

**ADMINISTRATION AND FINANCE COMMITTEE**

**DATE:** June 30, 2009  
**CALLED TO ORDER:** 5:36 p.m.  
**ADJOURNED:** 7:09 p.m.

**ATTENDANCE**

ATTENDING MEMBERS

Marilyn Pfisterer  
Paul Bateman  
Susie Day  
Barbara Malone  
Jackie Nytes  
Joanne Sanders  
Ryan Vaughn

ABSENT MEMBERS

**AGENDA**

PROPOSAL NO. 229, 2009 - appoints Michael Whitmore to the Equal Opportunity Advisory Board  
"Do Pass" Vote: 4-3

PROPOSAL NO. 230, 2009 - appoints Douglas Huntsinger to the Equal Opportunity Advisory Board  
"Do Pass" Vote: 5-2

PROPOSAL NO. 268, 2009 - appoints Joseph "AJ" Feeney-Ruiz to the Equal Opportunity Advisory Board  
"Do Pass" Vote: 6-1

PROPOSAL NO. 271, 2009 - appoints Charles Garcia to the Equal Opportunity Advisory Board  
"Do Pass" Vote: 6-1

PROPOSAL NO. 231, 2009 - approves an additional appropriation of \$160,710 in the 2009 Budgets of the Marion County Election Board and Voter's Registration (County General Fund) to fund referenda elections on November 3, 2009, financed by reimbursement from Franklin Township Community School Corporation and Beech Grove City Schools  
"Do Pass" Vote: 7-0

## **ADMINISTRATION AND FINANCE COMMITTEE**

The Administration and Finance Committee of the City-County Council met on Tuesday, June 30, 2009. Chairwoman Marilyn Pfisterer called the meeting to order at 5:36 p.m. with the following members present: Paul Bateman, Susie Day, Barbara Malone, Jackie Nytes, Joanne Sanders, and Ryan Vaughn.

### PROPOSAL NO. 229, 2009 - appoints Michael Whitmore to the Equal Opportunity Advisory Board

Michael Whitmore said that he grew up in Indianapolis and is currently working for the State of Indiana as a Utility Regulatory Analyst. He said that he also works as a part-time instructor for Indiana Wesleyan University teaching business law and finance. Mr. Whitmore said that he is looking forward to becoming much more active in the community. He would like to help mold what his community should look like. He said that he volunteers as a big brother and has adopted a block through Keep Indianapolis Beautiful (KIB).

Councillor Nytes asked Mr. Whitmore how familiar he is with the Human Rights Ordinance. Mr. Whitmore said that he is not familiar with this ordinance.

Councillor Malone asked if Mr. Whitmore is familiar with equal employment opportunities and fair housing issues. Mr. Whitmore said that he is aware of the basis of these two issues based on the law school education curriculum. He said that he has not had practical experience in this area, only the classroom experience.

Councillor Vaughn moved, seconded by Councillor Day, to send Proposal No. 229, 2009 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 4-3, with Councillors Nytes, Sanders, and Bateman casting the negative votes.

Councillor Sanders said that her vote is not personally against the appointee; it is just her view on how the board should be made up.

### PROPOSAL NO. 230, 2009 - appoints Douglas Huntsinger to the Equal Opportunity Advisory Board

Douglas Huntsinger said that he grew up in Frankton, Indiana, and earned a degree in Political Science from Indiana University. He said that for the last five years he has worked in various positions in the Governor's office. He said that he has a lot of responsibilities, including the Governor's Scholarship Program. Mr. Huntsinger said that he expressed an interest to the Clerk of the Council in serving the community, and she explained that there were opportunities on the Equal Opportunity Advisory Board. He said that no one should be discriminated against for any reason, and this board is the process that helps people who feel that they have been discriminated against for whatever reason.

Councillor Nytes asked Mr. Huntsinger how familiar he is with the Human Rights Ordinance. He said that he is very familiar and well informed about this ordinance. He said that the sexual orientation and gender identity clause was recently added to the Human Rights Ordinance. He said during the seventh congressional special election he served as a moderator for the Indiana Quality Debate.

Councillor Sanders said that the make-up of the Equal Opportunity Advisory Board should be very diverse with gender and race. She said that she is not in support of all four Council appointments being all white males.

Chairwoman Pfisterer said that it is very difficult to find qualified people who are willing to serve for no pay if they have to be screened for gender, race and age.

Councillor Malone said that because of the history of this board, it is very important to have a panacea of diversity on this board. She said that configuration and diversity of this board should reflect the community.

Councillor Sanders said that as the Minority Leader of the Council, she was not asked to recommend names of people that could possibly fill these positions.

Chairwoman Pfisterer said that there will be additional appointments that will need to be made, and she will seek recommendations for other people.

Councillor Vaughn moved, seconded by Councillor Day, to send Proposal No. 229, 2009 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 5-2, with Councillors Sanders and Bateman casting the negative votes.

PROPOSAL NO. 268, 2009 - appoints Joseph "AJ" Feeney-Ruiz to the Equal Opportunity Advisory Board

AJ Feeney-Ruiz said that he is a second generation Puerto Rican born in the United States (US). He said that he attended school in Indianapolis, Martinsville, New Mexico, and South Florida. He is currently a student at Indiana Kelly School of Business, and he received his law degree at Indiana University-Indianapolis in 2007. He said that he is a certified Public Policy Mediator through Indiana University. Mr. Feeney-Ruiz said that he volunteered to mediate Equal Employment Opportunity Commission (EEOC) cases for the state. He said that he has been traveling around the world for the last two years and has worked in several countries. He has been back in the US for two months, and is very interested in getting involved. Before leaving, he was communication director for the Secretary of State of Indiana. In that capacity, he spent a lot of time helping different constituency throughout the state.

Councillor Nytes asked Mr. Feeney-Ruiz how familiar he is with the Human Rights Ordinance. Mr. Feeney-Ruiz said that just because someone sees another person differently does not mean that they are not allowed the same opportunities as everyone else. He said that he would appreciate the opportunity to be a part of the process of making sure no one is left out. Councillor Nytes asked if Mr. Feeney-Ruiz is familiar with the expansion to this ordinance. Mr. Feeney-Ruiz answered in the negative. Councillor Malone moved, seconded by Councillor Vaughn, to send Proposal No. 268, 2009 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 6-1, with Councillors Sanders casting the negative vote.

PROPOSAL NO. 271, 2009 - appoints Charles Garcia to the Equal Opportunity Advisory Board

Mr. Charles Garcia said that he owns a number of businesses in Indianapolis. He said that he was chair of the Indianapolis Chamber of Commerce last year and served been on a number of boards around the city. He said that he has been a proponent of fair business practices for many years. He said that he was on the Equal Opportunity Advisory Board five years ago and is aware of some of the practices. He said that he is a hard worker and he is aware and understands certain business practices throughout the city. Mr. Garcia said that he supports Councillor Sander's push for diversity on this board.

Councillor Nytes asked if Mr. Garcia is appointed as a Council appointee to any other board. Mr. Garcia answered in the negative.

Councillor Vaughn moved, seconded by Councillor Day, to send Proposal No. 271, 2009 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 6-1, with Councillors Sanders casting the negative vote.

PROPOSAL NO. 231, 2009 - approves an additional appropriation of \$160,710 in the 2009 Budgets of the Marion County Election Board and Voter's Registration (County General Fund) to fund referenda elections on November 3, 2009, financed by reimbursement from Franklin Township Community School Corporation and Beech Grove City Schools

Laurel Judkins, Director of Elections, Marion County Election Board, said Beech Grove City Schools and the Franklin Township Community School Corporation wish to have public questions placed on the ballot for a referendum tax levy for operating costs. Ms. Judkins said in order to place a public question on the ballot for a referendum tax levy it must first go through a certification process with the school board and then come to the Council for certification. After it is approved, it is sent to the Marion County Election Board, who then administers the election. A side component is that there is a fiscal ordinance that is being brought before the committee. The tax levy referendum requires that the school corporation cover the cost of the special election, and the requests for these funds take that into consideration. The Election Board provided the school corporations estimates on how much it would cost for the two jurisdictions so that there will be a zero impact on the County General Fund. A Memo of Understanding has been drafted by the Office of Finance and Management (OFM) and signed by the school corporations. All members of the Marion County Election Board have indicated that they will ratify the memo at their next scheduled meeting.

Chairwoman Pfisterer asked if the reimbursement of funds will be disbursed before the election to prevent any tax burden on the citizens of Marion County. Ms. Judkins said that in the Memo of Understanding there is a payment schedule set, with August 1, 2009 being the first payment date. On that date, all monies expended by the Marion County Election Board thus far, in preparation for the election, or 50% of the total cost will be paid, whichever is greater. The next schedule payment calls for payment by the date of the election, and the final payment will be disbursed by December 31, 2009.

Councillor Vaughn asked if the cost of running this election includes any of the operation cost shortfall for which the school corporation wants to raise taxes. Jane Herndon, Ice Miller Law Office, said that she serves as special counsel for both school corporations, and this is something that both corporations have approved. They will pay the costs of this election out of this year's distribution, whether they win or lose this referendum. Councillor Vaughn asked what would happen if the referendum fails. Ms. Herndon said that there are two purposes for the referendum. The first is the school corporation cannot deliver the educational needs to the children, as they forecast how much money they will need compared to the money that they will receive for their budget. The other purpose is to replace the money that is lost by the circuit breaker tax cap. She said that if the electorate is willing and they care enough about the education of their kids, they will be willing to pay more than the tax cap. She said that the amount that will come in through this revenue referendum tax levy will be quite a bit more compared to the one-time cost of having this special election. Councillor Vaughn asked if this referendum is for capital improvement projects. Ms. Herndon said the referendum for capital improvement projects comes from House Bill 1001. She said that the state statute that applies in this instance is totally different. The referendum for General Fund needs has been around for the last seven or eight years. She said that none of this funding will go toward capital building projects.

Councillor Sanders asked if this type of referendum required permission of the current legislature to move forward. Ms. Herndon answered in the negative. She said that if a school corporation cannot carry out its

duty for public education, it has the ability to hold a special referendum. This has been around for at least eight years.

Councillor Malone asked if there will be any interest applied. Mike Whaler, Beech Grove Attorney, said that there is nothing in the memo of understanding that outlines interest paid for the loan. He said that they fully anticipate being able to pay the costs for the referendum.

Councillor Day asked when the decision is made, where the polling sites will be. Ms. Judkins said that the Election Board must first wait for everything to get approved by the City-County Council. Once this is certified, then the Election Board is statutorily authorized to begin making preparations for the election.

Chairman Pfisterer asked if this could be delayed until the primary elections of 2010. Dr Paul Kaiser, Superintendent of Beech Grove City Schools, said that the tax cap has already hit the Beech Grove school corporations starting in 2009. He said that they stand to lose \$200,000 by the end of this year, even with the supplement that the State of Indiana supplies. He said that in 2010, the tax cap will cause Beech Grove to lose \$750,000 up front. If there is no longer a supplement, the city would lose \$1.3 million and would not be able to transport kids to school anymore. He said that it is critical that this referendum take place as soon as possible. Dr. Walter Bourke, Superintendent of Franklin Townships Schools, said that they are experiencing the same type of situation. He said that the Statute requires that they dismiss teachers prior to May for the following school year. He said that this would require Franklin Township to pass or defeat this referendum prior to that date.

Councillor Vaughn said that he wants to make sure that these are actual operating shortfalls and the money will not be transferred from the operation budget to the capital budget to build a new building while claiming to have an operation shortfall. Mr. Bourke said that this is not connected with any kind of construction project. Mr. Kaiser said that Franklin Township and Beech Grove are seeking the referendum for two different reasons. Franklin Township is asking for a General Fund Referendum and an operational request. Mr. Kaiser said that they have a shortfall of \$300,000 on a \$15 million budget. He said that by being efficient, they can make up the shortfall.

Councillor Nytes asked if there is a deadline wherein the units of government must notify the Election Board of a request for a special election. Ms. Judkins answered in the affirmative. She said that the election occurs between 90 and 180 days after certifications. Ms. Herndon said for a general election in November, the certification to the Election Board would be August 1. She said the difference is that a construction referendum would go through the Auditor and not the Council. Councillor Nytes asked in the event another entity wishes to arrange for a November ballot issue and that ballot issue involves voters who are in the Beech Grove and Franklin Township Jurisdictions, how the cost would be split. Ms. Judkins said that it would depend on who would be required to pay for the referendum that would be added. Councillor Nytes asked if the I-votronic machines will be used for this election. Ms. Judkins said that they are using the I-votronic machines.

Councillor Vaughn asked what efforts are being used to inform people that this election will take place. Ms. Judkins said the statutory requirements are to notify the election division of the state and also to publish notice of the election in three publications. Mr. Kaiser said that he will be sending a newsletter out to all of the Beech Grove constituents in the zip code. He said that they will hold at least two meetings in all five of the schools. He said at those meetings they will provide them with a lot of data about the effect of the circuit breaker tax. Mr. Bourke said that this information is already public knowledge in Franklin Township.

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Councillor Malone asked if there is any anticipation that the Election Board will have additional costs that are not included in the requested amount, which would fall on the taxpayers of Marion County. Ms. Judkins answered in the negative.

Chairwoman Pfisterer asked if the satellite offices will be used in this special election. Ms. Judkins said that they are considering having the southern part of Marion County be the center for this referendum, including a satellite site for early voting.

Councillor Nytes moved, seconded by Councillor Day, to send Proposal No. 231, 2009 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 7-0,

There being no further business, and upon motion duly made, the meeting was adjourned at 7:09 p.m.

Respectfully Submitted,

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Marilyn Pfisterer, Chairwoman

MP/rjp