

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

**REGULAR MEETINGS
MONDAY, NOVEMBER 25, 2002**

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 7:15 p.m. on Monday, November 25, 2002, with President Borst presiding.

Councillor Bradford introduced Jay Height, representative of Sack Hunger, who led the opening prayer. Councillor Bradford then invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

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

27 PRESENT: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Frick, Gibson, Gray, Knox, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short, Smith, Soards, Talley, Tilford
2 ABSENT: Horseman, Langsford

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor Sanders noted that history is being made in these chambers with a woman in a leadership position, and she applauded Councillor Coughenour. Councillor Nytes recognized Mr. Height as a member of the Indianapolis-Marion County Library Board of Trustees, and wished her son a happy birthday.

OFFICIAL COMMUNICATIONS

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

Journal of the City-County Council

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 25, 2002, 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/Philip C. Borst, D.V.M.
President, City-County Council

November 12, 2002

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, November 13, 2002, and in the *Indianapolis Star* on Thursday, November 14, 2002, a copy of a Notice of Public Hearing on Proposal Nos. 556-558, 560, 562, and 564, 2002, said hearing to be held on Monday, November 25, 2002, at 7:00 p.m. in the City-County Building.

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

November 22, 2002

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. 130, 2002 - approves an increase of \$461,000 in the 2002 Budget of the Office of the Controller (Consolidated County General Fund) to cover the cost of up to 98 jail beds from September through December, financed by fund balances

FISCAL ORDINANCE NO. 131, 2002 - approves an increase of \$365,000 in the 2002 Budget of the Department of Metropolitan Development (Federal Grants and Non-Lapsing State Grants Funds) to fund engineering costs for the clay cap for the Special Soils Area of the Keystone Enterprise Park as well as Phase II environmental assessment costs for the same area, financed by federal and state grants (Brownfield Economic Development Initiative and Indiana Development Finance Authority)

FISCAL ORDINANCE NO. 132, 2002 - approves an increase of \$4,236,000 in the 2002 Budget of the Department of Public Works, Engineering Division (Redevelopment District Capital Projects Fund and Transportation General Fund) to provide the local match and inspection fees for several projects, financed by fund balances

FISCAL ORDINANCE NO. 133, 2002 - approves an increase of \$80,000 in the 2002 Budget of the Department of Public Works, Engineering Division (Transportation General Fund) to study four intersections for potential operational and safety improvements, financed by a grant from State Farm Insurance Company

FISCAL ORDINANCE NO. 134, 2002 - approves a transfer of \$25,000 in the 2002 Budget of the Forensic Services Agency (County General Fund) to allow payment of unanticipated expense in character three

GENERAL ORDINANCE NO. 109, 2002 - changes the name and duties of the division of community development and financial services; changes the duties of the division of administrative services of the department of metropolitan development, and repeals provisions regarding the urban homesteading program

GENERAL RESOLUTION NO. 12, 2002 - approves the proposed refinancing of portions of Consolidated Redevelopment Area debt

SPECIAL RESOLUTION NO. 71, 2002 - recognizes the outstanding community service of William K. McGowan, Jr. of the Indianapolis Convention and Visitors Association

SPECIAL RESOLUTION NO. 72, 2002 - approves the amounts, locations, and programmatic operation of certain projects to be funded from Community Development Grant Funds for 2003

POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 4, 2002 - approves an appropriation of \$974,726 in the 2002 Budget of the Department of Public Safety, Police Division (Non-Lapsing Federal Grants and Federal Grants Funds) to support police relationships in the Eagledale neighborhood; to fund two civilian full-time positions within IPD's Victim Assistance Unit; to participate in the "Creating a Culture of Integrity Initiative - Use of Force Policy and Training"; to purchase a wireless hub system for connection to the IPD network, in-car video cameras for the Drug Interdiction Unit, and laptop computers for Academy recruit training; to fund the Domestic Violence Network Navigational Hub; and to fund the "Healthy Reasons to Say No," financed by federal grants

FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 6, 2002 - approves an increase of \$491,230 in the 2002 Budget of the Department of Public Safety, Fire Division (Non-Lapsing Federal Grants Fund) to purchase new fitness equipment, to train nine firefighters for a peer fitness program for mentoring local firefighters, and to deliver the FitKids program to area schools, financed by a federal grant (Federal Emergency Management Agency) (Matching funds of \$210,257 have been appropriated in the Department of Public Safety, Fire Division's 2003 budget)

Respectfully,
s/Bart Peterson, Mayor

I have a letter dated November 21, 2002, from A. Scott Chinn, Corporation Counsel, notifying the Council of his finding that Frances Ingram should not be indemnified for a certain judgement rendered against him. Under Code Sec. 292-1, this finding shall prevail unless the Council passes a resolution rejecting the finding within thirty days.

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 November 11, 2002. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 566, 2002. The proposal, sponsored by Councillor Borst, approves a schedule of regular council meetings for the year 2003. Councillor Borst reported that a revised schedule has been sent to all Council members. Councillor Bainbridge moved, seconded by Councillor Massie, to amend Proposal No. 566, 2002. The motion carried by a unanimous voice vote. Councillor Bainbridge moved, seconded by Councillor Coughenour, for adoption. Proposal No. 566, 2002, as amended, was adopted on the following roll call vote; viz.

25 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Frick, Gray, Knox, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short, Smith, Soards, Talley, Tilford

0 NAYS:

2 NOT VOTING: Bradford, Gibson

2 ABSENT: Horseman, Langsford

Proposal No. 566, 2002, as amended, was retitled COUNCIL RESOLUTION NO. 87, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 87, 2002

A COUNCIL RESOLUTION approving a schedule of regular council meetings for the year 2003.

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 2003:

- | | |
|-------------------------------|---------------------------------|
| (1) Monday, January 13, 2003 | (10) Monday, July 21, 2003 |
| (2) Monday, February 03, 2003 | (11) Monday, August 04, 2003 |
| (3) Monday, February 24, 2003 | (12) Monday, August 25, 2003 |
| (4) Monday, March 17, 2003 | (13) Monday, September 15, 2003 |
| (5) Monday, April 14, 2003 | (14) Monday, October 06, 2003 |
| (6) Monday, April 28, 2003 | (15) Monday, October 27, 2003 |
| (7) Monday, May 12, 2003 | (16) Monday, November 17, 2003 |
| (8) Monday, June 02, 2003 | (17) Monday, December 08, 2003 |
| (9) Monday, June 23, 2003 | |

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 571, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$25,000 in the 2002 Budget of the County Treasurer (Enhanced Access Fund) to reimburse member agencies for enhanced access expenses, financed by fund balances"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 572, 2002. Introduced by Councillors Cockrum and Douglas. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$30,000 in the 2002 Budget of the Department of Parks and Recreation (Federal Non-lapsing Grants Fund) to continue the after-school programs at Forest Manor School and School 108 for the 2002-2003 school year"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 573, 2002. Introduced by Councillors Dowden, Moriarty Adams, and Talley. The Clerk read the proposal entitled: "A Proposal for a Police Special Service District Fiscal Ordinance which approves an appropriation of \$300,000 in the 2002 Budget of the Department of Public Safety, Police Division (Police General Fund) to pay increased costs of health insurance benefits for active and retired sworn officers and civilian employees, financed by fund balances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 574, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$19,844 in the 2002 Budget of the Prosecuting Attorney (State and Federal Grants Fund) to fund the Protective Order Pro Bono Project, funded by a federal grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 575, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$44,656 in the 2002 Budget of the Clerk of the Circuit Court (County General Fund) to fund increased postal expenses and the completion of bank reconciliations by an accounting firm"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 576, 2002. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$50,402 in the 2002 Budget of the Clerk of the Circuit Court (Clerk's Perpetuation Fund) to fund computer upgrades,

financed by fund balances”; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 577, 2002. Introduced by Councillors Dowden and Soards. The Clerk read the proposal entitled: “A Proposal for a Fiscal Ordinance which approves an increase of \$15,000 in the 2002 Budgets of the County Auditor and the Marion County Justice Agency (State and Federal Grants Fund) to provide support for criminal history integration with statewide data, funded by a grant from the Indiana Criminal Justice Institute”; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 578, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: “A Proposal for a Fiscal Ordinance which approves a transfer of \$59,715 in the 2002 Budgets of the County Auditor and the Marion County Justice Agency (State and Federal Grants Fund) to support the continuation of the Arrestee Drug Abuse Monitoring Program (ADAM) from October 1, 2002, to September 30, 2003”; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 579, 2002. Introduced by Councillors Bainbridge and Moriarty Adams. The Clerk read the proposal entitled: “A Proposal for a Special Resolution which supports the development and participation in an eight-hour ozone Early Action Compact for central Indiana to help reduce ozone and to improve the air quality for central Indiana”; and the President referred it to the Public Works Committee.

PROPOSAL NO. 580, 2002. Introduced by Councillors Brents and Horseman. The Clerk read the proposal entitled: “A Proposal for a General Ordinance which authorizes a change in parking restrictions on Louisiana Street between McCrea Street and Meridian Street (District 16)”; and the President referred it to the Public Works Committee.

PROPOSAL NO. 585, 2002. Introduced by Councillor Cockrum. The Clerk read the proposal entitled: “A Proposal for a Council Resolution which appoints Thomas H. Taylor to the Marion County Storm Water Management Advisory Committee”; and the President referred it to the Public Works Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NOS. 581-584, 2002 and PROPOSAL NOS. 586-590, 2002. Introduced by Councillor Smith. Proposal Nos. 581-584, 2002 and Proposal Nos. 586-590, 2002 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on November 12 and 21, 2002, respectively. 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. 151-159, 2002, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 151, 2002.
2002-ZON-110
10702 EAST 25TH STREET (approximate address), INDIANAPOLIS.
WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 5
OAKFIELD DEVELOPMENT, LLC requests a rezoning of 42 acres, being in the SU-3 (FF) District, to the D-4 (FF) classification to provide for single-family residential development.

REZONING ORDINANCE NO. 152, 2002.

2002-ZON-126

7171 NORTH OAKLANDON ROAD (approximate addresses), CITY OF LAWRENCE.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 5

OLD OAKLANDON CEMETERY ASSOCIATION requests a rezoning of 9.4 acres, being in the SU-34 (FF) and D-A (FF) Districts to the SU-10 (FF) classification to legally establish a cemetery.

REZONING ORDINANCE NO. 153, 2002.

2002-ZON-128

4459 MANN ROAD (approximate addresses), INDIANAPOLIS.

DECATUR TOWNSHIP, COUNCILMANIC DISTRICT # 19

LAFAYETTE HEIGHTS CHURCH OF CHRIST, by Thomas Michael Quinn, requests a rezoning of 4.94 acres, being in the D-4 (FF)(FW) District, to the SU-1 (FF)(FW) classification to provide for religious uses.

REZONING ORDINANCE NO. 154, 2002.

2002-ZON-837

2311 NORTH TEMPLE AVENUE (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 10

DEPARTMENT OF METROPOLITAN DEVELOPMENT requests a rezoning of 36.109 acres, being in the D-5 and SU-1 Districts, to the C-S classification to provide for a mixed-use industrial park, including light industrial, retail, and hospitality uses.

REZONING ORDINANCE NO. 155, 2002.

2002-ZON-132

2415 and 2425 MITTHOEFER ROAD (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 5

EDWARD L. and MARY McVAY, by Cameron F. Clark, requests a rezoning of 8.95 acres, being in the D-3 District, to the C-7 classification to provide for a mini-warehouse facility.

REZONING ORDINANCE NO. 156, 2002.

2002-ZON-141

6910 NETWORK PLACE (approximate address), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 1

Intech Park Partners LLC, by Michael C. Cook, requests a rezoning of 4.16 acres, being in the C-S District (Area "A"), to the C-S classification to provide for television and radio studios and offices, with a 150-foot tall telecommunication transmitting and receiving tower.

REZONING ORDINANCE NO. 157, 2002.

2002-ZON-013

50 EAST THOMPSON ROAD (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 25.

THOMAS A. SCHROEDER, by Thomas Michael Quinn, requests a rezoning of 3.4 acres, being in the C-3 District, to the C-S classification to legally establish a transmission shop and to provide for all permitted C-3 uses.

REZONING ORDINANCE NO. 158, 2002.

2002-ZON-137

2505 and 2513 NORTH TALBOTT STREET (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22

VICKI L. TIPTON requests a rezoning of 0.250 acre, being in the SU-7 District, to the D-8 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 159, 2002.

2002-ZON-840

120-134 WEST 21ST STREET (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22

JUNE DAVIDSON, by David Kingen, requests a rezoning of 0.8 acre, being in the C-4 (W-1) District, to the C-2 (W-1) classification to legally establish a multi-family residential structure and to provide for future multi-family residential development.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 538, 2002. Councillor McWhirter reported that the Administration and Finance Committee heard Proposal No. 538, 2002 on November 19, 2002. The proposal, sponsored by Councillors Nytes and McWhirter, approves the issuance of TIF bonds to repay 2001 BAN for Fall Creek Place (Home Ownership Zone). By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Coonrod said that it is unfortunate that the Committee was not informed that property taxes from the entire county are being pledged as a surety for these bonds. He said that tax increment financing (TIF) begins by taking tax revenue that arguably should have gone to school districts and civil government and uses it for the narrow purpose of some enterprise. However, in this case, the beneficiaries will be owners of residential property and the taxpayers throughout the county are guaranteeing this debt. He said that everyone would like to have money spent in their district to guarantee their mortgage. No such benefit is offered elsewhere in the county and therefore he cannot vote to support this proposal.

Councillor Nytes said as a co-sponsor of this ordinance and a member of the Committee, she was fully aware of how this deal was structured. She said that it is not uncommon for a TIF funding to be backed by a pledge of property tax revenue and this is not a unique arrangement. She added that it is important to focus on the fact that this particular TIF is more than adequate to repay itself, and this is a neighborhood that would not generate increased tax revenue unless the City took initiative to prime it. She said this has been done in several areas across the county in the last several years.

Councillor Gibson agreed and said that the TIF is for infrastructure and will not be paying citizens' mortgages. Based on the successfulness of this project so far, this project should easily pay for itself.

Councillor Schneider said that when he served on this Committee, there was discussion regarding temporary financing for this project. He said that he remembers the amount as much less than \$10 million. Councillor Nytes said that the original amount of the bond anticipation notes was \$10 million, and the reason for the additional \$3 million is due to the more favorable interest rates and the ability to finance that much at the same level of return on the TIF. Also, the project is moving along much faster than originally anticipated, and more infrastructure in phases two and three needs to begin sooner.

Councillor Schneider said that TIFs have historically been used for commercial development and not for residential development, and it concerns him that the obligation for this development will rest on the entire county and its taxpayers.

Councillor Smith said that when he originally pledged his support of this TIF, he was not aware of property taxes being used as a surety. He said that he knows that TIFs have been used for infrastructure to garner commercial development, but he does not recall using such for residential infrastructure. President Borst said that he believes a TIF was used for the Barrington area residential development. Councillor Short said that this is correct and a housing TIF was used in the Barrington area and the Riley redevelopment area. Councillor Gray added that housing was included in the Senour Road TIF also.

Jennifer Weflen, deputy director of the Indianapolis Municipal Public Improvement Bond Bank, said that this TIF has existed for a while and was not just created, and the bond anticipation note

was approved by the Council last spring. Councillor Smith asked if the other housing TIFs pledged property taxes as a surety. Ms. Weflen said that there are no outstanding bonds backed by the Barrington housing TIF, but the only pledge for the bond issue is the increment revenues from the TIF. The Bond Bank is also proposing that there may be a need for a debt service reserve fund, which would be funded by property tax revenue if there was a need to draw from this fund. However, the Bond Bank does not expect this to happen, and expects that the TIF revenue will be sufficient.

Councillor McWhirter said that the Council has already approved the bond anticipation notes and asked what happens if they decide not to approve the TIF pledge. Ms. Weflen said that the Metropolitan Development Commission and the Bond Bank would have to find another way to pay back these notes. Councillor McWhirter asked where this other money would come from. Ms. Weflen said that it would probably have to come from property tax revenue.

Councillor Massie asked if the debt cannot be serviced by the TIF, general property taxes would be looked to in order to remedy this debt. Ms. Weflen said that this is correct, but it is not anticipated. Councillor Massie asked if this deal is different than the Barrington TIF. Ms. Weflen said that there are no bonds outstanding on the Barrington TIF, but the TIF is still generating revenue.

Councillor Schneider asked if the Council knew at the time the bond anticipation note was passed that property taxes would be promised to fund any shortfall in TIF revenue. Ms. Weflen said that they are not promising property taxes and this is not an uncommon mechanism, and the Bond Bank would have to get further approval to draw on the debt service fund. Councillor Nytes said that she believes there is unnecessary alarm and this is a practice used repeatedly in the City. She said that the City has never had to revert to using property taxes in TIF projects and with interest rates where they are, this will insure even more confidently that the City will not have to fall back to a property tax back-up for this project.

Councillor Dowden said that he believes there are enough questions and issues that more information is needed before action is taken. He moved, seconded by Councillor Smith, to return the proposal to Committee.

President Borst asked if there is any time sensitivity regarding the proposal. Bob Clifford, executive director of the Bond Bank, said that it is time sensitive in the sense that the money has already been borrowed and will have to be paid back. He said not passing the proposal makes the situation very complicated, because the Council has already voted to borrow the money. By questioning the repayment of this loan, lending entities will be less enthusiastic to deal with City projects.

Councillor Short said he is opposed to returning the proposal to Committee because this proposal is like any other TIF and is backed in the same way. The TIF is for infrastructure, not for individual homeowner's benefit.

Councillor McWhirter said that she is also opposed to returning the proposal to Committee. She said that she believes Mr. Clifford and Ms. Weflen have answered the questions and the consequences of not following through would be worse than having to use property taxes. She said that the director has assured the Council there will not be a need to use property taxes to repay this debt.

The motion to return Proposal No. 538, 2002 to Committee failed by a voice vote.

Councillor Coonrod moved to amend Proposal No. 538, 2002 to remove the pledge of property taxes from the proposal, since it has been testified that it will not be needed anyway. Councillor Talley said that this motion is out of order as it has not even been identified where this pledge is found in the proposal. General Counsel Robert Elrod ruled that this amendment is probably out of order as any amendment needs to be in writing, and the portion referred to is in Section 2.

Councillor Coughenour asked if amending the proposal would send a bad signal to the banks and market. Mr. Clifford said that if a debt service reserve is required to make debt service payments, his obligation is to go to the City Controller, who will come to the Council and request that the reserve be replenished. At that time, the Council will decide how to replenish that reserve, whether it comes from fund balances or property taxes. There is no specific property tax pledge on this transaction.

Councillor Coonrod said that he has put his amendment in writing to strike Section 2 of the proposal and the terminology in Section 1 which states "and to other revenues of the commission pledged for such purpose." He moved, seconded by Councillor Schneider, to amend Proposal No. 538, 2002.

President Borst asked Mr. Elrod if the amendment is properly before the Council. Mr. Elrod said that the motion is technically legal, but it probably represents more than what Councillor Coonrod is attempting to do and it should probably be reviewed for further ramifications.

Councillor Short said that he is against the precedent being set this evening, and motions are typically in writing before each Council member, and he is not even sure what the body is voting on. Councillor Gray agreed and said that he cannot vote for an amendment that is not clear.

Councillor Coonrod said that Councillors Gray and Short are probably correct and his motion is out of order, but he wanted to make a point that it is not fair for the taxpayers of the county to pay for a project that benefits only a few. Councillor Coonrod withdrew his motion and Councillor Schneider withdrew his second.

President Borst called for public testimony at 7:57 p.m. There being no one present to testify, Councillor McWhirter moved, seconded by Councillor Nytes, for adoption. Proposal No. 538, 2002 was adopted on the following roll call vote; viz:

20 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coughenour, Douglas, Frick, Gibson, Gray, Knox, McWhirter, Moriarty Adams, Nytes, Sanders, Short, Talley, Tilford

7 NAYS: Bradford, Coonrod, Dowden, Massie, Schneider, Smith, Soards

2 ABSENT: Horseman, Langsford

Proposal No. 538, 2002 was retitled GENERAL RESOLUTION NO. 13, 2002, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 13, 2002

A GENERAL RESOLUTION (i) approving the issuance of special taxing district bonds of the Redevelopment District of the City of Indianapolis, Indiana, in one or more series or issues payable from taxes on real property located in the Fall Creek/Citizens Consolidated HOTIF Area allocated and deposited in the Fall Creek/Citizens Consolidated HOTIF Area Allocation Fund pursuant to Indiana Code 36-7-15.1-26 and Indiana Code 36-7-15.1-35, and other revenues of the Metropolitan Development

Commission of Marion County, Indiana, pledged for such purpose pursuant to Indiana Code 36-7-15.1-17(h), if any, and (ii) approving other matters related thereto.

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (the "Commission"), has previously created the Fall Creek/Citizens Consolidated Redevelopment Area (the "Consolidated Area"), pursuant to the provisions of Indiana Code 36-7-15.1; and

WHEREAS, the Redevelopment District of the City of Indianapolis, Indiana (the "District") has previously issued its Limited Obligation Notes, Series 2001A, in the aggregate principal amount not to exceed Ten Million Dollars (\$10,000,000), for the purpose of paying the costs of acquisition and construction of certain infrastructure improvements to develop the Consolidated Area (the "Prior Notes"); and

WHEREAS, on November 6, 2002, the Commission adopted a Final Bond Resolution (Resolution No. _____) (the "Bond Resolution") authorizing the issuance of special taxing district bonds in one or more series or issues, in an aggregate principal amount not to exceed Thirteen Million Dollars (\$13,000,000) (the "Bonds"), which shall be issued in the name of the City of Indianapolis, for and on behalf of the District, the principal of and interest on which are payable solely from taxes on real property located in the Fall Creek/Citizens Consolidated HOTIF Area (the "Allocation Area") allocated and deposited into the Fall Creek/Citizens Consolidated HOTIF Area Allocation Fund (the "Allocation Fund"), pursuant to Indiana Code 36-7-15.1-26 and Indiana Code 36-7-15.1-35, and other revenues of the Commission pledged for such purpose pursuant to Indiana Code 36-7-15.1-17(h), if any, for the purpose of procuring funds to be applied to the costs of (a) refunding the Prior Notes and (b) financing certain additional infrastructure improvements in or serving the Consolidated Area (the "Additional Improvements"), together with expenses associated therewith and expenses in connection with or on account of the issuance of the Bonds therefor (collectively, the "Project"); and

WHEREAS, the Bonds are currently anticipated to be sold to The Indianapolis Local Public Improvement Bond Bank pursuant to the provisions of Indiana Code 5-1.4; and

WHEREAS, the Bond Bank anticipates purchasing the Bonds with the proceeds from the issuance of one or more series of bonds of the Bond Bank (the "Bond Bank Bonds"), which Bond Bank Bonds may be secured by a debt service reserve fund established by the Bond Bank that will be subject to Indiana Code 5-1.4-5-1 and Special Ordinance 67, 85 of the City-County Council.

WHEREAS, the Commission has requested the approval of the City-County Council for the issuance of the Bonds pursuant to Indiana Code 36-3-5-8, and the City-County Council now finds that the issuance of the Bonds should be approved; now therefore:

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

SECTION 1. The City-County Council does hereby approve (i) the Bond Resolution and (ii) the issuance of the Bonds in the name of the City, for and on behalf of the District, in one or more series or issues payable solely from taxes on real property located in the Allocation Area allocated and deposited into the Allocation Fund pursuant to the provisions of Indiana Code 36-7-15.1-26 and Indiana Code 36-7-15.1-35, and other revenues of the Commission pledged for such purpose pursuant to Indiana Code 36-7-15.1-17(h), if any, in an aggregate principal amount not to exceed Thirteen Million Dollars (\$13,000,000), which amount does not exceed the estimated costs of the Project.

SECTION 2. The City-County Council does hereby acknowledge that the Bond Bank Bonds may be supported by a debt service reserve fund that will be subject to the provisions of Indiana Code 5-1.4-5-1 and Special Ordinance 67, 85 of the City-County Council.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with Indiana Code 36-3-4-14, 36-3-4-15 and 36-3-4-16.

PROPOSAL NO. 556, 2002. Councillor McWhirter reported that the Administration and Finance Committee heard Proposal No. 556, 2002 on November 19, 2002. The proposal, sponsored by Councillor Sanders, approves of temporary tax anticipation borrowing for the City of Indianapolis during the period from January 1, 2003, through December 31, 2003. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Borst called for public testimony at 8:01 p.m. There being no one present to testify, Councillor McWhirter moved, seconded by Councillor Sanders, for adoption. Proposal No. 556, 2002 was adopted on the following roll call vote; viz:

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

0 NAYS:

2 ABSENT: *Horseman, Langsford*

Proposal No. 556, 2002 was retitled FISCAL ORDINANCE NO. 136, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 136, 2002

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 funds and accounts listed on Exhibit A (collectively, "Funds") during the period January 1, 2003, through December 31, 2003, in anticipation of current taxes levied in the year 2002 and collectible in the year 2003 ("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 find that there will be insufficient funds in each of the Funds to meet the current expenses payable from such Fund prior to the June and December 2003 distributions of Taxes levied for such Fund, and the June and December 2003 distributions of Taxes to be collected for the respective amounts listed on Exhibit A and the interest cost of making temporary loans for the respective Funds;

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 2002 and in the course of collection for the year 2003; 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 each of the Funds of City listed on Exhibit A in the maximum principal amounts for each Fund as shown on Exhibit A in anticipation of Taxes for that Fund for the year 2003, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the respective Funds for which the Warrants are issued 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 respective Funds from the June and December 2003 distributions of Taxes for each of the Funds, to the respective Funds and the 2003 Budget Payments of Loans (hereby created) for the payment of the principal of the Warrants evidencing such 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. (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 3. The Warrants for each Fund or Account may be issued in one series, designated Series 2003 Warrants ("Series 2003 Warrants") or in two or more series, designated Series 2003A and Series 2003B or such other designation as the Controller shall deem appropriate ("Series A Warrants" and "Series B Warrants", respectively). The Series 2003 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 2003 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 2003 distribution of Taxes for that Fund or Account. All Series A Warrants shall mature and be payable not later than September 30, 2003. All Series B Warrants and Series 2003 Warrants shall mature and be payable not later than December 31, 2003. 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 3. 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 3. (a) The Controller may sell the Warrants in one or more Series as set forth in Section 2 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 4. 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 2003
(_____ [FUND] [ACCOUNT])

On the ____ day of _____, 2003, 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 2002, and payable in the [first installment] [second installment] for the year 2003 ("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 _____, 2002, for the purpose of providing funds for the _____ of the City, in compliance with IC36-3-4-22.

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 2002, payable in the [first installment] [second installment] for the year 2003, and the Taxes

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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 _____, 2003.

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 5. 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 6. 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 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

EXHIBIT A

<u>Fund</u>	<u>Total Annual Tax Levy</u>	<u>Maximum Annual Borrowing</u>
0701AA Consolidated County General Fund	\$21,387,505	\$18,179,378
0701EA Park General Fund	18,447,848	15,680,671
0701FA Redevelopment Fund	523,629	445,085
0701GA Sanitation Solid	24,303,454	20,657,936
0701JA Consolidated City Police Force Account	37,954,140	32,261,019
0701KA Consolidated City Fire Account	32,235,643	27,400,297
0703BZ Metropolitan Thoroughfare Debt Service Fund	5,057,100	4,298,535
0703CZ Park Debt Service Fund	1,695,000	1,440,750
0703DZ City Debt Service Fund	445,000	378,250
0703EZ Redevelopment Debt Service Fund	11,400,000	9,690,000
0703HZ Sanitation Debt Service Fund	681,000	578,850
0703IA MECA Fund	4,740,685	4,029,582
0704FB Cumulative Capital Development Fund	13,018,483	11,065,711
0708BA Police Pension Fund	5,428,637	4,614,341
0708CA Firemen's Pension Fund	5,169,701	4,394,246
0701FE Fall Creek - HOTIF 2 (0701FE)	25,000	21,250
0701FD Barrington - HOTIF 1 (0701FD)	70,000	59,500
0701FF UNWA (0701FF)	55,000	46,750
0703EE UAL - UNITED AIRLINES	3,500,000	2,975,000
0703GD Dow Elanco (0703GD)	1,200,000	1,020,000
0703GF Harding Street (0703GF)	1,100,000	935,000
0703GH CIRCLE CENTRE TIF SINKING	20,850,000	17,722,500
0703GJ Golf - Warren (0703GJ)	520,000	442,000
0703GT UAL (0703GT)	1,250,000	1,062,500
0703GV CIRCLE CENTRE MALL BAN TAKEOUT 99	5,000,000	4,250,000
0708GW REDV TAX INC REF(96 TRAN) REV BDS 2001	<u>2,900,000</u>	<u>2,465,000</u>
TOTAL	\$218,957,825	\$186,114,151

PROPOSAL NO. 557, 2002. Councillor McWhirter reported that the Administration and Finance Committee heard Proposal No. 557, 2002 on November 19, 2002. The proposal, sponsored by Councillor Sanders, approves of temporary tax anticipation borrowing for Marion County, Indiana, during the period from January 1, 2003, through December 31, 2003. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Sanders said that in reviewing the comparison given to the Committee regarding borrowing savings, she encouraged the County Treasurer to look at the schedule before borrowing to make sure the interest rates are truly better.

President Borst called for public testimony at 8:03 p.m. There being no one present to testify, Councillor McWhirter moved, seconded by Councillor Sanders, for adoption. Proposal No. 557, 2002, as amended, was adopted on the following roll call vote; viz:

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

0 NAYS:

2 ABSENT: Horseman, Langsford

Proposal No. 557, 2002, as amended, was retitled FISCAL ORDINANCE NO. 137, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 137, 2002

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 funds listed on Exhibit A (collectively "Funds") during the period from January 1, 2003, through December 31, 2003, in anticipation of current taxes levied in the year 2002 and collectible in the year 2003 ("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 Funds pending the receipt of Taxes actually levied in 2002 and in the process of collection in 2003, 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 that there will be insufficient funds in each of the Funds to meet the current expenses payable from the respective Funds prior to the distributions of Taxes levied for such Fund, and the distributions of Taxes to be collected for each of the Funds will collectively amount to more than the amounts listed on Exhibit A and the interest cost of making temporary loans for the respective Funds; 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 2002 and in the course of collection for the year 2003; 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 each of the Funds of the County in the maximum principal amounts listed on Exhibit A in anticipation of Taxes for the Fund for the year 2003, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the respective Funds for which they are issued 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 each Fund from the June and December 2003 distributions of Taxes for that 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. (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 3 and subsection (b). The Warrants for each Fund may be issued in one series, designated Series 2003 Warrants ("Series 2003 Warrants") or in two or more series, designated Series 2003A and Series 2003B or such other description as

the Auditor shall deem appropriate ("Series A Warrants" and "Series B Warrants", respectively). The Series 2003 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 2003 for that Fund. The Series B Warrants for each Fund may be issued in an amount not to exceed the amount of the December 2003 distribution of Taxes for that Fund. All Series A Warrants shall mature and be payable not later than on September 30, 2003. All Series B Warrants and Series 2003 Warrants shall mature and be payable not later than December 31, 2003. 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 3. 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 either the Indiana Bond Bank ("Indiana Bond Bank") or The Indianapolis Local Public Improvement Bond Bank ("Local Bond Bank") if sold to it.

SECTION 3. (a) The Auditor may sell the Warrants in one or more series as set forth in Section 2 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 either the Indiana Bond Bank pursuant to IC 5-1.5 or the Local 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 either the Indiana Bond Bank or the Local Bond Bank. In the event of a sale of such Warrants to either the Indiana Bond Bank or the Local 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 4. 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 2003 ____
(_____ FUND)

On the _____ day of _____, 2003, the Board of Commissioners of Marion County, Indiana ("County") promises to pay to [bearer] [The Indiana Bond Bank or 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 2002, and payable from the [first installment] [second installment] for the year 2003 ("Taxes"), which Taxes are now in

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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 _____, 2002, 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 2002, payable in the [first installment] [second installment] for the year 2003, 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 _____, 2003.

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 5. 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 6. 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 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

EXHIBIT A

<u>Name of Fund</u>	<u>Annual Tax Levy</u>	<u>Maximum Annual Borrowing</u>
County General Fund	\$106,222,972	\$84,978,378
County Cumulative Fund	8,632,439	6,905,951
County Reassessment Fund	1,720,655	1,376,524
County Family and Children's Fund	45,466,124	36,372,899
County Family and Children Debt Service Fund	<u>9,476,031</u>	<u>7,580,825</u>
TOTAL	\$171,518,221	\$137,214,577

PROPOSAL NO. 558, 2002. Councillor McWhirter reported that the Administration and Finance Committee heard Proposal No. 558, 2002 on November 19, 2002. The proposal, sponsored by Councillor McWhirter, approves an increase of \$4,875,880 in the 2002 Budget of the County Auditor (County General Fund) to authorize \$4 million for ISA projects reimbursed by the City and an \$875,000 increase in health insurance premiums, funded by fund balances. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Borst called for public testimony at 8:04 p.m. There being no one present to testify, Councillor McWhirter moved, seconded by Councillor Cockrum, for adoption. Proposal No. 558, 2002 was adopted on the following roll call vote; viz:

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

Proposal No. 558, 2002 was retitled FISCAL ORDINANCE NO. 138, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 138, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 96, 2001) appropriating an additional Four Million Eight Hundred Seventy-five Thousand Eight Hundred Eighty Dollars (\$4,875,880) in the County General Fund for purposes of the County Auditor and reducing the unappropriated and unencumbered balance in the County General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(a) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor to pay health insurance premiums. Premiums have increased significantly over original estimates and there are 208 more participants in the plans over 2001.

SECTION 2. The sum of Four Million Eight Hundred Seventy-five Thousand Eight Hundred Eighty Dollars (\$4,875,880) 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>COUNTY AUDITOR</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services-fringes	875,880
3. Other Services & Charges	<u>4,000,000</u>
TOTAL INCREASE	4,875,880

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

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered	
County General Fund	<u>4,875,880</u>
TOTAL REDUCTION	4,875,880

SECTION 5. The projected December 31, 2002, fund balance for the County General Fund is as follows:

Current cash balance	(19,107,781.22)
Anticipated additional revenue through December 31, 2002	<u>77,056,746.00</u>
Projected funds available	57,948,964.78
Remaining appropriations and encumbrances	35,518,455.97
Proposed additional appropriation	<u>4,875,880.00</u>
Projected fund balance December 31, 2002	17,554,628.81

SECTION 6. 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. 560 and 562, 2002 on November 13, 2002. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 560, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$70,000 in the 2002 Budget of the County Sheriff (Cumulative Capital Development Fund) for the purchase of three transportation vans, financed by fund balances. PROPOSAL NO. 562, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$40,560 in the 2002 Budgets of the County Auditor and Community Corrections (State and Federal Grants Fund) to fund an additional appropriation for the Probation Department so they may expand their ability to assist in the process of screening and tracking Community Transition Program offenders, funded by a state grant (Department of Correction, Community Correction Grant Program). By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President Borst called for public testimony at 8:06 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Smith, for adoption. Proposal Nos. 560 and 562, 2002 were adopted on the following roll call vote; viz:

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

Proposal No. 560, 2002 was retitled FISCAL ORDINANCE NO. 139, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 139, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Seventy Thousand Dollars (\$70,000) in the Cumulative Capital Development Fund for purposes of the County Sheriff and reducing the unappropriated and unencumbered balance in the Cumulative Capital Development 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(f) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Sheriff to purchase three transportation vans.

SECTION 2. The sum of Seventy Thousand Dollars (\$70,000) 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 SHERIFF</u>	<u>CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
4. Capital Outlay	70,000
TOTAL INCREASE	70,000

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

<u>CUMULATIVE CAPITAL DEVELOPMENT FUND</u>	
Unappropriated and Unencumbered	
Cumulative Capital Development Fund	<u>70,000</u>
TOTAL REDUCTION	70,000

SECTION 5. The projected December 31, 2002, fund balance for the Cumulative Capital Development Fund is as follows:

Current cash balance	(559,387.29)
Anticipated additional revenue through December 31, 2002	<u>2,697,350.00</u>
Projected funds available	2,137,962.71
Remaining appropriations and encumbrances	1,540,500.00
Proposed additional appropriation	<u>70,000.00</u>
Projected fund balance December 31, 2002	527,462.71

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

Proposal No. 562, 2002 was retitled FISCAL ORDINANCE NO. 140, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 140, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Forty Thousand Five Hundred Sixty Dollars (\$40,560) in the State and Federal Grants Fund for purposes of the County Auditor and Community Corrections 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 2 of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and Community Corrections to fund additional appropriation for the Probation Department so they may expand their ability to assist in the process of screening and tracking Community Transition Program offenders.

SECTION 2. The sum of Forty Thousand Five Hundred Sixty Dollars (\$40,560) 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	9,360
<u>COMMUNITY CORRECTIONS</u>	
1. Personal Services	<u>31,200</u>
TOTAL INCREASE	40,560

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

<u>STATE AND FEDERAL GRANTS FUND</u>	
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>40,560</u>
TOTAL REDUCTION	40,560

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. 564, 2002. Councillor Bainbridge reported that the Public Works Committee heard Proposal No. 564, 2002 on November 21, 2002. The proposal, sponsored by Councillors Coughenour and Moriarty Adams, approves an appropriation of \$220,000 in the 2002 Budget of the Department of Public Works, (Transportation General Fund) to fund overtime hours used to clean up after the storms of September 20, 2002, financed by fund balances. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Borst called for public testimony at 8:08 p.m. There being no one present to testify, Councillor Bainbridge moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 564, 2002 was adopted on the following roll call vote; viz:

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

0 NAYS:

2 ABSENT: *Horseman, Langsford*

Proposal No. 564, 2002 was retitled FISCAL ORDINANCE NO. 141, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 141, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating Two Hundred Twenty Thousand Dollars (\$220,000) in the Transportation General Fund for purposes of the Department of Public Works, Operations Division and reducing the unappropriated and unencumbered balance in the Transportation 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(j) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for the Department of Public Works, Operations Division to fund overtime hours used to clean-up after the storms of September 20, 2002.

SECTION 2. The sum of Two Hundred and Twenty Thousand Dollars (\$220,000) 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 increased appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC WORKS</u>	
<u>OPERATIONS DIVISION</u>	<u>TRANSPORTATION GENERAL FUND</u>
I. Personal Services	<u>220,000</u>
TOTAL INCREASE	<u>220,000</u>

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

	<u>TRANSPORTATION GENERAL FUND</u>
Unappropriated and Unencumbered	
Transportation General Fund	<u>220,000</u>
TOTAL DECREASE	<u>220,000</u>

SECTION 5. The projected December 31, 2002, fund balance for the Transportation General Fund is as follows:

Current cash balance (November 6, 2002)	37,280,344
Anticipated additional revenue through December 31, 2002	<u>6,110,958</u>
Projected funds available	43,391,302
Remaining appropriations and encumbrances	22,405,469
Proposed additional appropriation	<u>220,000</u>
Projected fund balance December 31, 2002	20,985,833

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

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 246, 2002. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 246, 2002 on June 5, October 9, October 29, and November 13, 2002. The proposal, sponsored by Councillors Smith and Schneider, amends the Revised Code relating to the citizens police complaint board. By a 7-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Boyd asked if there were changes made to the composition of the board through amendments made. Councillor Dowden said that no voting members were added, but an ex-officio member appointed by the president of the Fraternal Order of Police was added as a non-voting member. Councillor Boyd said that he was noted as a sponsor at the time of introduction, as were Councillors Sanders and Horseman, but have all asked to be removed due to amendments made. He said that this proposal has not had the normal hearing process provided by the Council Rules and instead went through a sub-committee task force.

Councillor Conley asked why a non-voting member needs to be added. Councillor Dowden said that the working group recommended this addition.

Councillor Talley asked if Indianapolis Police Department (IPD) Chief Jerry Barker and Public Safety Department Director Robert Turner support the proposal as amended. Councillor Dowden said that these two individuals were part of the working group making these suggestions and recommendations and have not expressed that they are not in support of them.

Councillor Moriarty Adams said that this has been a very controversial issue, and she respects the work that this board and the working members have done. All nine members of the board are in support of the amendments, and they have worked on these changes for three years. She said that it may not be perfect, but a lot of time and effort has gone into it, and she would like to see it moved forward.

Councillor Smith stated that Chief Barker and Director Turner attended all of the working group meetings and have reviewed all of the amendments. He said that he is confident that these individuals support the proposal, as the president of the Fraternal Order of Police, Dave Young, has communicated he spoke today with Chief Barker.

Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal No. 246, 2002, as amended, was adopted on the following roll call vote; viz:

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

Councillors Boyd, Talley, and Sanders asked for consent to explain their votes. Consent was given. Councillor Boyd said that if there were a way to vote for the proposal as introduced, he would have voted in favor, but cannot vote in favor of the addition of a police officer to the board without an equal addition of a citizen member. Councillor Talley said that changing the language from "shall" to "may" caused him to vote against the proposal. Councillor Sanders said that while she agrees with the general purpose of the board and many of the things the proposal ensures, she could not support because of the additional police presence on the board.

Councillor Smith said that the Council can continue to work with all parties on tweaking this board and its purpose, and this does not have to be the final say.

Proposal No. 246, 2002, as amended, was retitled GENERAL ORDINANCE NO. 110, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 110, 2002

A PROPOSAL FOR GENERAL ORDINANCE amending the Revised Code relating to the citizens police complaint board.

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

SECTION I. Secs. 251-131, 251-132, 251-134 and 251-135 of the Revised Code of the City of Indianapolis and Marion County are hereby amended by adding the underlined text and deleting the stricken-through text, to read as follows:

Sec. 251-131. Citizens police complaint office.

(a) There shall be established the citizens police complaint office as a part of the department of public safety. Any complaint of a citizen against a police officer alleging that the officer used profane and abusive language or intentionally destroyed or damaged real or personal property, exceeded his/her authority as a police officer, used unauthorized force, or acted in violation of Indianapolis Police Department rules and regulations or orders may be filed with the citizens police complaint office. In addition, if a complainant alleges that intimidation tactics are being used to impede the filing of a complaint, the complainant shall report this to the complaint office and a separate complaint will be filed regarding the new information. Each complaint shall be filed within sixty (60) days of the action giving rise to the complaint, shall be in writing, and shall be signed by the person making the complaint, who shall affirm under the penalties of perjury that the representations contained therein are true. The complaint may be filed in person or by facsimile or through the mail. Additionally, complaints may be filed after the expiration of the sixty-day time period where the person making the complaint was under a legal disability during the sixty-day time period or where, upon a showing of good and sufficient cause and upon majority vote of the board, a person is permitted to belatedly file a complaint.

(b) Any individual personally aggrieved by the act(s) complained of may file a complaint. A parent or guardian may file a complaint on behalf of a minor or incompetent individual. A member of the immediate family of a decedent may file a complaint on behalf of the decedent. The board may, upon two-thirds vote of its members, initiate an action.

(c) The complaint process shall be accessible to all citizens regardless of race, national origin, religion, creed, sex, sexual orientation, age, language or disability.

Sec. 251-132. Citizens police complaint board established; election process; terms; quorum.

(a) *Members.* There shall be established a citizens police complaint board composed of nine (9) voting members, ~~and two (2) ex-officio, nonvoting police advisory members, and one (1) ex-officio, nonvoting rank-and-file consulting member~~ to be selected as follows:

- (1) All voting members shall be citizens who are residents of the police special service district. No sworn law enforcement officer is eligible to serve as a voting member of the board. Voting members may be selected from nominees submitted by the five (5) Indianapolis Police Department district task forces which are convened by the deputy chief of each district. Exception can be that in the event a vacancy is not or cannot be filled in a timely manner per the provisions of this article, the original appointing body may make the appointment using its normal process for making appointments. No district task force may nominate more than three (3) candidates for appointment to the board. There must be at least one voting member from each Indianapolis Police Department district task force on the citizens police complaint board, with no more than three from any one district.
- (2) Five (5) of the members shall be appointed by the city-county council. At least two (2) of these five (5) members must be of a different political party. Two (2) of these members shall serve for a one-year term ending December 31, 1998, two (2) of these members shall serve for a two-year term ending December 31, 1999, and one (1) of these members shall serve for a three-year term ending December 31, 2000, or until their successors are appointed and confirmed, but for no longer than sixty (60) days beyond the expiration of their term.
- (3) Four (4) of the members shall be appointed by the mayor. One (1) of these members shall serve for a one-year term ending December 31, 1998, one (1) of these members shall serve for a two-year term ending December 31, 1999, and two (2) of these members shall serve for a three-year term ending December 31, 2000, or until their successors are appointed and confirmed, but for no longer than sixty (60) days beyond the expiration of their term.
- (4) Upon the expiration of any voting member's term, an appointment will be made to his position by the original appointing body, for a term of three (3) years. Each member may be reappointed to a three-year term, but may serve no more than two (2) consecutive terms. If a member is unable to complete his/her term for any reason, the original appointing body shall appoint a new member to complete the term. Such new member shall then be eligible to be reappointed for no more than one (1) additional full consecutive term, if he/she has served eighteen (18) months or more of the original term, and no more than two (2) additional full consecutive terms, if he/she has served less than eighteen (18) months of the original term.
- (5) The two (2) ex-officio, nonvoting police members of the board shall be appointed as follows: one (1) by the mayor and one (1) by the city-county council and shall serve two-year terms ending December 31, 1999. The officers appointed shall:
 - a. Have been members of the Indianapolis Police Department for more than (7) years;
 - b. Shall have participated in ethics training;
 - c. Have strong community relations experience;
 - d. Be of the rank of sergeant or below in rank, preferably a patrolman; and
 - e. Shall not serve more than two (2) consecutive terms on the board.
- (6) The one (1) ex-officio, nonvoting rank-and-file consulting member shall be appointed by the President of the Fraternal Order of Police and shall serve one year terms ending December 31, 2003.
 - (b) *President.* The voting members shall select one (1) member to serve as president of the citizens complaint board from the voting members of the board.
 - (c) *Removal.* All members shall serve at the pleasure of the appointing officials.
 - (d) *Establishment of quorum; votes required for action.* Five (5) voting members of the board shall constitute a quorum for the purpose of conducting business. Five (5) voting members of the board must vote in favor of any item before any action or disposition can be taken by the board.
 - (e) *Attendance requirements.* All voting and ex-officio board members must attend a minimum of seventy-five (75) percent of the meetings of the board. The appointing authority shall replace any member who fails to meet this attendance requirement within sixty (60) days of written notice of failure to meet this attendance standard.

(f) *Training.* All voting board members must participate in twenty (20) hours of training in police procedures, to be completed within six (6) months of their appointment, and shall receive an additional twenty (20) hours of such training per year. In addition, each voting member shall be required to accompany an on-duty officer a minimum of ~~four (4) times~~ sixteen (16) hours per year, for a minimum of four (4) hours per occasion, in order to observe police procedures first-hand. The appointing authority shall replace any member who fails to meet these training requirements after written notice of failure to meet these standards.

Sec. 251-133. Duties of the citizens police complaint board.

The citizens police complaint board shall meet as often as necessary to consider all complaints which it deems appropriate to process and review, but no less than quarterly. The board shall set rules for its governance and shall establish its procedures for processing complaints and for ensuring notification to citizens of the status and disposition of their complaints.

Sec. 251-134. Executive director; staffing.

(a) The director of the department of public safety shall appoint a full-time executive director of the citizens police complaint office. The executive director shall be supervised by and subject to review and evaluation by the director of public safety, with the advice and consent of the members of the board. The duties of the executive director shall include:

- (1) Managing the citizens police complaint office, including its staff;
- (2) Enhancing communications and good will between the police and the citizenry.

(b) The executive director shall have the authority to contract with investigators and counsel, if the city corporation counsel is not available, to aid in the investigation of complaints filed with or processed by the office.

(c) The executive director shall be in regular communication with the chief of police and may make recommendations to the chief of police concerning matters of conduct and recurring issues that are processed by the citizens police complaint office. The executive director shall also provide periodic reports for publication in the police annual report.

(d) Staffing and budget recommendations for the citizens police complaint office shall be made by the director of public safety in consultation with the executive director and the board.

(e) The Executive Director shall forward a quarterly report of each member's attendance and a report of each voting member's training participation, as required by Sec. 251-132 (e) and Sec. 251-132 (f), to the member's appointing body, the director of public safety, and the chief of police.

Sec. 251-135. Complaint investigation and hearing procedures.

(a) Upon the filing of a complaint, the executive director shall immediately send a copy of the complaint to the chief or the chief's designee. In addition, the officer(s) alleged to be involved in the incident shall be notified of the date of the incident, and given a copy of the complaint. After the filing of a complaint, the board shall table its own investigation for a period of sixty (60) working days to allow the police department to conduct its own investigation and to allow the chief to take appropriate action. The chief may request an extension of time to complete the investigation from the director of public safety. However, if deemed appropriate or necessary, the board may order the executive director to conduct an independent simultaneous investigation before the end of the ~~sixty (60) working day period~~ investigation conducted by the police department. Such action must be authorized by a three-fourths (3/4) vote of the entire board.

(b) After the expiration of the sixty (60) working day period When the investigation is returned to the citizens police complaint office, the board shall review the investigation conducted by the police department and the action taken by the chief, if any. The board may dispose of the complaint by endorsing the findings and action taken by the department and shall notify the chief of this in writing. If the board does not agree with the action taken by the chief or with the results of the investigation conducted by the police department, the board may, by majority vote:

- (1) Order the executive director to conduct an investigation into the allegations of the complaint; and/or
- (2) Conduct an informal administrative hearing on the complaint; and/or

- (3) Order the executive director to engage in a process of informal mediation to attempt to resolve the complaint.

(c) If the board determines to hold a hearing, the complaint office shall give written notice to all parties and witnesses at least fifteen (15) days in advance of the scheduled hearing. All testimony at such hearing shall be given under oath and under penalty of perjury.

(d) Upon the completion of the investigation by the complaint office or after the hearing, the board shall make a disposition regarding the complaint. The disposition shall be one (1) or more of the following:

- (1) *Not sustained*: There is insufficient evidence to prove the allegation(s) made in the complaint by clear and convincing evidence.
- (2) *Sustained*: There is sufficient evidence to prove the allegation(s) made in the complaint by clear and convincing evidence.
- (3) *Unfounded Exonerated*: ~~The incident(s)~~ The allegation(s) made in the complaint is/are false or not factual or the conduct complained of was lawful and proper.
- (4) *Founded*: ~~The incident(s) did occur.~~ Withdrawn: The complainant requests that no further action be taken on the case.

The disposition must be made within ~~one hundred twenty (120)~~ sixty (60) working days of the date the complaint is received by the office after the police department's investigation is returned to the complaint office or after the conclusion of the investigation conducted by the executive director pursuant to Sec. 251-135 (a).

(e) The findings and disposition of the board shall be communicated to the chief of police in writing within ten (10) days of the date of the disposition.

(f) If the chief does not confirm the findings and disposition of the board within thirty (30) days of disposition or if there is a conflict between the findings and disposition of the board and the findings of the chief, the board may, upon a majority vote of its members, require mediation between the chief of police and the executive director.

(g) Any disciplinary action taken against an officer due to his/her involvement in an incident which resulted in a complaint being filed with the office shall be communicated to the board for disclosure to the public.

Sec. 251-136. Subpoena powers.

For purposes of conducting an investigation or hearing, the board shall have the power to subpoena witnesses and documents, except those documents relating to ongoing criminal investigations, including such public records as are deemed subject to disclosure under the terms of IC 5-14-3-1 et seq. The power of the board to issue subpoenas shall be enforceable by the Marion County circuit or superior court.

Sec. 251-137. Access to board by officers; participation of officers.

- (1) Any officer subpoenaed to appear before the board may be represented by an attorney.
- (2) Police officers shall have access to the complaint process to defend their actions, both during the investigatory and hearing processes.
- (3) Police officers shall be required to cooperate with the board as an investigation is conducted subject to their constitutional rights.

PROPOSAL NO. 524, 2002. Councillor McWhirter reported that the Administration and Finance Committee heard Proposal No. 524, 2002 on November 19, 2002. The proposal, sponsored by Councillors Langsford and Nytes, approves a transfer of \$175,000 in the 2002 Budget of the Department of Administration, Fleet Services Division (Consolidated County Fund) to cover costs for an upgrade of the Fleet Management System (M5) which will streamline workflow processes and improve responsiveness. By a 7-0 vote, the Committee reported the proposal to the

Council with the recommendation that it do pass. Councillor McWhirter moved, seconded by Councillor Nytes, for adoption. Proposal No. 524, 2002 was adopted on the following roll call vote; viz:

26 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Frick, Gibson, Gray, Knox, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short, Soards, Talley, Tilford

0 NAYS:

1 NOT VOTING: Smith

2 ABSENT: Horseman, Langsford

Proposal No. 524, 2002 was retitled FISCAL ORDINANCE NO. 142, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 142, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) transferring and appropriating an additional One Hundred Seventy-five Thousand Dollars (\$175,000) in the Consolidated County Fund for purposes of the Department of Administration, Fleet Services Division, and reducing certain other appropriations for that division.

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 (h) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Administration, Fleet Services Division, to cover costs for an upgrade of the Fleet Management System (M5) which will streamline workflow processes and improve responsiveness.

SECTION 2. The sum of One Hundred Seventy-five Thousand Dollars (\$175,000) 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>DEPARTMENT OF ADMINISTRATION</u>	<u>CONSOLIDATED COUNTY FUND</u>
<u>FLEET SERVICES DIVISION</u>	
3. Other Services and Charges	175,000
TOTAL INCREASE	175,000

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

<u>DEPARTMENT OF ADMINISTRATION</u>	<u>CONSOLIDATED COUNTY FUND</u>
<u>FLEET SERVICES DIVISION</u>	
2. Materials and Supplies	175,000
TOTAL DECREASE	175,000

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

PROPOSAL NO. 559, 2002. Councillor Cockrum reported that the Parks and Recreation Committee heard Proposal No. 559, 2002 on November 14, 2002. The proposal, sponsored by Councillors Cockrum and Douglas, approves a transfer of \$400,000 in the 2002 Budget of the Department of Parks and Recreation (Park General Fund) to fund staffing for two year-round swimming pools (Forest Manor and Washington Middle Schools) unanticipated in the 2002 budget, as well as overtime needs for storm clean-up from September 20, 2002. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Cockrum moved, seconded by Councillor Massie, for adoption. Proposal No. 559, 2002 was adopted on the following roll call vote; viz:

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

0 NAYS:

2 ABSENT: Horseman, Langsford

Proposal No. 559, 2002 was retitled FISCAL ORDINANCE NO. 143, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 143, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) transferring Four Hundred Thousand Dollars (\$400,000) in the Park General Fund for purposes of the Department of Parks and Recreation and reducing certain other appropriations for that department.

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(l) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to fund staffing for two year round pools, at Forest Manor and Washington Middle Schools, unanticipated in the 2002 budget, as well as overtime needs for storm clean-up from September 20, 2002.

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 accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
1. Personal Services	400,000
TOTAL INCREASE	400,000

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

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
2. Materials and Supplies	62,500
3. Other Services and Charges	266,000
4. Capital Outlay	71,500
TOTAL DECREASE	400,000

SECTION 5. 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. 561 and 563, 2002 on November 13, 2002. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 561, 2002. The proposal, sponsored by Councillor Dowden, approves a transfer of \$500,000 in the 2002 Budget of the County Sheriff (County General Fund) to provide for the shortage of money in the 2002 budget for gasoline. PROPOSAL NO. 563, 2002. The proposal, sponsored by Councillor Dowden, approves a transfer of \$102,024 in the 2002 Budgets of the County Auditor and Community Corrections (State and Federal Grants Fund) to fund additional work release beds and day reporting slots, and rescinds Fiscal Ordinance No. 67, 2002, due to incorrect transfer of dollar amount. By 9-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Dowden moved, seconded by

Councillor Smith, for adoption. Proposal Nos. 561 and 563, 2002 were adopted on the following roll call vote; viz:

26 YEAS: Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Frick, Gibson, Gray, Knox, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, Short, Smith, Soards, Talley, Tilford

0 NAYS:

1 NOT VOTING: Bradford

2 ABSENT: Horseman, Langsford

Proposal No. 561, 2002 was retitled FISCAL ORDINANCE NO. 144, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 144, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) transferring and appropriating an additional Five Hundred Thousand Dollars (\$500,000) in the County General Fund for purposes of the County Sheriff and reducing certain other appropriations from that department.

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(f) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Sheriff to provide for the shortage of money in the 2002 budget for gasoline.

SECTION 2. The sum of Five Hundred Thousand Dollars (\$500,000) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>COUNTY SHERIFF</u>	<u>COUNTY GENERAL FUND</u>
2. Supplies	500,000
TOTAL INCREASE	500,000

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

<u>COUNTY SHERIFF</u>	<u>COUNTY GENERAL FUND</u>
1. Personnel Services	400,000
3. Other Services and Charges	100,000
TOTAL DECREASE	500,000

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

Proposal No. 563, 2002 was retitled FISCAL ORDINANCE NO. 145, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 145, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No.97, 2001) transferring and appropriating an additional One Hundred Two Thousand Twenty-four Dollars (\$102,024) in the State and Federal Grants Fund for purposes of Community Corrections and the County Auditor 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 2 of the City-County Annual Budget for 2002 be, and is hereby, amended by the

increases and reductions hereinafter stated for the purpose of the County Auditor and Community Corrections to fund additional work release beds and day reporting slots rescinds Fiscal Ordinance No. 67, 2002, due to incorrect transfer of dollar amount.

SECTION 2. The sum of One Hundred Two Thousand Twenty-four Dollars (\$102,024) 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>COMMUNITY CORRECTIONS</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>102,024</u>
TOTAL INCREASE	102,024

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

<u>COUNTY AUDTIOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services - fringes	60,158
<u>COMMUNITY CORRECTIONS</u>	
1. Personal Services	<u>48,866</u>
TOTAL DECREASE	102,024

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

PROPOSAL NO. 565, 2002. Councillor Bainbridge reported that the Public Works Committee heard Proposal No. 565, 2002 on November 21, 2002. The proposal, sponsored by Councillors Coughenour and Moriarty Adams, approves a transfer of \$250,000 in the 2002 Budget of the Department of Public Works, Operation Division (Transportation General Fund) to pay for renovation to the silk screen room within the sign paint shop to improve ventilation and to construct a pole barn for equipment storage. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Knox said that he had a tour of the silk screen room and sign paint shop and values the work that this division does, but is concerned about the conditions they have to work in.

Councillor Bainbridge moved, seconded by Councillor Knox, for adoption. Proposal No. 565, 2002 was adopted on the following roll call vote; viz:

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

Proposal No. 565, 2002 was retitled FISCAL ORDINANCE NO. 146, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 146, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) transferring Two Hundred and Fifty Thousand Dollars (\$250,000) in the Transportation General Fund for purposes of the Department of Public Works, Operations Division and reducing the unappropriated and unencumbered balance in the Transportation 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(j) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works, Operations Division to pay for renovation to the silk screen room within the sign paint shop to improve ventilation, and to construct a pole barn for equipment storage.

SECTION 2. The sum of Two Hundred and Fifty Thousand Dollars (\$250,000) be, and the same is hereby, appropriated 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>DEPARTMENT OF PUBLIC WORKS</u> <u>OPERATIONS DIVISION</u>	<u>TRANSPORTATION GENERAL FUND</u>
4. Capital Outlay	<u>250,000</u>
TOTAL INCREASE	250,000

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

<u>DEPARTMENT OF PUBLIC WORKS</u> <u>OPERATIONS DIVISION</u>	<u>TRANSPORTATION GENERAL FUND</u>
2. Materials and Supplies	<u>250,000</u>
TOTAL DECREASE	250,000

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

PROPOSAL NO. 570, 2002. Councillor Smith reported that the Metropolitan Development Committee heard Proposal No. 570, 2002 on November 18, 2002. The proposal, sponsored by Councillors Talley and Smith, requests the Metropolitan Development Commission to consider certain amendments to permit an exemption for signage in any zoning district related to not-for-profit activities. By a 5-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Talley said that it is important to help these non-profit groups who are offering services to the citizens of this community without contributing to sign pollution. Councillors Schneider and Gibson voiced their support of the proposal and offered their services to Councillor Talley when he brings this recommendation before the Metropolitan Development Commission.

Councillor Nytes said that she voted against the proposal in Committee in consideration of the position of the Marion County Alliance of Neighborhood Associations (MCANA). However, she recognizes that this is simply a request that the Commission consider these amendments, and therefore she will support the proposal this evening.

Councillor Black said that he would like to see the four-hour time limit for taking down signs change to eight hours, as four hours is not sufficient time. Councillor Talley said that it is too late to change the ordinance at this time, but he will relay this recommendation when offering this change to the Metropolitan Development Commission.

President Borst asked if Councillor Talley will be presenting this ordinance to the Commission or if the Clerk sends a copy to them. Councillor Talley said that he has already sent one letter to them and will follow up with a letter and copy of the ordinance after it passes.

Councillor Smith moved, seconded by Councillor Talley, for adoption. Proposal No. 570, 2002 was adopted on the following roll call vote; viz:

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

0 NAYS:

2 ABSENT: Horseman, Langsford

Proposal No. 570, 2002 was retitled COUNCIL RESOLUTION NO. 88, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 88, 2002

A COUNCIL RESOLUTION requesting the Metropolitan Development Commission to consider certain amendments to permit an exemption for signage in any zoning district related to not-for-profit activities.

WHEREAS, many not-for-profit organizations hold special events for fund raising purposes and for carrying out their charitable work; and

WHEREAS, often signs and posters are used to make the public aware of such events; and

WHEREAS, current regulations do not adequately provide for such temporary signs and posters; 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 recommends to the Metropolitan Development Commission that Sec. 734-204 be amended so that an ILP shall not be required if the following provisions are met:

(z) Temporary signs for activities of not-for-profit entities such as, but not limited to churches, little league organizations, schools, etc., provided that each such sign advertises an event that is conducted in pursuit of its not-for-profit status, and does not exceed a size of thirty-six (36) x thirty-six (36) inches in size. Temporary signs allowed under this section include pennants and banners.

- (1) Temporary signs for such purposes must be erected or posted on the organization's property.
- (2) Temporary signs may not be posted for more than twenty-four (24) hours before the event, and must be removed no more than four (4) hours following the close of the event.
- (3) No organization may erect or post such signs in a public right-of-way.
- (4) No organization may post any such signs more than any four (4) times in any thirty (30) day period.

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

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 Langsford in memory of Boyce H. Sullivan; and
- (2) Councillors Short, Boyd, Borst, Langsford, Coughenour, Schneider, and Dowden in memory of Michael Page; and
- (3) Councillor Smith in memory of Bettie Shaffer; and
- (4) Councillor Knox in memory of William Lee Hood.

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 Boyce H. Sullivan, Michael Page, Bettie Shaffer, and William Lee Hood. 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 8:55 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 25th day of November, 2002.

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)