESOLUTION NO. 81, 2001, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 81, 2001

A SPECIAL RESOLUTION determining the need to lease approximately 8,272 square feet of office space at 6767 E. Washington Street for the Community Relations Section of the Marion County Sheriff's Department.

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

SECTION 1. The City-County Council, pursuant to IC 36-1-10-7, has investigated the conditions requiring the subject lease and hereby determines the lease of office space for the use of the Community Relations Section of the Marion County Sheriff's Department is necessary.

SECTION 2. The property to be leased is a one-story building, totaling 8,272 square feet, located at 6767 E. Washington Street in Indianapolis, and is owned by the United Farm Bureau Mutual Insurance Company.

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

PROPOSAL NO. 548, 2001. Councillor Coonrod reported that the Administration and Finance Committee heard Proposal No. 548, 2001 on October 30, 2001. The proposal, sponsored by Councillors Borst and Boyd, approves a transfer of \$75,000 in the 2001 Budget of the City-County Council (Consolidated County Fund) to provide for professional services in conjunction with the proposed purchase of the Indianapolis Water Company by the City. By a 6-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Coonrod moved, seconded by Councillor Borst, for adoption.

Councillor Coughenour asked if the money for these professional services will come out of the bond proceeds. Robert Elrod, General Counsel, said that if the water company purchase takes place, these professional services fees will be reimbursed by the proceeds from that bond issuance. He said that since the purchase may take some time, the Council leadership felt the funds should be transferred as available to cover the cost until those dollars can be reimbursed.

Councillor Soards asked if the City also has funds for professional services and if they will also be reimbursed. Mr. Elrod said that the City has allotted funds, and the intention is that these

funds will be reimbursed, as well. Councillor Soards asked what amount the City has allotted for professional services. Mr. Elrod said that he is not sure anyone knows what the final dollar amount is until the final bond proceeds are approved by the Council.

Proposal No. 548, 2001 was adopted on the following roll call vote; viz:

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

Proposal No. 548, 2001 was retitled FISCAL ORDINANCE NO. 149, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 149, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) transferring and appropriating an additional Seventy-five Thousand Dollars (\$75,000) in the Consolidated County Fund for purposes of the City-County Council and reducing certain other appropriations for that agency.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(c) of the City-County Annual Budget for 2001 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the City-County Council to provide for professional services in conjunction with the proposed purchase of the Indianapolis Water Company by the City.

SECTION 2. The sum of Seventy-five Thousand Dollars (\$75,000) 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>CITY-COUNTY COUNCIL</u>	<u>CONSOLIDATED COUNTY FUND</u>
3. Other Services and Charges	75,000
TOTAL INCREASE	75,000

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

<u>CITY-COUNTY COUNCIL</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	25,000
4. Capital Outlay	50,000
TOTAL DECREASE	75,000

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

PROPOSAL NO. 551, 2001. Councillor Smith reported that the Metropolitan Development Committee heard Proposal No. 551, 2001 on November 5, 2001. The proposal, sponsored by Councillors Smith and Gray, authorizes the City to accept a state loan for remediation of brownfield sites. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Smith moved, seconded by Councillor Gray, for adoption.

President SerVaas asked if the City is making a concerted effort to redevelop brownfield sites. Councillor Smith said that it would seem so, as this is the second such proposal to come before the Committee in the last month.

Proposal No. 551, 2001 was adopted on the following roll call vote; viz:

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

*0 NAYS:*

*1 NOT VOTING: Black*

Proposal No. 551, 2001 was retitled GENERAL RESOLUTION NO. 15, 2001, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 15, 2001

PROPOSAL FOR A GENERAL RESOLUTION authorizing the City of Indianapolis and Marion County, Indiana, to accept a loan from the Environmental Remediation Revolving Loan Fund administered by the Indiana Development Finance Authority, and to loan the proceeds therefore to BDG, LLC for the purpose of investigating and remediating contaminated soils and groundwater arising from historic occurrences (including a partially closed underground storage tank system) at Riverside Plaza located at 1426 West 29<sup>th</sup> Street, Indianapolis.

WHEREAS, the State of Indiana has established an Environmental Remediation Revolving Loan Fund ("ERRLF") through IC 13-9-5 as amended (the "Authority Act"), for the purpose of providing funding for the assessment and remediation of "brownfield sites" in Indiana communities which sites contain environmental contamination; and

WHEREAS, the ERRLF contemplates "pass through" loans from the State of Indiana to private entities through local government entities; and

WHEREAS, the Consolidated City of Indianapolis ("City") has made application for a One Hundred Seventy-Five Thousand Dollars (\$175,000) loan from the ERRLF administered by the Indiana Development Finance Authority ("IDFA") and to loan the proceeds thereof to BDG, LLC (the "Authority Loan") for the purpose of investigating and remediating contaminated soils and groundwater arising from historic occurrences (including a partially closed underground storage tank system) at a site owned by the BDG, LLC, Riverside Plaza located at 1426 West 29<sup>th</sup> Street, Indianapolis, consisting of approximately six acres at the corner of 30th Street and Harding Avenue (the "Property"); and

WHEREAS, the Authority Loan may consist of a non-forgivable loan (the "Authority Non-forgivable Loan") in an amount not less than eighty percent (80%) of the principal amount of the Authority Loan and a forgivable loan (the "Authority Forgivable Loan") in an amount not more than twenty percent (20%) of the principal amount of the Authority Loan; and

WHEREAS, the Authority Forgivable Loan will be forgiven if the City achieves certain economic development goals in accordance with those goals set forth at "Exhibit A," attached hereto and incorporated herein by reference; and

WHEREAS, it will be beneficial to the health, safety and general welfare of the City of Indianapolis-Marion County and its citizens if the environmental contamination of the Property is remediated; and

WHEREAS, IDFA requires that the governmental entity sponsoring an ERRLF Loan adopt an ordinance confirming the ultimate source of repayment of the loan; and

WHEREAS, BDG, LLC has agreed to secure a letter of credit on the Authority Loan in the full amount of the Authority Loan which will run in favor of the City; and

WHEREAS, IDFA further requires assurance of the obligations of the governmental entity to repay an ERRLF loan from the entity's own funds in the unlikely event that the primary source or repayment (being backed by the letter of credit) should fail; now, therefore:

November 12, 2001

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

SECTION 1. The City hereby finds and determines that BDG, LLC is the owner of Riverside Plaza located at 1426 West 29<sup>th</sup> Street, Indianapolis, Marion County, Indiana and that the Property is in need of environmental remediation.

SECTION 2. The City has requested the State of Indiana, through the Environmental Remediation Revolving Loan Fund administered by the IDFA, to lend the City a sum not to exceed One Hundred Seventy-Five Thousand Dollars (\$175,000), and the City hereby ratifies and approves the Authority Loan. Up to twenty percent (20%) of the Authority Loan may be forgiven subject to the Borrower attaining the economic development goals in "Exhibit A."

SECTION 3. The City-County Council hereby authorizes and approves the loan of the proceeds of the Authority Loan to the BDG, LLC (the "City Loan") on the condition that the money be used for environmental remediation of the Property and on the further condition that the BDG, LLC provide the City with an irrevocable letter of credit in the amount of One Hundred Seventy-Five Thousand Dollars (\$175,000) (the "Letter of Credit") and the principals of the BDG, LLC agree to secure the Letter of Credit as further security for the Authority Loan in the event that BDG, LLC, Inc. does not repay the Authority Loan.

SECTION 4. In the unlikely event that the primary source of repayment (being the promise of BDG, LLC backed by the Letter of Credit and the personal guarantees) are unable to repay the City Loan, the City-County Council hereby authorizes and approves the repayment of the Authority Loan to IDFA with funds from the City's Brownfields Program.

SECTION 5. The City-County Council hereby authorizes the President of the Council or his designee to execute such documents as may be necessary to carry out the purpose of this Ordinance, including, without limitation, a Loan, Servicing and Disbursement Agreement between the City and IDFA, a Promissory Note in favor of IDFA, and/or such other documents as shall constitute the financial assistance agreement under IC 13-19-5-9, and a Loan Agreement and related documents between the City and BDG, LLC.

SECTION 6. This Ordinance shall become immediately effective upon its adoption by the City-County Council, and enrollment in the Book of Ordinances, notwithstanding any ordinance in conflict with this Ordinance.

PROPOSAL NO. 568, 2001. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 568, 2001 on October 23, 2001. The proposal seeks to establish procedures regarding consideration of proposals for grants from the Drug Free Community Fund. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Talley, for adoption. Proposal No. 568, 2001 was adopted on the following roll call vote; viz:

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

Proposal No. 568, 2001 was retitled GENERAL ORDINANCE NO. 106, 2001, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 106, 2001

A GENERAL ORDINANCE establishing the Drug Free Community Fund as a nonreverting County fund, and codifying the procedures for reviewing and recommending expenditures from the Fund.

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

SECTION 1. Article II of Chapter 135 of the "Revised Code of the Consolidated City and County" be, and is, hereby amended by adding a new Division 11 to read as follows:

DIVISION 11. DRUG FREE COMMUNITY FUND

**Sec. 135-297. Drug free community fund.**

(a) There is hereby established a special, nonreverting county fund to promote comprehensive alcohol and drug abuse prevention initiatives by supplementing local funding for treatment, education, and criminal justice efforts. The fund shall be designated the "drug free community fund."

(b) The fund consists of amounts deposited under IC 33-19-7-1(c) and IC 33-19-7-4(e), and the county auditor shall administer the fund.

(c) The fund shall be continuing, with all balances remaining in the fund at the end of the year, and such balances shall not lapse into the county general fund or be diverted, directly or indirectly, in any manner other than by appropriation by the city-county council in accordance with IC 5-2-11-5.

**Sec. 135-298. Procedure for expenditures from the drug free community fund.**

(a) The Marion County local coordinating council established pursuant to IC 5-2-6-16(a) shall make recommendations for expenditures from the drug free community fund to the Marion County justice agency board.

(b) The chairman of the justice agency board shall appoint a three-member committee from the board to review the recommendations of the local coordinating council. The director of the justice agency shall assist the committee as necessary. The committee shall report on its review to the justice agency board.

(c) At a public meeting of the justice agency board, and after receiving the report of the three-member committee and giving due consideration to the recommendations of the local coordinating council, the justice agency board shall make recommendations to the city-county council.

(d) The recommendations made by the justice agency board shall be consistent with the comprehensive drug free community plan and the requirements of IC 5-2-11-5.

(e) No substantive rights or remedies are created or conferred on any person by the adoption of this section.

SECTION 2. Sec. 283-225 of the "Revised Code of the Consolidated City and County" be, and is, amended by 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 administer the conditional release fund and have authority over expenditures from the fund.
- (21) To monitor the balances in and expenditures from the drug free community fund, and make recommendations to the Council consistent with the comprehensive drug free community plan and the requirements of IC 5-2-11-5.

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

Councillor Coughenour reported that the Public Works Committee heard Proposal Nos. 569-573, 2001 on November 1, 2001. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 569, 2001. The proposal, sponsored by Councillor Coonrod, authorizes intersection controls for Galaxy Lane and Morningstar Drive (District 5). PROPOSAL NO. 570, 2001. The proposal, sponsored by Councillor Borst, authorizes intersection controls on Harding Lane (District 25). PROPOSAL NO. 571, 2001. The proposal, sponsored by Councillors Moriarty Adams and Langsford, authorizes parking restrictions on Colorado Avenue and Euclid Avenue, between Michigan Street and St. Clair Street (District 15). PROPOSAL NO. 572, 2001. The proposal, sponsored by Councillor Smith, authorizes a weight limit restriction on Northeastern Avenue between Franklin Road and Southeastern Avenue (District 23). PROPOSAL NO. 573, 2001. The proposal, sponsored by Councillor Bainbridge, authorizes the deletion of the weight limit restriction on 16th Street between Cunningham Road and Lynhurst Drive, and on Cunningham Road between 16th Street and 21st Street (District 8). By 5-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

Councillor Coughenour moved, seconded by Councillor Bainbridge, for adoption. Proposal Nos. 569-573, 2001 were adopted on the following roll call vote; viz:

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

Proposal No. 569, 2001 was retitled GENERAL ORDINANCE NO. 107, 2001, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 107, 2001

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

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," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
20	Galaxy Ln (SB) Morningstar Dr	Morningstar Dr	Stop

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

Proposal No. 570, 2001 was retitled GENERAL ORDINANCE NO. 108, 2001, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 108, 2001

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

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," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
38	Harding Ln Harding St	Harding St	Stop
38	Harding Ln Thompson Rd	Thompson Rd	Stop

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

Proposal No. 571, 2001 was retitled GENERAL ORDINANCE NO. 109, 2001, and reads as follows:

November 12, 2001

CITY-COUNTY GENERAL ORDINANCE NO. 109, 2001

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets.

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," specifically, Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets, be and the same is hereby amended by the addition of the following, to wit:

*Colorado Avenue*, on the west side, from Michigan Street to St. Clair Street

*Euclid Avenue*, on the west side, from Michigan Street to St. Clair Street

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

Proposal No. 572, 2001 was retitled GENERAL ORDINANCE NO. 110, 2001, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 110, 2001

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-364, Trucks on certain streets restricted.

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," specifically, Sec. 441-364, Trucks on certain streets restricted, be and the same is hereby amended by the addition of the following, to wit:

11,000 POUNDS GROSS WEIGHT

*Northeastern Avenue*, from Franklin Road to Southeastern Avenue

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

Proposal No. 573, 2001 was retitled GENERAL ORDINANCE NO. 111, 2001, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 111, 2001

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-364, Trucks on certain streets restricted.

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," specifically, Sec. 441-364, Trucks on certain streets restricted, be and the same is hereby amended by the deletion of the following, to wit:

11,000 POUNDS GROSS WEIGHT

*Sixteenth Street*, from Cunningham Road to Lynhurst Drive

*Cunningham Road*, from Sixteenth Street to Twenty-first Street

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

PROPOSAL NO. 596, 2001. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 596, 2001 on November 1, 2001. The proposal, sponsored by Councillors SerVaas and Boyd, adopts the provisions of IC Chapter 8-1.5-4 and establishes a city department of waterworks. By a 6-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Schneider said that he is opposed to this proposal for three reasons: 1) this action is not 100% necessary to purchase the water company, 2) there is no timing issue or rush to proceed, as this purchase may still take two years, and 3) this action eliminates other options, such as the public trust model, which may better serve the City. He moved, seconded by Councillor Bradford, to postpone Proposal No. 596, 2001 until other options have been explored.

Councillor Dowden said that he supports the motion to postpone and feels that the purchase of the water utility is certainly germane to this proposal. He said that he believes the water company has done an excellent job providing quality water for the City. He referred to the bus system in the City and how the former company was losing \$400,000 a year but operating a first-class service, yet the IndyGo company is losing \$28.5 million of taxpayer money with less routes, higher rates, and less coverage of the City. He said that the City buying a private utility thinking they can manage it well, is probably inaccurate. He said that he believes the public and the Council are not yet fully informed, and this proposal needs further consideration.

Councillor Coonrod stated that he also supports the motion to postpone because he does not feel that there was a fair hearing, as some individuals asking to testify were told that their comments regarding the wisdom of the water company purchase were not germane to the proposal. He said that he believes his comments were germane and he would support the proposal going back to Committee to allow members the opportunity to make their points before the Committee instead of taking up time on the Council floor.

Councillor Bainbridge stated that it has been testified that the current water company does an excellent job providing quality water. He said that his constituents on the northwest side of the City would beg to differ with this observation, and they are in favor of the City owning the water company if it will give them drinkable water. He added that the City will not manage this company, but will hire professionals to manage it.

Councillor Soards said that the ordinance itself states that the public purposes of this new department would be for the acquisition of the waterworks and its operation. He said that while the intent may be to contract the management services, the operation would be City government's responsibility. He added that he also represents constituents on the northwest side of the City, and there have been challenges with the taste of water. However, he is not sure this is the best structure to solve the water problems. Injecting politics into the quality and safety of the City's water may leave a bad taste in citizens' mouths. He said that there are other options that should be researched and discussed, and he supports the motion to postpone the proposal.

Councillors Horseman and Short stated that they will abstain from voting on Proposal No. 596, 2001 to avoid the appearance of a conflict of interest.

The motion to postpone failed by the following roll call vote; viz:

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

Councillor Borst said that the process does seem to be hurried and did not take place the way he understood it would from his discussions with the Mayor. He said that he actually supports the option of a public trust model, like Citizen's Gas Company, and feels there are more advantages with this option. He said that the one thing he agrees with is that there should be no political jobs come from this, and the board should be made up of professional people. He said that several people have worked very hard on this issue, and although he does not like the seventh board member, he will support the proposal and take the Mayor and President at their word. He therefore urged his fellow Councillors to support the proposal.

President SerVaas said that when he heard the water company was going to be auctioned off to the highest bidder, he was uncomfortable losing these headquarters. He said that water is the most precious commodity, and only public companies could afford to buy this company, as it is too expensive for a private company to buy. He said that the three companies that could afford to buy the water company are French and German companies, and the headquarters would probably not even be in this country. He said that the City exercised a 120-year-old option to stop the auction of this company. The low interest rates made it possible to negotiate a purchase. He said that the official name of Citizen's Gas is the Indianapolis Department of Public Utilities, and this is not necessarily a charity or public trust, and is more of a monopoly, where the management nominates the board members and reports only to themselves. He said that he is asking that no political appointments be made to this board, and the appointments be individuals who are economically literate.

Councillor Smith said that he believes the City has come into this sale as a guerilla, and has used scare tactics to keep other interested parties from entering the process. He said that he believes the government has no business managing a public utility, and he will be voting against the proposal.

Councillor Bradford said that three weeks is not enough time for the public to respond to information regarding the purchase of a \$522 million utility. He said that he is not sure why the administration is negative towards the purchase by a foreign company, as many that bid for the management contract will probably be foreign-owned companies. He added that he is concerned about the appointments coming from the President and Minority Leader of the Council, and he does not feel he will have a voice in those appointments, and the Council as a whole should be able to make those appointments. He said that politics has entered this situation, and he hopes the public will start to realize that they are being taken advantage of by this deal.

Councillor Borst referred to Sec. 273-218 of the proposal and asked if this fund will create interest and how that increase will be used. Mr. Elrod said that it is anticipated that the revenue bond documents will require certain flows of funds out of gross revenues. He said that the precise manner in which excess will be distributed probably cannot be answered at this time, but it is clear that the interest will stay in this fund and cannot be used for any other City operation.

Councillor Coonrod said that the water company has never been owned by Indianapolis individuals, but it has operated in the interest of Indianapolis. He said that he is unsure of the

concern that has been expressed about the company being operated by “foreigners,” as it has been operated in such a manner for many years. He said that he assumes there is the fear that the “foreigners” may raise rates in a few years. To avoid this, the City wants to spend half a billion dollars that they do not have to avoid a rate increase in the next five years. He said that he does not believe this proposal insures that there is no rate increase in five years, and it does not assure private management or that the entity will not be operated by City employees. He said that one example of the City operating a utility is the sewer utility, which is a dismal failure. He said that with half a billion dollars of debt put on a marginal-profit company with a restriction on rate increases and employee layoffs, the only way to make the company sustainable is to defer maintenance on pipes and treatment facilities. Fifteen to twenty years from now the Environmental Protection Agency (EPA) will be monitoring the City’s water service as it is now doing with the sewer utility. He said that the people who understand that this is a bad deal cannot speak because they are water company executives who are bitterly opposed to it, but have been given “golden parachutes” and cannot say publicly what they would like to say, in order to protect their families. He said that water company employees have been threatened with their jobs, and he received an e-mail from a water company employee who wished to remain anonymous. He quoted this employee’s e-mail which stated that the “utility is now coming apart at the seams because NiSource (the owner) will not spend any more money here (because of the purchase process) and the City is adamant about not taking on any additional debt during the transition. In addition, all the company spending on community donations is being cancelled for the year 2002. This purchase is bad for central Indiana...and many of us here would like to tell the whole story but are unable to talk publicly about the mess that has been created.” Councillor Coonrod said that he believes passage of this proposal is a mistake.

President SerVaas said that it is too bad this employee cannot be identified. He said that he does not know of any employees at the company who have been threatened, and the people he knows at the water company really want this purchase to take place.

Councillor Coughenour said that the proposal was amended in Committee to change the word “bonds” to “indebtedness” in Sec. 273-219 to prohibit a change in governing structure while there is still indebtedness. She said that the bonding companies are quite pleased with the bi-partisan structure being proposed by this ordinance. She added that there is no tax pledge for these bonds, and they are revenue bonds that will be paid for by user fees.

Councillor Coughenour moved, seconded by Councillor Borst, for adoption. Proposal No. 596, 2001, as amended, was adopted on the following roll call vote; viz:

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

Proposal No. 596, 2001, as amended, was retitled GENERAL ORDINANCE NO. 112, 2001, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 112, 2001

PROPOSAL FOR A GENERAL ORDINANCE to adopt the provisions of IC Chapter 8-1.5-4, establishing a city department of waterworks.

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

**SECTION 1.** The Consolidated City of Indianapolis (1) hereby adopts the provisions of Chapter 4 of Article 1.5 of Title 8 of the Indiana Code, and (2) pursuant to IC 36-3-4-23, transfers from the Department of Waterworks thereby established, its powers, duties and functions to the Department of Waterworks as created by Section 2 of this ordinance.

**SECTION 2.** The Revised Code of the Consolidated City and County be, and is hereby, amended by adding a new Chapter 273 to read as follows:

CHAPTER 273  
DEPARTMENT OF WATER WORKS

ARTICLE I. DEPARTMENT ESTABLISHED

**Sec. 273-101. Department established.** There is hereby established, pursuant to IC 36-3-4-23, a Department of Waterworks, to which the powers, duties, functions and obligations of the department created by the adoption of Chapter 4 of Article 1.5 of Title 8 of the Indiana Code are hereby transferred.

**Sec. 273-102. Public purposes.** Acquisition of the waterworks, and its operation, improvement and extension, together with existing waterworks assets owned by the city, serves public purposes by providing customers with an adequate, reliable, economical and healthful supply of water and by promoting economic development through creation or retention of opportunities for gainful employment, business opportunities, and retention or attraction of investment.

**Sec. 273-103. Powers.**

(a) The department shall be responsible for the acquisition and ownership of all assets and the operation of any waterworks owned, acquired or established by the City.

(b) The department may provide water utility services in any area in which a department of waterworks established under IC 8-1.5-4 would be authorized to serve as permitted by Indiana Law. The initial waterworks district shall be the territory served by the utility subsidiaries of IWC Resources, Inc. and which will be served by the waterworks under IC 8-1.5-4.

**Sec. 273-104. Duty and responsibility.** It shall be the duty and responsibility of the department of waterworks to furnish an adequate supply of water to consumers within the department's jurisdiction.

ARTICLE II. ORGANIZATION  
DIVISION I. BOARD OF DIRECTORS

**Sec. 273-211. Board of Directors established.** There is hereby created a Board of Directors of the Department of Waterworks as successor to the board provided in IC 8-1.5-4-2.

**Sec. 273-212. Membership of Board.**

(a) The membership of the Board of Directors shall consist of seven (7) members.

(b) Six members shall be appointed by the mayor as follows:

(1) three (3) appointed by the mayor from persons nominated by the President of the City-County Council;

(2) three (3) appointed by the mayor from persons nominated by the minority leader of the major political party (as defined in IC 3-5-2-30) which is different from the major political party of which the President of the City-County Council was a candidate.

(c) One (1) member shall be nominated by the mayor and appointed by the unanimous vote of the other six members. Such member shall be the secretary-treasurer of the Board of Directors, but shall not be counted in determining a quorum and shall not vote except in cases of a tie.

**Sec. 273-213. Terms of members of Board of Directors.**

(a) Except for the secretary-treasurer and the initial appointments made under subsection (b), members of the Board of Directors shall be appointed for six (6) year terms. A director may be reappointed for successive terms.

- (b) The initial members of the Board of Directors shall be appointed for terms as follows:
  - (1) the three members appointed on nomination by the President of the City-County Council shall be for terms ending December 31, 2002, December 31, 2004 and December 31, 2006; and
  - (2) the three members appointed upon nomination of the minority leader of the City-County Council shall be for terms ending December 31, 2002, December 31, 2004, and December 31, 2006.
- (c) A director may be removed by his or her appointing authority for cause only. The appointing authority shall state the reasons for removal in writing.
- (d) If a member dies, resigns or is removed, the vacancy shall be filled upon nomination by the President of the City-County Council or minority leader of the same major political party that nominated the person whose appointment is vacant, for the balance of the term of such person.
- (e) The person appointed as secretary-treasurer shall serve for an initial term ending December 31, 2004, and thereafter for four (4) year terms. If the secretary-treasurer dies, resigns or is removed, the vacancy shall be filled by nomination by the mayor and appointed by unanimous vote of the other six members.

**Sec. 273-214. Officers.** The Board of Directors shall annually elect a chairperson and a vice-chairperson from the members of the Board of Directors.

**Sec. 273-215. Board of Directors meetings.** The Board of Directors shall hold regularly scheduled meetings at least once a month, at times and places prescribed by its rules or established by resolution. No notice to directors is required for holding, or taking any action at, a regularly scheduled meeting. A special meeting of the Board of Directors may be called by the chairperson, the secretary-treasurer or by three (3) directors, at any place in the department's jurisdiction as designated in the call. Each director shall be notified of the time and place of a special meeting by written notice delivered at least forty-eight (48) hours in advance of the meeting. The notice requirement may be waived as to a director who attends the meeting, or who executes a written waiver of notice either before or after the meeting.

**Sec. 273-216. Quorum.** Four members of the Board of Directors (excluding the Secretary/Treasurer) shall constitute a quorum for transaction of business. An affirmative vote of a majority of the entire Board of Directors shall be required for action by the Board of Directors.

**Sec. 273-217. Powers and duties of the Board of Directors.** The Board of Directors shall have the following powers and duties:

- (1) The power to acquire by purchase, lease or exchange and hold, rent or lease all real and personal property of the waterworks;
- (2) Those powers and duties prescribed by IC 8-1.5-4 and all other powers necessary or desirable in the conduct of its affairs;
- (3) The power to cooperate, and to coordinate the operation of the department of waterworks, with other city departments, including the department of public utilities, as may be necessary or appropriate in the opinion of the Board of Directors;
- (4) The power to enter into all agreements or understandings as may be necessary or appropriate, including, but not limited to arrangements for the provision of utility service and for payments in lieu of property taxes;
- (5) The power to consent to the regulatory jurisdiction of the Indiana Utility Regulatory Commission to the extent permitted or required by law;
- (6) The power to issue requests for qualifications or proposals and to enter into management or operating agreements;
- (7) The power to issue revenue bonds for the acquisition and expansion of the waterworks, subject to approval of such issuance and the bond resolution authorizing such issuance by resolution of the City-County Council as required by or IC 36-3-5-8;



- (8) The power to determine which functions and operations of the department, if any, will be retained by the city or transferred to one or more divisions of the Department, subject to approval by the City-County Council.

**Sec. 273-218. Fiscal Controls.**

(a) All revenue from the operation of the department or from the disposal of any of its assets or rights shall be deposited in the Waterworks Revenue Fund.

(b) Subject to the definitive terms of the bond resolution, the City Controller, as the chief fiscal officer to the department, shall be responsible for ensuring that the receipt of revenues from customers of the utility, revenues derived from the operation of the waterworks or funds from the disposal of its assets or operating rights, shall all be deposited immediately upon receipt into the Waterworks Revenue Fund, or as otherwise specifically directed by the Board of Directors for the provision of water utility service.

(c) Subject to the definitive terms of the bond resolution, all revenues received from the operation of the Waterworks, or received from the disposal of any assets or operating rights thereof, shall be used only for the operation, maintenance, extension, financing, acquisition of professional or expert personnel, payment in lieu of taxes, or as otherwise specifically directed by the Board of Directors for the provision of water utility service.

(d) All rates and charges of the waterworks shall be determined by the Board of Directors and authorized, to the extent permitted or required by law, by the Indiana Utility Regulatory Commission or its successor regulatory agencies.

(e) The Board of Directors shall submit to the City-County Council an annual report on the operations of the Department.

**Sec. 273-219. Changes to Article Restricted.** Whenever the covenants with respect to any indebtedness issued for purposes of the Department of Waterworks restrict or prohibit changes to the governing structure of the Department, the terms of the covenants shall be binding upon the City, and the provisions of this Article shall not be amended, except as permitted by such covenants and other applicable law.

DIVISION 2. SERVICE ADVISORY BOARD

**Sec. 273-221. Service Advisory Board established.** The Department of Waterworks Service Advisory Board shall be established upon request as provided in Sec. 273-222.

**Sec. 273-222. Board composition; process for selecting members.**

(a) Any county, municipality, or excluded city which is provided water utility services by the department, may request the establishment or, once it is established, participate in the service advisory board.

(b) The Executive of each county, municipality, or excluded city served by the department that requests participation under subsection (a) shall appoint one member to the service advisory board.

(c) Each service advisory board member shall serve at the pleasure of his or her appointing authority for a term of one year ending on December thirty-first, and until his or her successor is appointed and qualified. A member may be reappointed for successive terms.

(d) The chairperson shall be selected annually by a majority of the members of the advisory board.

**Sec. 273-223. Functions of the service advisory board.** The service advisory board may furnish recommendations to the board of directors with respect to any of the powers and duties the board of directors may exercise and perform including, but not limited to recommendations concerning service, utility service agreements, rates, water quality, system expansion, and management.

**Sec. 273-224. Meetings; quorum.**

(a) The service advisory board may hold meetings at times and places prescribed by its rules or established by resolution. No notice to members is required for holding, or taking any action at a regularly scheduled meeting. A special meeting of the service advisory board may be called by the chairperson or by a majority of its members at any place in the department's jurisdiction as designated in the call. Each member shall be notified of the time and place of a special meeting by written notice delivered at least forty-eight (48) hours in advance of the meeting. The notice requirement may be

waived as to a member who attends the meeting or who executes a written waiver of notice either before or after the meeting.

(b) A majority of the total number of members shall constitute a quorum of the service advisory board. A quorum is required for official service advisory board action, the advisory board shall act by resolution and a majority vote of the quorum is required to pass a resolution.

#### ARTICLE III. INTERGOVERNMENTAL AGREEMENTS

**Sec. 273-301. Intergovernmental Agreements.** Any county or municipality, all or part of which is provided water utility services by the Department, may enter into an intergovernmental agreement with the Department.

**Sec. 273-302. Expansion of Service Area by Intergovernmental Agreements.**

(a) Before the Board of Directors shall approve expansion of the Department's service area beyond the service area set forth in Sec. 273-103(b), the Department shall have entered into an intergovernmental agreement with the county or municipality having jurisdiction over the territory containing the area to be served.

(b) The intergovernmental agreement shall contain the following terms:

- (1) The boundaries of the area to be served.
- (2) The term.
- (3) The manner of providing water utility services.
- (4) Provisions for termination of the intergovernmental agreement, provided however, that the real and personal property of the waterworks shall remain the property of the Department.
- (5) That the agreement shall be in full force and effect when approved by concurrent resolutions or ordinances of the City County Council and the legislative body of the other municipality or county.

(c) All agreements adopted under this Article shall contain substantially identical provisions and impose the same burdens and same benefits upon each entity entering into such agreements.

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

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

**SECTION 5.** This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

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

President SerVaas convened the Police Special Service District Council.

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 566 and 567, 2001 on October 23, 2001. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 566, 2001. The proposal, sponsored by Councillors Dowden, Moriarty Adams, and Talley, approves an appropriation of \$1,500,000 in the 2001 Budget of the Department of

Public Safety, Police Division (Federal Grants Fund) to purchase the AFIS (Automated Fingerprint Identification System) Palm Print Identification System, financed by a grant from the US Department of Justice. PROPOSAL NO. 567, 2001. The proposal, sponsored by Councillors Dowden, Moriarty Adams, and Talley, approves an appropriation of \$236,188 in the 2001 Budget of the Department of Public Safety, Police Division (Federal Grants Fund) to fund juvenile crime programs and overtime costs associated with federal task forces, and to purchase supplies and equipment for the Police Department, financed by federal funds (Local match for one of the grants is \$1,196 and is funded by existing appropriation in the Police General Fund Budget.). By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President SerVaas called for public testimony at 8:55 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Talley, for adoption. Proposal Nos. 566 and 567, 2001 were adopted on the following roll call vote; viz:

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

Proposal No. 566, 2001 was retitled POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 5, 2001, and reads as follows:

POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 5, 2001

A POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE amending the Police Special Service District Budget for 2001 (Police Special Service District Ordinance No. 3, 2000) appropriating One Million Five Hundred Thousand Dollars (\$1,500,000) in the Federal Grants Fund for purposes of the Department of Public Safety, Police Division, and reducing the unappropriated and unencumbered balance in the Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 of the Police Special Service District Budget for 2001 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Police Division, to purchase the AFIS (Automated Fingerprint Identification System) Palm Print Identification System.

SECTION 2. The sum of One Million Five Hundred Thousand Dollars (\$1,500,000) 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:

DEPARTMENT OF PUBLIC SAFETY	
<u>POLICE DIVISON</u>	
4. Capital Outlay	<u>1,500,000</u>
TOTAL INCREASE	1,500,000

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

<u>FEDERAL GRANTS FUND</u>	
Unappropriated and Unencumbered	
Federal Grants Fund	<u>1,500,000</u>
TOTAL REDUCTION	1,500,000

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 controller 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 appropriation shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until the completion of the capital project described in section 1 above.

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

Proposal No. 567, 2001 was retitled POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 4, 2001, and reads as follows:

POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 4, 2001

A POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE amending the Police Special Service District Budget for 2001 (Police Special Service District Ordinance No. 3, 2000) appropriating Two Hundred Thirty-six Thousand One Hundred Eighty-eight Dollars (\$236,188) in the Federal Grants Fund for purposes of the Department of Public Safety, Police Division, and reducing the unappropriated and unencumbered balance in the Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 of the Police Special Service District Budget for 2001 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Police Division, to fund juvenile crime programs and overtime costs associated with federal task forces, and to purchase supplies and equipment for the Police Department.

SECTION 2. The sum of Two Hundred Thirty-six Thousand One Hundred Eighty-eight Dollars (\$236,188) 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 SAFETY</u>		<u>FEDERAL GRANTS FUND</u>
<u>POLICE DIVISION</u>		
1. Personal Services		95,504
2. Materials and Supplies		20,000
3. Other Services and Charges		1,000
4. Capital Outlay		<u>119,684</u>
TOTAL INCREASE		236,188

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

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Federal Grants Fund	<u>236,188</u>
TOTAL REDUCTION	236,188

SECTION 5. The grants hereby appropriated through this ordinance are primarily 100% funded by the funding agencies. However, one grant requires local matching funds, which are already included in the 2001 budget. The following existing appropriation in the Police General Fund Budget is hereby approved to be used as the local match for one of these grants:

	<u>POLICE GENERAL FUND</u>
Existing appropriation:	
5. Internal Charges	<u>1,196</u>
TOTAL	1,196

SECTION 6. Except to the extent of matching funds 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

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for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller 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 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

President SerVaas reconvened the City-County Council.

### NEW BUSINESS

Councillor Bradford said that he will once again be deep-frying turkeys the weekend before Thanksgiving and selling them for \$99 to benefit SACK Hunger if anyone is interested in helping with the preparation or purchasing a turkey.

Councillor Smith suggested that the Council leadership invite the Mayor to speak at the next Council meeting to address some of the unresolved issues and questions of Councillors.

Councillor Sanders said that the Council has received a certificate of appreciation for their work and passage of the collective bargaining ordinance for City and County employees from the Association of Federal, State, and County Municipal Employees (AFSCME) Council 62.

### ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Boyd stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor Boyd in memory of Paul C. Ware, Sr. and Marjorie Earley McDaniel Shields;
- (2) Councillor Talley in memory of Willie Pearl Riley; and
- (3) Councillor Knox in memory of Louise Freije Nibarger; and
- (4) Councillors Tilford and Langsford in memory of David Luttrell; and
- (5) Councillor Horseman in memory of Jeanette Hendry, Noel Becker, and Martha Shaw.

Councillor Boyd moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Paul C. Ware, Sr., Marjorie Earley McDaniel Shields, Willie Pearl Riley, Louise Freije Nibarger, David Luttrell, Jeanette Hendry, Noel Becker, and Martha Shaw. 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 9:01 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 12th day of November, 2001.

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



President

ATTEST:



Clerk of the Council

(SEAL)