

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

**REGULAR MEETINGS
MONDAY, SEPTEMBER 8, 2008**

The City-County Council of Indianapolis, Marion County, Indiana, the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council, Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:01 p.m. on Monday, September 8, 2008, with President Cockrum presiding.

Councillor Nytes led the opening prayer, invited all present to join her in the Pledge of Allegiance to the Flag.

ROLL CALL

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

29 PRESENT: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Sanders, Scales, Smith, Speedy, Vaughn
0 ABSENT:

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor McQuillen recognized Mike Terry, interim Chief Executive Officer for IndyGo, and Dennis Faulkenberg, current board president for IndyGo. Councillor Pfisterer recognized community leaders and activists, Tom and Sarah Glass, and wished President Cockrum a happy birthday. Councillor Lutz recognized Scott Harris, executive director of the Speedway Redevelopment Commission. Councillor Pryor recognized Annette Johnson and her mother, and Pastor Willoughby. Councillor Nytes recognized small business owner and downtown activist Mark Rushman. Councillor Bateman recognized Pastor Jackson. Councillor Malone recognized former Indianapolis Public Schools board member Barbara Coleman-Knight. Councillor Oliver recognized Reverend Patton, Arthur Letheridge, and Pat Murray. Councillor Smith recognized Patriot Paul. Councillor Evans recognized Cornell Burris, National Association for the

Advancement of Colored People (NAACP), and Mike Reeves, Indianapolis Firefighters Union. Councillor Pryor recognized former Council staff member Brent Stinson. Councillor Gray recognized Reverend Malachi Walker, former firefighter.

OFFICIAL COMMUNICATIONS

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

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

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, September 8, 2008, 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/Bob Cockrum
President, City-County Council

August 22, 2008

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Monday, August 25, 2008, a copy of a Notice of Public Hearing on Proposal Nos. 370, 375 and 376, 2008, said hearing to be held on Monday, September 8, 2008, at 7:00 p.m. in the City-County Building.

Respectfully,
s/Melissa Thompson
Clerk of the City-County Council

August 27, 2008

TO PRESIDENT COCKRUM 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 Monday, September 1, 2008 and in the *Indianapolis Star* on Tuesday, September 2, 2008, a copy of a Legal Notice of General Ordinance No. 55, 2008.

Respectfully,
s/Melissa Thompson
Clerk of the City-County Council

August 27, 2008

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, August 29, 2008, a copy of a Notice of Public Hearing on Proposal No. 385, 2008, said hearing to be held on Monday, September 8, 2008, at 7:00 p.m. in the City-County Building.

Respectfully,
s/Melissa Thompson
Clerk of the City-County Council

September 8, 2008

August 23, 2008

TO PRESIDENT COCKRUM 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, Melissa Thompson, the following ordinances:

FISCAL ORDINANCE NO. 39, 2008 – appropriates \$900,000 in the 2008 Budget of the Department of Parks and Recreation (State Grants Fund) in order to design and construct a segment of the Pennsy Trail, financed by a grant from the Indiana Department of Natural Resources

FISCAL ORDINANCE NO. 41, 2008 - appropriates \$278,719 in the 2008 Budget of the Indianapolis Metropolitan Police Department (IMPD General, Federal Grants, and Non-Lapsing Federal Grants Funds) and \$176,724 in the 2008 Budget of the Information Services Agency (Information Services Agency Internal Service Fund) for the reimbursement of overtime investigations of illegal cigarette sales, gangs and guns, supplies and equipment for the Indiana Intelligence Fusion Center, and database software system for the police property room

FISCAL ORDINANCE NO. 42, 2008 - transfers \$150,000 in the 2008 Budget of the Department of Metropolitan Development (Federal Grants and Transportation Funds) to fund contractual planning and other services to provide data used in the prioritization of regional transportation projects

FISCAL ORDINANCE NO. 43, 2008 - transfers and appropriates \$1,433,747 in the 2008 Budget of the Marion County Sheriff's Department (County General Fund) and \$123,644 in the 2008 Budget of the Department of Public Safety (Consolidated County and IMPD Funds) to accomplish the transfer of certain functions between the Sheriff's Department, IMPD, Marion County Justice Agency, and the Department of Public Safety, including the Failure to Appear Unit, the Citizens Police Complaints Office, the Sex Offender and Violent Offender Registry program, the Warrants Unit and fleet technicians

POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 2008 - appropriates \$900,000 in the 2008 Budget of the Indianapolis Metropolitan Police Department (Federal Law Enforcement Fund) for the purchase of 34 police vehicles, including radios and laptop computers

GENERAL ORDINANCE NO. 55, 2008 - adopts a new Ethics Code for City and County agencies, officials, appointees and employees

GENERAL ORDINANCE NO. 56, 2008 - amends portions of the Code regarding the Regional Center Zoning Ordinance and affixes a time when the same shall take effect

GENERAL ORDINANCE NO. 57, 2008 - amends the Code regarding motor vehicle reports to make it consistent with applicable provisions of the Indiana Code and to increase the fee for a motor vehicle report

GENERAL ORDINANCE NO. 58, 2008 - authorizes No Parking Anytime restrictions on the north side of Norwood Street from West Street to Missouri Street (District 19)

GENERAL ORDINANCE NO. 59, 2008 – authorizes intersection controls at the intersection of Knoll Top Drive and Linwood Avenue (District 24)

GENERAL ORDINANCE NO. 60, 2008 – authorizes parking restrictions on Allendale Drive between Earl Avenue and Kiel Avenue and Kiel Avenue between Allendale Drive and 38th Street (District 7)

GENERAL ORDINANCE NO. 61, 2008 – authorizes intersection controls in the Edgewood Trace subdivision (District 25)

GENERAL ORDINANCE NO. 62, 2008 – authorizes intersection controls in Ameriplex, Phase Six (District 22)

GENERAL ORDINANCE NO. 63, 2008 - authorizes parking restrictions on the east side of Ritter Avenue from Burgess Avenue to a point 50 feet north of Burgess Avenue and on the west side of Ritter Avenue from Downey Avenue to a point 100 feet north of Downey Avenue (District 21)

GENERAL ORDINANCE NO. 64, 2008 – authorizes intersection controls in the Country Club Village Shoppes (District 13)

GENERAL ORDINANCE NO. 65, 2008 – authorizes intersection controls in the Roselawn Park neighborhood (District 22)

GENERAL ORDINANCE NO. 66, 2008 - authorizes intersection controls in the Wolf Run subdivision, Sections One and Two (District 25)

GENERAL ORDINANCE NO. 67, 2008 - amends the Code to restrict the use and discharge of consumer fireworks

SPECIAL ORDINANCE NO. 5, 2008 - elects to fund the Metropolitan Emergency Communications Agency (MECA) in 2009 with County Option Income Tax (COIT) Revenues

SPECIAL RESOLUTION NO. 34, 2008 - recognizes KaBOOM for their contribution in providing a new play area to the Phoenix Apartments

SPECIAL RESOLUTION NO. 35, 008 - recognizes the Indianapolis Metropolitan Police Motorcycle Drill Team

Respectfully,
s/Gregory A. Ballard, Mayor

PROPOSAL NO. 398, 2008. The proposal, sponsored by Councillors Mansfield and Sanders, recognizes NUVO's 10th Annual Cultural Vision Awards. Councillor Mansfield read the proposal and stated that she will present copies to representatives at a later date. She moved, seconded by Councillor Sanders, for adoption. Proposal No. 398, 2008 was adopted by a unanimous voice vote.

Proposal No. 398, 2008 was retitled SPECIAL RESOLUTION NO. 36, 2008, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 36, 2008

A SPECIAL RESOLUTION recognizing NUVO's 10th Annual Cultural Vision Awards.

WHEREAS, NUVO's (which stands for New Voice) first issue hit the street on March 14, 1990; and

WHEREAS, NUVO's mission is to support the communal celebration and debate surrounding the values of freedom and equality. NUVO does this by having an internal culture flexible enough to push this dialogue forward and then to use this understanding in how NUVO chooses and approaches stories; and

WHEREAS, the NUVO Cultural Vision Awards honor outstanding creative achievements that make a difference in the lives of people in Indianapolis, bring public attention to this work, reinforce a sense of local community among the city's cultural activists, business and civic leaders, and challenge and invigorate how we, as a community, define cultural work, and its impact on people in our city; and

WHEREAS, its 10th Annual Cultural Vision Awards Honorees are Indianapolis Peace and Justice Center, Indy Feral, Indianapolis International Film Festival, R Bistro, Indy Pride, Theatre on the Square, Keep Indianapolis Beautiful, Standard Recording Company, Indianapolis Children's Choir and Gerald Bepko; 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 proudly recognizes NUVO on ten years of honoring outstanding creative achievements.

SECTION 2. The Council heartily congratulates NUVO for making a cultural difference in the lives of people in Indianapolis and wishes them continued success.

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

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

PROPOSAL NO. 415, 2008. The proposal, sponsored by Councillor Bateman, recognizes Young Men, Inc. Councillor Bateman read the proposal and presented representatives with copies of the document and Council pins. Pastor Malachi Walker thanked the Council for the recognition. He

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said that his daughter was the 76th homicide victim this year, and Young Men, Inc. is dedicated to reaching out to the black males in the city, for whom homicide statistics are highest. Councillor Cockrum expressed condolences for Pastor Walker's loss, and stated that the community needs more citizens like him. Councillor Bateman moved, seconded by Councillor Oliver, for adoption. Proposal No. 415, 2008 was adopted by a unanimous voice vote.

Proposal No. 415, 2008 was retitled SPECIAL RESOLUTION NO. 37, 2008, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 37, 2008

A SPECIAL RESOLUTION recognizing Young Men, Inc (YMI).

WHEREAS, the Young Men, Inc. Youth Ministry is an outreach ministry designed to empower African American males, ages 9 thru 16, physically, mentally, emotionally, and spiritually that was founded in 1993 by Reverend Malachi Walker; and

WHEREAS, the purpose of YMI is to foster an attitude of achievement in these young men by providing them with the knowledge and necessary skills to achieve positive direction in life and a future with opportunity, hope, self-esteem, and self-worth; and

WHEREAS, the YMI Summer Empowerment Camp is in its 14th year of operation, and has grown from servicing 23 young men to more than 61 young men; and

WHEREAS, YMI's goals include: offering a safe-haven and positive environment; developing mentoring opportunities with adult male role model; opening communications between parents, participants, and the program; and introducing participants to activities to which they may not otherwise have access; and

WHEREAS, the staff of YMI has dedicated thousands of hours to giving tireless service to the program and its participants; 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 proudly recognizes the Young Men, Inc. for offering recreational, as well as interactive learning opportunities to young African American males.

SECTION 2. The Council congratulates YMI on 14 years of service and wishes them continued success in all future endeavors.

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

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

PROPOSAL NO. 329, 2008. Councillor McQuillen reported that the Municipal Corporations Committee heard Proposal No. 329, 2008 on August 25, 2008. The proposal, sponsored by Councillor McQuillen, reappoints Dennis E. Faulkenberg to the Indianapolis Public Transportation Corporation Board of Directors. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Sanders asked Mr. Faulkenberg to speak to his experience. Mr. Faulkenberg said that he is currently a member of the board of directors for IndyGo and has served there for four years. He worked 23 years in transportation and is a government affairs lobbyist for transportation at the state and federal level and steers away from any local work that would be a conflict of interest.

President Cockrum stated that he checked attendance records, and Mr. Faulkenberg has only missed one meeting in the last year.

Councillor McQuillen moved, seconded by Councillor Vaughn, for adoption. Proposal No. 329, 2008 was adopted on the following roll call vote; viz:

29 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Sanders, Scales, Smith, Speedy
0 NAYS:

Proposal No. 329, 2008 was retitled COUNCIL RESOLUTION NO. 101, 2008, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 101, 2008

A COUNCIL RESOLUTION reappointing Dennis E. Faulkenberg to the Indianapolis Public Transportation Corporation Board of Directors.

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

SECTION 1. As a member of the Indianapolis Public Transportation Corporation Board of Directors, the Council reappoints:

Dennis E. Faulkenberg

SECTION 2. The appointment made by this resolution is for a term ending August 5, 2012. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Councillor Pfisterer reported that the Administration and Finance Committee heard Proposal Nos. 368 and 369, 2008 on August 12, 2008. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 368, 2008. The proposal, sponsored by Councillor Hunter, approves the Mayor's appointment of Jeffrey Roeder as hearing officer to preside over the administrative adjudication of parking citations. PROPOSAL NO. 369, 2008. The proposal, sponsored by Councillor Hunter, approves the Mayor's appointment of Karen Sullivan as hearing officer to preside over the administrative adjudication of parking citations. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Sanders stated that these positions used to be filled with people outside of city employment and it was found to be a cost savings to add these duties to employees whose job duties were already closely related.

Councillor Brown commended Mr. Roeder on doing an outstanding job as Council liaison and wished him success in this new duty.

Councillor Pfisterer moved, seconded by Councillor Hunter, for adoption. Proposal Nos. 368 and 369, 2008 were adopted on the following roll call vote; viz:

29 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Sanders, Scales, Smith, Speedy
0 NAYS:

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Proposal No. 368, 2008 was retitled COUNCIL RESOLUTION NO. 102, 2008, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 102, 2008

A COUNCIL RESOLUTION approving the Mayor's appointment of Jeffrey Roeder as hearing officer to preside over the administrative adjudication of parking citations on behalf of the Consolidated City of Indianapolis and Marion County.

WHEREAS, pursuant to Indiana Code § 36-3-3-8 and Section 103-73 of the "Revised Code of the Consolidated City and County," a mayoral appointment of a hearing officer to preside over the administrative adjudication of parking citations on behalf of the Consolidated City of Indianapolis and Marion County is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Jeffrey Roeder to serve as hearing officer at his pleasure for a term of one (1) year; now, therefore:

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

SECTION 1. Jeffrey Roeder is approved and confirmed by the City-County Council to serve as hearing officer at the pleasure of the Mayor for the term of one (1) year.

SECTION 2. This ordinance shall be in effect upon adoption and compliance with I.C. § 36-3-4-14.

Proposal No. 369, 2008 was retitled COUNCIL RESOLUTION NO. 103, 2008, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 103, 2008

A COUNCIL RESOLUTION approving the Mayor's appointment of Kären Sullivan as hearing officer to preside over the administrative adjudication of parking citations on behalf of the Consolidated City of Indianapolis and Marion County.

WHEREAS, pursuant to Indiana Code § 36-3-3-8 and Section 103-73 of the "Revised Code of the Consolidated City and County," a mayoral appointment of a hearing officer to preside over the administrative adjudication of parking citations on behalf of the Consolidated City of Indianapolis and Marion County is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Kären Sullivan to serve as hearing officer at his pleasure for a term of one (1) year; now, therefore:

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

SECTION 1. Kären Sullivan is approved and confirmed by the City-County Council to serve as hearing officer at the pleasure of the Mayor for the term of one (1) year.

SECTION 2. This ordinance shall be in effect upon adoption and compliance with I.C. § 36-3-4-14.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 402, 2008. Introduced by Councillor Pfisterer. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which authorizes for Marion County the issuance of temporary short term notes in anticipation of 2008 payments of property taxes from 2007 and 2009 payments of property taxes from 2008 in an amount not to exceed \$209,439,790 for 2008 and \$129,941,472 in 2009"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 403, 2008. Introduced by Councillor Pfisterer. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which authorizes for the City of Indianapolis the issuance of temporary short term notes in anticipation of 2008 payments of property taxes from 2007 and 2009 payments of property taxes from 2008 in an amount not to exceed \$291,486,053 for 2008 and \$212,653,620 in 2009"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 404, 2008. Introduced by Councillors Lutz and Pfisterer. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the issuance of bonds by the Town of Speedway Redevelopment Authority"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 405, 2008. Introduced by Councillor McQuillen. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which corrects the terms of certain members appointed to the Indianapolis Public Transportation Corporation Board of Directors"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 406, 2008. Introduced by Councillor Day. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Stuart Lowry as the Director of the Department of Parks and Recreation"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 407, 2008. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Janelle Canaday to the Animal Care and Control Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 408, 2008. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints John Broyles to the Citizens Police Complaint Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 409, 2008. Introduced by Councillors Vaughn and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates \$1,758,145 in the 2008 Budget of the Department of Public Safety (Federal Grants Fund) for the reimbursement of \$1,500,000 to the Indiana Stadium and Convention Building Authority for security cameras within the Lucas Oil Stadium and for a \$258,145 contract with Health and Hospital Corporation to enhance emergency health response in the case of catastrophic events within the county, financed by grants administered by the Indiana Department of Homeland Security"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 410, 2008. Introduced by Councillors Vaughn and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates \$248,978 in the 2008 Budget of the Indianapolis Metropolitan Police Department (Federal Grants Fund) for programs to enforce court-ordered home detention of juveniles, the Metro Drug Task Force, legal training for police officers by the US Attorney's office, weed and seed initiatives in the Martindale-Brightwood area, overtime for officers assigned to the Fatal Alcohol Crash Reduction Effort, and for public education about the risks of substance abuse, especially methamphetamine"; and the President referred it to the Public Safety and Criminal Justice Committee.

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PROPOSAL NO. 411, 2008. Introduced by Councillor Day. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls at Centre Parkway and Oakland Avenue (District 20)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 412, 2008. Introduced by Councillor Cain. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions in the Village Neighborhood (District 5)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 413, 2008. Introduced by Councillor Cain. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a 20-mile-per-hour speed limit in the Beechler Estates subdivision (District 5)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 414, 2008. Introduced by Councillor Hunter. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Revised Code regarding the powers and duties of the Crime Prevention Advisory Board"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 427, 2008. Introduced by Councillors Cockrum and Vaughn. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which seeks approval for the reduction of appropriations in the 2008 City-County Annual Budget for the various departments and agencies"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 428, 2008. Introduced by Councillor Hunter. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to establish a fuel surcharge for employees who take home city or county owned vehicles"; and the President referred it to the Public Works Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 416, 2008, PROPOSAL NOS. 417-420, 2008, PROPOSAL NO. 421, 2008 and PROPOSAL NOS. 422-426, 2008. Introduced by Councillor Plowman. Proposal No. 416, 2008, Proposal Nos. 417-420, 2008, Proposal No. 421, 2008, and Proposal Nos. 422-426, 2008 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on August 29 and September 2, 2008. 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. 91-101, 2008, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 91, 2008.

2007-ZON-141

1852 AND 1856 WEST MORRIS STREET (Approximate Address), INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 19

NEW LIFE BAPTIST CHURCH requests REZONING of 0.2755 acre, from the C-4 District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 92, 2008.

2008-ZON-045

1345 WEST SOUTHPORT ROAD (Approximate Address), INDIANAPOLIS

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 22

ROBBY'S PUB CORP., by Ray Good, requests REZONING of 4.184 acres, from the D-P District, to the D-P classification to provide for C-1 and C-3 uses, and to provide for a tavern with live entertainment, and a total of eight amusement machines within 48 feet of parcels improved with single-family dwellings (previous D-P rezoning permitted C-3 uses in conformance with the C-3 development standards of the Commercial Zoning Ordinance).

REZONING ORDINANCE NO. 93, 2008.

2008-ZON-060 (Amended)

3045 NORTH ARLINGTON AVENUE (Approximate Address) INDIANAPOLIS
WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 17

Prop No. 418, 2008 BALDEV S. THIND, by Ronald R. Barrett Sr., requests REZONING of 0.65 R.O. No. 93, 2008 acre, from the SU-2 District, to the C-3 classification to provide for community-regional commercial uses.

REZONING ORDINANCE NO. 94, 2008.

2008-ZON-824

122 EAST 22ND STREET AND 2206 AND 2210 NORTH TALBOTT STREET (Approximate Address), INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 15

WOODLAND REALTY CO., INC., by Ray Good, requests Rezoning of 0.40 acre, from the C-4 District, to the C-3C classification to provide for corridor commercial uses.

REZONING ORDINANCE NO. 95, 2008.

2008-ZON-826

2000 NORTH ILLINOIS STREET (Approximate Address), INDIANAPOLIS

Prop No. 420, 2008 CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 15

R.O. No. 95, 2008 MM NORTH ILLINOIS LLC, by David Kingen, requests REZONING of 1.279 acres, from the HD-2 and C-4 (RC) Districts, to the C-4 (RC) classification to provide for community-regional commercial uses.

REZONING ORDINANCE NO. 96, 2008.

2008-ZON-823

501 West Washington Street (Approximate Address), INDIANAPOLIS

Center Township, Councilmanic District # 19

White River State Park Development Commission, LLC and 501 West Washington Street, LLC, by Timothy E. Ochs requests a Rezoning of 1.07 acres, from CBDS (RC) to CBD-2 (RC) classification to provide for Central Business District Two uses.

REZONING ORDINANCE NO. 97, 2008.

2008-ZON-048

1502 AND 1526 WEST WASHINGTON STREET (Approximate Address), INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 15

RUBEN PAZMINO requests REZONING of 0.25 acre, from the I-4-U (RC) District, to the CBD-2 (RC) classification to provide for central business district two uses.

REZONING ORDINANCE NO. 98, 2008.

2008-ZON-053

718, 722, 726, 730 AND 734 NORTH HOLMES AVENUE AND 731 WARMAN AVENUE (Approximate Address), INDIANAPOLIS

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 14

EDEN MISSIONARY BAPTIST CHURCH, by Eugene Valanzano, requests REZONING of 0.58 acre, from the I-2-U District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 99, 2008.

2008-ZON-054

4026 EAST 82ND STREET (Approximate Address), INDIANAPOLIS

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 4

KRG RIVERS EDGE, LLC, by Timothy E. Ochs, requests REZONING of 14.801 acres, from the C-3 (FF), D6-II (FF)(FW), D-A (FF)(FW) Districts, to the C-4 (FF)(FW) classification to provide for community-regional commercial uses

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REZONING ORDINANCE NO. 100, 2008.

2008-ZON-819

7700, 7704 AND 7808 SOUTH MOORESVILLE ROAD (Approximate Address),
INDIANAPOLIS

DECATUR TOWNSHIP, COUNCILMANIC DISTRICT # 22

WEST NEWTON CHURCH, by Thomas Michael Quinn, requests REZONING of 0.72 acre, from
the D-A District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 101, 2008.

2008-ZON-827

4510 NORTH KEYSTONE AVENUE (Approximate Addresses), INDIANAPOLIS

Washington Township, COUNCILMANIC District # 9

Robert D. Martin requests the REZONING of 0.5 acre, from the D-5 (W-1) and I-1-S (W-1)
District, to the C-4 (W-1) classification to provide for general commercial uses.

**SPECIAL ORDERS - PUBLIC HEARING ON PROPOSED BUDGETS
COMMITTEE OF THE WHOLE COUNCIL
PUBLIC TESTIMONY**

President Cockrum called for public testimony on the proposed 2009 budget proposals. Public testimony was accepted on the following proposals:

PROPOSAL NO. 386, 2008 - adopts the annual budget for Indianapolis and Marion County for 2009. PROPOSAL NO. 387, 2008 - adopts the annual budget for the Police Special Service District for 2009. PROPOSAL NO. 388, 2008 - adopts the annual budget for the Fire Special Service District for 2009. PROPOSAL NO. 389, 2008 - adopts the annual budget for the Solid Waste Collection Special Service District for 2009. PROPOSAL NO. 390, 2008 - adopts the annual budget for the Ben Davis Conservancy District for 2009. PROPOSAL NO. 391, 2008 - adopts the annual budget for the Indianapolis Airport Authority for 2009. PROPOSAL NO. 392, 2008 - adopts the annual budget for the Capital Improvement Board of Managers for 2009. PROPOSAL NO. 393, 2008 - adopts the annual budget for the Health and Hospital Corporation for 2009. PROPOSAL NO. 394, 2008 - adopts the annual budget for the Indianapolis Public Transportation Corporation (IndyGo) for 2009. PROPOSAL NO. 395, 2008 - adopts the annual budget for the Indianapolis-Marion County Public Library for 2009

Melissa Donaghy, Hoosiers for Fair Taxation, stated that the \$1.5 million in the budget is not all the money that the Arts Council receives. Marion County is in a property tax crisis, tied directly to bond debt and borrowing from the bond bank only makes the problem worse. She said that she supports taking care of children and supporting the arts, but she is not going to ask her fellow taxpayers to fund the arts, as that funding should come from those individuals interested in the arts. It will be a cold winter and they will need much salt for the roads.

Dave Bond, citizen, stated that this is about careers that are funded by public art funds. Constitutionally speaking, there is no public funding for the arts, as there is no public funding for his favorite pasttime, fly-fishing. He said taking public money to fund a hobby or interest is wrong.

Cornell Burris, National Association for the Advancement of Colored People (NAACP), asked if there is an effort to bring back the Barrett Law to replace septic tanks with sanitation sewers.

Pastor R. E. Willoughby, president of the Concerned Clergy, said that they formed an ad hoc committee to review the budget. Minister James Jackson read a prepared statement highlighting that the 2009 budget does not fulfil its duty to the citizens. There is a proposed cut to public safety near \$15 million for the Sheriff's Department, and IMPD is only a part of the whole public safety efforts for the county. He said that they are an important link, and cutting them \$15 million does not take into account all the services provided, and the budget is lacking in transparency and does not show where the COIT increase for \$90 million is going. Politics should not dictate the decisions made by this body.

Liz Carlson, taxpayer in District 2, said that all revenues come from the taxpayer's pocket, and she applauded Mayor Ballard for trying to cut the budget and take less money from the taxpayer. She said that she believes the cut for the Arts does not go deep enough and should be cut 100%. She said that an average taxpayer has to work three days a week just to pay taxes. She said that infrastructure and public safety are essential expenses, and are not items of choice. She asked the Council to respect her enough to vote against non-essential services, such as arts.

Paul Wheeler, Marion County resident, said that he is a strong advocate for the arts, but no taxpayer should be required to pay for it. There is no record where founding fathers went house to house asking for share of crops to pay for an art class. He said that everyone has an appreciation for the arts, but it should be voluntary and should not be mandated. He said that freedom of expression is individual and should not be mandated, and is not a government responsibility. This is unconstitutional, and last year, the Council voted for a COIT increase, but also passed funds for the arts. He asked how ghost employees, arrested individuals, and those under ethics investigations can make decisions for the citizens.

Bonnie McCrary, citizen, introduced her son Scott, who has cerebral palsy and has attended Noble East for 40 years. She said that Noble of Indiana has been a God-send to her family and gives her son the opportunity to interact with others and helped her to pursue her career and support her family and get the support she needed to raise a son with special needs. She thanked the Council for the support they have given Noble over the years and requested their continued support.

Rolando Chavez, client of Noble, said that Noble has helped him to make something of his life, find a job, and contribute to his community and support himself. He said that he hopes to accomplish his GED and achieve even more career goals in spite of his handicap.

Bill Yoerger, board member for Noble of Indiana, said they appreciate the Council's continued support, and Noble has made efficiencies to do more with less. He recounted some of the accomplishments and numbers of those served, along with partnerships which have helped them serve the same amount or more people with less staff.

Ed Angleton, candidate for State Representative, District 100, said that any cut in arts funding will not result in the collapse of the arts programs in Indianapolis. The arts community has responded as though the sky is falling since hearing of the proposed cuts. The truth is that these programs will only be cut if the Arts Council chooses to do so. He urged the Council not to vote on emotion, but on reason. The Arts Council should not be paying artists from other states, when there are many talented and capable artist in Indianapolis. He said that these grants should be kept local.

Jim Naff, citizen, said that the budget proposal is 130 pages, and he asked if there has been a business case analysis done on any aspect of this budget. He said that he has heard that DPW

makes a profit on trash pick-up, and another says they barely break even. He said that a cost analysis should be done to see what the actual cost is. He said that the Chief Information Officer salary was increased 22% this year by the ISA board, and he asked why that director gets paid more than the Mayor and most agency heads. Councillor Plowman stated that the proposed raise for the head of the Information Services Agency did not pass the board.

Glenn Pratt, Sierra Club, said that he can remember working positively together to address the failing septic issue and drainage issues. He said that action began, but then the money got diverted to other areas. He said that this county still has children playing in yards with raw sewage. He said that a proposal is forthcoming regarding drought. He said that when Mayor Ballard appointed Dave Sherman as director of DPW, he was encouraged, as he has worked with him in the past and has confidence in his experience. He invited everyone to a local meeting on September 15, 2008 in the Martindale Brightwood area to combat the sewage problems in the city.

Artur Silva, citizen, stated that he is a member of the Arts Council, and art is one of the things that he found inviting in moving to Indianapolis. He said that art is not defined as a bonus, but defines who individuals are as humans and is education. Education is a right according to the Constitution, and cutting the arts funding is denying a right for education.

Nikki Knox, Asante Children's Theatre, said that the theatre has made a great change in her son Chris's life and has helped to manage his anger and make him a more productive member in society. This program has nurtured his talent and helped him to see the value of volunteerism. Chris Bailey said that the program has helped him become a better person, and eliminating programs like this would affect and hurt a lot of people.

Don Steffy, executive director of the Indianapolis Children's Choir, said that the children of Indianapolis are not non-essential. The Arts Council's grant program does not support salaries, but goes toward programs that help at-risk youth. Children are the human capital and infrastructure that the city needs. He said that the budgets could maybe be tightened 5.1%, instead of just 5%, to help fund these arts programs. Cutting the arts funding 35% is hard to swallow. Governor Daniels increased the arts budget because he saw it as the investment it is.

Ken Nurenburg, Herron School of Art student, said that art is not a hobby, but is a business which has a five-to-one return on the investment of public funds. Cutting funds for the arts is a bad business plan. He said that when he decides to settle in a location after completing school, he will be looking at the public support of the arts in the community. When a government cuts funding for the arts, that is not a community he would look to make his home. He said that others outside will not come here, either, and cutting arts funding would limit his experiences to work with talented individuals.

Cathy Burton, president of the Marion County Alliance of Neighborhood Associations (MCANA), said that in looking at the budget, the citizens need to know where the additional law enforcement officers are that were funded through the COIT increase, and where the savings went from consolidation. She said they need more transparent accountability of the Capital Improvement Board. They need to know what the back-up plan is for funding township assessors if the referendum does not pass. She asked what services will be cut if reliance on grants doesn't come to fruition. She asked what will happen if property tax reduction is more like the Department of Local Government Finance estimates at 25%, rather than the 11% identified in this budget.

Pat Andrews, MCANA, said that there are other areas that could be cut besides parks, such as Indianapolis Downtown, Inc. and buying more fuel-efficient vehicles. She said that the Council needs to take a global view of what is important for the future of Indianapolis.

Carol Tharpe-Perrin, Young Audiences, said that there should be a thorough analysis of what is feasible with the budget instead of taking large cuts from parks and arts. She said that the investment in arts and parks can also help to impact public safety. She compared the crime rate with New York, which has far more arts programming to help citizens find other outlets for their energies. She gave some statistics per 100 people of crimes in New York compared with Indianapolis. She added that arts programs are important in the development of children.

Cassandra Taylor, parent of a member of Asante Children's Theatre, said that she is new to Indianapolis and Asante has become a haven of learning and growing for her daughter, who has learned discipline and financial responsibility, as well as cultivating her talents. She said that these arts programs help to make children productive, successful individuals.

Mike Reeves, Firefighters Union Local 416, said that he appreciates the controller, fire chief, and public safety director identifying the true needs of the fire department and addressing their apparatus needs. He said that this is one of the best budgets he has ever seen presented to them.

Diane Lewis, Asante Children's Theatre, said that she supports performing arts that engage children between the ages of 12 and 21. She opposes the cuts proposed for the arts, and she hopes the Council will be part of the answer to her prayers to enhance the lives of children in this community.

Keisha Dixon, Executive Director of Asante Children's Theatre, stated that her son would have been a statistic if not for programming like Asante. She said that the parents of the children she works with would not know anything about volunteering and giving back if not for their example. She said that arguing about who the money should be spent on does more harm than good, but the future needs to be considered. She said that the Arts Council has helped her program immensely.

Russell Hollis, candidate for the Warren Township board, said that he is concerned about the effect the cuts to the parks and arts will have on youth, especially with regard to after-school programs. He said that he believes after-school programs help keep youth off the streets and help with crime prevention and economic development.

Ernie Schearer, citizen, said that budgets are always difficult and the reason funding has to be cut for the arts now, is because they have abused the funds spent on them in the past. He said that there is a bench made of scrap tires on the circle, and it is used for the homeless to sleep and congregate. He said that he has a minor in art, but if he wants to appreciate art, he takes money out of his pocket to support it. He said that public safety needs to be taken care of first and foremost.

President Cockrum thanked all those who provided input and said that there are many interests, some conflicting, and the Council will do their best to try and represent those who elected them and take all comments into account.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 316, 2008. The proposal, sponsored by Councillor Plowman, is a rezoning ordinance for Franklin Township, Councilmanic District 25, 4211 and 4133 Five Points Road

September 8, 2008

(2007-ZON-029). The proposal was called out for a public hearing by Councillor Plowman on June 23, 2008, and was continued until this meeting.

Councillor Plowman made the following motion:

Mr. President:

Remonstrators and petitioners are continuing negotiations. Therefore, both parties have agreed to a continuance of this matter. Therefore, I move that the public hearing on Proposal No. 316, 2008, Rezoning Case 2007-ZON-029, be postponed until the September 22, 2008 Council meeting.

Councillor Cardwell seconded the motion, and Proposal No. 316, 2008 was postponed by a unanimous voice vote.

PROPOSAL NO. 370, 2008. Councillor Pfisterer reported that the Administration and Finance Committee heard Proposal No. 370, 2008 on August 12, 2008. The proposal, sponsored by Councillor Nytes, appropriates \$50,000 in the 2008 Budget of the Marion County Election Board (Enhanced Access Fund) to fund the initiative of transitioning to a more convenient and secure on-line, electronic system for filing, securing, and reproducing past and future campaign finance documents. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Hunter said that he has concerns about using \$50,000 for a consultant, when the city has other resources through the Information Services Agency and Northrup Grumman. He said that he feels too much money is being spent outside on consultants.

Councillor Coleman said that at the Rules Committee, the County Clerk testified that it would not cost any extra to do this. He moved, seconded by Councillor McQuillen, to return the proposal to committee.

Councillor Sanders said that Ms. White testified that it would not cost more in staff, but this is more interactive and gives more input and transparency to the citizen. She said that they need to be able to analyze what software is needed to do the job.

Councillor McQuillen said that he is confused about the difference between staffing and consulting, and would like to see the proposal returned to committee.

Councillor Nytes said that this proposal was heard in the Administration and Finance Committee, and not in the Rules meeting. She added that there are not many staff in the Clerk's Office, and they do not have the expertise to set up the kind of interactive program needed.

Councillor Speedy asked if the existing relationship with Northrup Grumman could absorb those duties.

Councillor Lutz said that he tried to see the minutes online and could not access them, and he asked if ISA was asked if they have the capability to handle this.

Councillor Nytes said that any work Northrup Grumman would do would still be billed back to the Clerk, and they would still need an appropriation to cover these costs.

Councillor Plowman said that it does not seem anyone is against this process, but simply wants to see if it can be done in-house more cost-effectively. He said that this discussion should take place in committee.

Councillor Hunter said that he is not against the process, but if the Clerk paid him \$25, he could tell her what kind of program she needs to accomplish this. He said that his issue is spending \$50,000 on a consultant to tell them how to proceed.

Councillor Coleman said that \$50,000 does not seem like a lot of money, but it is more than he makes in a year, and he feels it should be reviewed further.

Andy Mallon, Election Board, said that the \$50,000 is a not-to-exceed amount and is not from the General Fund. It comes from a dedicated fund generated from fees for accessing forms online. He said that they have actually reduced their budget by almost 70% for next year, due to a non-election year, and he understands the need for reducing spending. He said that they have spoken with ISA and NG, and they recognize how difficult a process this is, but the search feature needs to be streamlined. He said that he welcomes returning the proposal to committee for further discussion to help members understand the need for this process.

Councillor Hunter asked if the time frame was to have the program in place in time for the election. Mr. Mallon answered in the negative, and said that this is phase one to get these reports indexed and accessible online. The contract will carry through to the next year. Councillor Hunter said that he supports the effort, but next year is not an election year, and more time and funds can be dedicated to it in more detail during the off-election year.

Councillor Moriarty Adams asked if they have spoken with ISA and NG. Mr. Mallon said that they have begun discussions, but there is more interaction needed and they found that several meetings would need to take place to understand business practices. He said that they are looking for the best deal for the citizens of Indianapolis.

Councillor B. Mahern asked if the Administration and Finance Committee is the committee that typically hears budgetary requests for this agency. Councillor Sanders said that it is.

Councillor Sanders said that the ISA and IT boards passed this at their most recent meetings. She said that the Council created the legislation to require the Clerk to do this, and now are not providing them with the funds needed.

Councillor Lutz read from the Rules and Public Policy Committee minutes where Ms. White testified that any cost would be negligible and could be covered within the Clerk's budget. Councillor Mansfield said that she does not believe this is the same issue and they are not comparing apples to apples. Councillor Lutz said that this is another reason he would like to see further discussion on this matter in committee.

President Cockrum called for public testimony at 9:05 p.m. There being no one present to testify, Proposal No. 370, 2008 was returned to committee on the following roll call vote; viz:

16 YEAS: Cain, Cardwell, Cockrum, Coleman, Day, Hunter, Lutz, Malone, McHenry, McQuillen, Pfisterer, Plowman, Scales, Smith, Speedy, Vaughn

13 NAYS: Bateman, Brown, Evans, Gray, MahernB, MahernD, Mansfield, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pryor, Sanders

Councillor Vaughn reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 375 and 376, 2008 on August 13, 2008. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 375, 2008. The proposal, sponsored by Councillor Vaughn, appropriates \$6,000 in the 2008 Budget of the Marion County Public Defender Agency (County Grants Fund) to fund the purchase of five laptop computers, primarily for usage with in-court presentations during jury trials, funded by an Indianapolis Bar Foundation grant. PROPOSAL NO. 376, 2008. The proposal, sponsored by Councillors Vaughn and Brown, approves an increase of \$574,923 in the 2008 Budget of the Marion County Prosecutor (Federal Grants Fund) to provide funding for the Adult Protective Services unit, the IHA Prosecution Team, child interviewers at the Child Advocacy Center, victim advocate positions, and the Operation Pull Over/Big City County Seatbelt initiative, funded through grants from the Indiana Criminal Justice Institute, Family Social Services Administration, and Governor's Council on Impaired and Dangerous Driving. By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

Councillor Vaughn moved, seconded by Councillor Moriarty Adams, to amend Proposal No. 376, 2008 to separate the funding as \$196,861 coming from the Federal Grants Fund and \$378,062 coming from the State Grants Fund, instead of all of the funding coming from the Federal Grants Fund.

Councillor Mansfield asked why it is changing. Councillor Vaughn said that he believes it was simply an oversight in the way it was drafted. Lisa Bentley, Prosecutor's Office, said that they are now differentiating between state and federal grants, even though it might all be coming from the same source or entity.

The motion to amend Proposal No. 376, 2008 carried by a unanimous voice vote.

President Cockrum called for public testimony at 9:13 p.m. There being no one present to testify, Councillor Vaughn moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 375, 2008 and Proposal No. 376, 2008, as amended, were adopted on the following roll call vote; viz:

29 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Sanders, Scales, Smith, Speedy
0 NAYS:

Proposal No. 376, 2008, as amended, was retitled FISCAL ORDINANCE NO. 44, 2008, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 44, 2008

A FISCAL ORDINANCE amending the City-County Annual Budget for 2008 (City-County Fiscal Ordinance No. 78, 2007) appropriating One Hundred Ninety-Six Thousand Eight Hundred Sixty-One Dollars (\$196,861) in the Federal Grants Fund and Three Hundred Seventy-Eight Thousand Sixty-Two Dollars (\$378,062) in the State Grants Fund for purposes of the Marion County Prosecutor and reducing the unappropriated and unencumbered balance in other accounts, where applicable.

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

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SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.05 (c) of the City-County Annual Budget for 2008 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Prosecutor to provide funding for the Adult Protective Services unit, the IHA Prosecution Team, 2.5 child interviewers located at the Child Advocacy Center, eight victim advocate positions, and the Operation Pull Over/Big City County Seatbelt initiative, funded through grants by the Indiana Criminal Justice Institute, Family Social Services Administration (FSSA), and the Governor's Council on Impaired and Dangerous Driving.

SECTION 2. The sum of Five Hundred Seventy-Four Thousand Nine Hundred Twenty-Three Dollars (\$574,923) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balance as shown in Section 4, where applicable.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY PROSECUTOR</u>	<u>FEDERAL GRANTS FUND</u>
1. Personal Services	166,926
2. Supplies	0
3. Other Services and Charges	27,489
4. Capital Outlay	<u>2,446</u>
TOTAL INCREASE	196,861

<u>MARION COUNTY PROSECUTOR</u>	<u>STATE GRANTS FUND</u>
1. Personal Services	343,685
2. Supplies	2,000
3. Other Services and Charges	18,377
4. Capital Outlay	<u>14,000</u>
TOTAL INCREASE	378,062

SECTION 4. The said increased appropriation is funded by new revenues, not previously appropriated, that will be deposited into the following fund:

	<u>FEDERAL GRANTS FUND</u>
New revenues supporting the appropriations in Section 3	<u>196,861</u>
TOTAL	196,861

	<u>STATE GRANTS FUND</u>
New revenues supporting the appropriations in Section 3	<u>378,062</u>
TOTAL	378,062

SECTION 5. There is a \$5,952 match required for the child interviewer grant, which has already been appropriated in the Prosecutor's 2008 budget (Prosecutor's Deferral Fund). There is a \$16,888 match required for the victim advocate grant, which has already been appropriated in the Prosecutor's 2008 budget (Prosecutor's Deferral Fund). There is a 25% match required for the Operation Pull Over grant, which is being met by the Lawrence and Speedway police departments. The Adult Protective Services and IHA Prosecution Team grants do not require a local match.

SECTION 6. Except to the extent of matching funds approved in the ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

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

Proposal No. 375, 2008 was retitled FISCAL ORDINANCE NO. 45, 2008, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 45, 2008

A FISCAL ORDINANCE amending the City-County Annual Budget for 2008 (City-County Fiscal Ordinance No. 78, 2007) appropriating Six Thousand Dollars (\$6,000) in the County Grants Fund for purposes of the Marion County Public Defender Agency and reducing certain other accounts for that agency, where applicable.

September 8, 2008

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 1.05 (b) of the City-County Annual Budget for 2008 be, and is hereby, amended by the increases and reductions hereinafter stated to fund the purchase of five laptop computers, which will be used primarily for in-court presentations during jury trials, funded by an Indianapolis Bar Foundation grant covering the funding period May 15, 2008 through May 14, 2009.

SECTION 2. The sum of Six Thousand Dollars (\$6,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the accounts in Section 4, where applicable.

SECTION 3. The following additional appropriation is hereby approved:

<u>PUBLIC DEFENDER AGENCY</u>	<u>COUNTY GRANTS FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	<u>6,000</u>
TOTAL INCREASE	6,000

SECTION 4. The said additional appropriation is funded by new revenues, not previously appropriated, that will be deposited into the following fund:

	<u>COUNTY GRANTS FUND</u>
New revenues supporting the appropriations in Section 3	<u>6,000</u>
TOTAL	6,000

SECTION 5. No match is required for this grant.

SECTION 6. Except to the extent of matching funds approved in the ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

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

PROPOSAL NO. 385, 2008. Councillor Pfisterer reported that the Administration and Finance Committee heard Proposal No. 385, 2008 on August 19 and September 2, 2008. The proposal, sponsored by Councillor Cockrum, appropriates and transfers funds between various agencies and departments of Indianapolis and Marion County for fiscal year 2008 budget adjustments. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Nytes said that she did move this amendment and passage of the proposal in committee, but this is a huge ordinance that makes \$47 million in changes. To her knowledge, the city has not received approval of their 2008 spending. She said that these cuts have not been discussed in any other committees, and it is presumptuous for one committee to approve these changes without getting input from other committees. She moved, seconded by Councillor Gray, to send this proposal to the various committees affected by these budget changes.

Councillor Mansfield agreed and said that it makes more sense for each committee to review their portion of changes.

Councillor B. Mahern said that he appreciates the work done by the Administration and Finance Committee, but there was a lengthy discussion about a \$50,000 appropriation, and this is 100 times that amount. He said that he supports the motion to return these proposals to committee.

Councillor Hunter said that according to Roberts Rules of Order, sending it back to committee would send it to Administration and Finance Committee, and it would have to be re-introduced in order to refer it to multiple committees.

General Counsel Robert Elrod stated that all of these changes are in the budgets that are before each of the committees, and these budgets were prepared with the assumption that these changes would be made. He said that the members should have all seen these reductions during their budget discussions.

Councillor Nytes said that the Sheriff's Department and Community Corrections budgets were delayed and have not been heard yet, and she feels the Council needs to explore the tool given by the governor to delay passage of the budget until 2008 spending can be explained.

Councillor Moriarty Adams said that she is concerned that this proposal has circumvented the committee process and is not transparent, as the emphasis has been.

Councillor Brown said that he agrees these changes should go to each committee and this affects many agencies. He read from the Administration and Finance Committee meeting minutes, and said that he understood Mr. Steele and Mr. Elrod were to get together to figure out how this proposal can pass muster. Mr. Elrod said that this is one of the reasons for this proposal, to reconcile 2008 numbers. Councillor Brown said that this proposal was already introduced at this time.

Councillor Pfisterer said that this proposal is a blend of items from 2008 and 2009. She said that there is nothing in this ordinance for Community Corrections, and she asked David Reynolds, City Controller, if these changes affecting the Sheriff's budget only affect 2008. Mr. Reynolds said that all the appropriations are with regard to 2008, and all agencies are aware of these ending balances and projected spending numbers. He said that it only impacts 2008, and all these changes are included in the 2009 budget which is before each committee.

Councillor Vaughn said that the conversation that took place in the Administration and Finance Committee resulted in the introduction of Proposal No. 427, 2008. Mr. Reynolds agreed and said that this proposal does clarify these reductions for 2008, which will be heard in the Administration and Finance Committee tomorrow evening. Councillor Vaughn said that the conversation in committee was not to break the proposal up into separate proposals for separate committees, but to provide an additional proposal to make these reductions legal.

Councillor Oliver asked why Sections 6, 7, and 8 of this proposal were not sent to the Public Safety and Criminal Justice Committee. Being heard by only the Administration and Finance Committee breaks down the committee process.

Councillor Hunter said that sending the proposal back would send it to one committee. Requesting that it be broken down and sent to various committees, would mean that the body would need to vote against the proposal and kill it and then re-introduce it.

Councillor Sanders said that the President has discretion on how to assign the proposals, but it concerns her that one committee is vetting the reductions for all the different departments, where members on other committees have more experience and expertise. She said that it might be helpful for the controller to have these all heard in one committee, but that is not necessarily

beneficial for transparency. She said that not all of these reductions have been discussed in committee, and amendments are still forthcoming.

Councillor Hunter said that Councillor Sanders is referring to the rule that allows the President to assign the proposal to the committee of his choice. He said that the rule that Councillor Sanders is reciting contradicts her point of view. He said that it would have to be sent back to the Administration and Finance Committee or killed and split up into separate proposals.

Councillor Gray said that he did not receive this information in time to review it properly, and he cannot support it this evening.

Councillor Pryor said that she does not understand how referring it to the various committees would be a hindrance to the budget process. She said that she feels each committee should have the opportunity to weigh in on the reductions that affect their departments and agencies, and the public should also have an opportunity to weigh in.

Councillor Plowman moved, seconded by Councillor Vaughn, to call the question and end debate. Debate was ended on the following roll call vote; viz:

15 YEAS: Cain, Cardwell, Cockrum, Coleman, Day, Hunter, McHenry, McQuillen, Nytes, Pfisterer, Plowman, Scales, Smith, Speedy, Vaughn

14 NAYS: Bateman, Brown, Evans, Gray, Lutz, MahernB, MahernD, Malone, Mansfield, Minton McNeill, Moriarty Adams, Oliver, Pryor, Sanders

The motion to return to the various committees which are affected failed on the following roll call vote; viz:

13 YEAS: Bateman, Brown, Evans, Gray, MahernB, MahernD, Mansfield, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pryor, Sanders

16 NAYS: Cain, Cardwell, Cockrum, Coleman, Day, Hunter, Lutz, Malone, McHenry, McQuillen, Pfisterer, Plowman, Scales, Smith, Speedy, Vaughn

Councillor Brown asked Mr. Elrod if this is the correct procedure for this proposal. Mr. Elrod said that the proposal has been before committee and is now properly before the Council for a vote.

Councillor B. Mahern said that he is concerned that discussion was curtailed on such a significant amount of money. He moved to reconsider Proposal No. 427, 2008, and refer it to various committees.

Councillor Gray asked if everything can now be sent to the Administration and Finance Committee and the other committees can be eliminated. President Cockrum said that the assignment of committees is the discretion of the President, as Councillor Gray well knows.

Councillor Pfisterer moved, seconded by Councillor Hunter, for adoption. Proposal No. 385, 2008 was adopted on the following roll call vote; viz:

17 YEAS: Cain, Cardwell, Cockrum, Coleman, Day, Hunter, Lutz, Malone, McHenry, McQuillen, Moriarty Adams, Pfisterer, Plowman, Scales, Smith, Speedy, Vaughn

12 NAYS: Bateman, Brown, Evans, Gray, MahernB, MahernD, Mansfield, Minton McNeill, Nytes, Oliver, Pryor, Sanders

Councillor Brown asked for consent to explain his vote. Consent was given. He said that the proposal is probably the right thing to do, but is 13 pages, and he felt it needed more discussion.

Councillor Bateman asked for consent to explain his vote. Consent was given. He said that he agrees with Councillor Nytes and this proposal should have been vetted by more committees.

Councillor Mansfield stated that this makes a mockery of the Council Rules.

Councillor Evans said that a lot of time was spent discussing a \$50,000 appropriation, and it was returned to committee for further discussion, yet this proposal for over \$4 million was not given the same consideration.

Councillor Gray said that this shows a lack of leadership on the part of the Council President.

Councillor Sanders said that this goes against the Council Rules, and she hopes this does not continue.

Councillor D. Mahern said that he is disheartened that the Council system is being undermined in this way.

Councillor McHenry said that Councillor Nytes moved and seconded the motions during committee, and the public was allowed time for public testimony.

Councillor Hunter said that the Council has followed the Council Rules, and the proper procedure would have been to split the proposal up when it appeared before the committee.

Councillor B. Mahern said that it is important that proposals go before the committees where there is expertise on relevant issues.

President Cockrum said that each committee will get the opportunity to review the impact of this proposal when they do their review and analysis of the proposed budgets.

Proposal No. 385, 2008 was retitled FISCAL ORDINANCE NO. 46, 2008, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 46, 2008

A FISCAL ORDINANCE amending the City-County Annual Budget for 2008 (City-County Fiscal Ordinance No. 75, 2007; City-County Fiscal Ordinance No. 76, 2007; City-County Fiscal Ordinance No. 77, 2007; City-County Fiscal Ordinance No. 78, 2007; City-County Police Special Service District Fiscal Ordinance No. 1, 2007; City-County Fire Special Service District Fiscal Ordinance No. 1, 2007; City-County Solid Waste Collection Special Service District Fiscal Ordinance No. 1, 2007) by appropriating Six Million Two Hundred Sixty-Six Thousand Three Hundred Fifty-One Dollars (\$6,266,351) in the Consolidated County Fund; Three Million Sixty-Four Thousand Three Hundred Forty-Two Dollars (\$3,064,342) in the Solid Waste Collection General Fund; One Thousand Three Hundred Twenty-Two Dollars (\$1,322) in the Redevelopment General Fund; Five Hundred Seventy-Eight Thousand Six Hundred Two Dollars (\$578,602) in the Fire General Fund; One Million One Hundred Eighty-Seven Thousand Fifty-Two Dollars (\$1,187,052) in the IMPD Fund; Twenty Thousand Four Hundred Fifty-Eight Dollars (\$20,458) in the Metropolitan Thoroughfare District Sinking Fund; Thirty Thousand Eight Hundred Seventy-Five Dollars (\$30,875) in the Park Debt Service Fund; Fifty-Four Thousand Five Hundred Ninety-Four Dollars (\$54,594) in the MECA Debt Service Fund; One Million Eight Hundred Sixty-Five Thousand Dollars (\$1,865,000) in the Sanitary District Bonds Fund; Three Million Two Hundred Thousand Dollars (\$3,200,000) in the Sanitation Revenue Bonds Fund; Two Hundred Fifty Thousand Dollars (\$250,000) in the Revenue Bonds Fund; One Million Four Hundred Twenty Thousand Six Hundred Forty-Four Dollars (\$1,420,644) in the Redevelopment TIF Revenue Bonds Fund; Twenty-Three Thousand Four Hundred Seventy-Five Dollars (\$23,475) in the Redevelopment Debt Service Fund; Ten Million One Hundred Thirty-Seven Thousand Three Hundred Twenty-Seven Dollars (\$10,137,327) in the City Cumulative Capital

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Development Fund; Six Million Fifty-One Thousand Six Hundred Eighty-Four Dollars (\$6,051,684) in the Police Pension Trust Fund; Four Hundred Thirty-One Thousand Three Hundred Fourteen Dollars (\$431,314) in the Fire Pension Trust Fund; Two Million Two Hundred Thirty Thousand Dollars (\$2,230,000) in the Transportation Fund; One Million Four Hundred Sixty-Seven Thousand Eight Hundred Seventy-Five Dollars (\$1,467,875) in the (City) Federal Grants Fund; Four Million Seven Hundred Eighty-Seven Thousand Five Hundred Forty-Seven Dollars (\$4,787,547) in the County General Fund; Nine Hundred Thirty Thousand Two Hundred Three Dollars (\$930,203) in the Family & Children Services Fund; Five Hundred Thousand Dollars (\$500,000) in the Metropolitan Emergency Communications Agency Fund; Five Hundred Thousand Dollars (\$500,000) in the MECA Emergency Telephone System Fund; and Two Million Three Hundred Ninety-Eight Thousand Five Hundred Dollars (\$2,398,500) in the Information Services Fund for purposes of those departments and agencies listed below in sections 3 through 14.

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 its adoption, the City-County Annual Budget for 2008 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the following departments and agencies listed below in sections 3 through 13 to fund the following:

Section 3

The sheriff and fire dispatches, which receive funding through MECA

Section 4

Interest owed on tax anticipation warrants borrowed during 2007 and 2008

Section 5

Additional funds in the 2008 fuel budget for Internal Fleet Services (IFS)

Section 6

The fringe benefits of those police officers who participate in the DROP program

Section 7

Vehicles for IMPD, DPW, DMD, and the Emergency Management and Fire divisions of DPS

Section 8

Personal and contractual services for Community Corrections

Section 9

Contractual services for the County Sheriff

Section 10

Interest owed on COIT notes that were borrowed in 2007

Section 11

File Net Enhancement Project for DMD

Section 12

Interest and principal owed on debt service

All aforementioned expenses will be funded by fund balance as described in sections 3 through 12, with the exception of Section 5, which will be funded by revenues that IFS receives via its chargeback system.

Section 13

Projects that will contribute to an integrated regional information collection and sharing system to improve data interoperability within the region, financed by a U.S. Department of Justice grant.

Section 14

Reimbursement of moving and relocation expenses related to the Dow Elanco Redevelopment project financed by fund balance.

SECTION 2. The sum of Forty Seven Million Three Hundred Ninety-Seven Thousand One Hundred Sixty-Five Dollars (\$47,397,165) be, and the same is appropriated for the purposes as shown in sections 3 through 14.

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SECTION 3. The following increased appropriation is hereby approved:

<u>MECA</u>	<u>METROPOLITAN EMERGENCY COMMUNICATIONS AGENCY FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	500,000
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	500,000

<u>MECA</u>	<u>MECA EMERGENCY TELEPHONE SYSTEM FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	500,000
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	500,000

The said increased appropriation is funded by the following reductions:

	<u>METROPOLITAN EMERGENCY COMMUNICATIONS AGENCY FUND</u>
Unappropriated, Unencumbered Fund Balance	<u>500,000</u>
TOTAL REDUCTION	500,000

SECTION 4. The following increased appropriation is hereby approved:

<u>CONSOLIDATED CITY OF INDIANAPOLIS</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	60,251
4. Capital Outlay	0
5. Internal Charges	<u>0</u>
TOTAL INCREASE	60,251

<u>OFFICE OF FINANCE AND MANAGEMENT</u>	<u>CITY CUMULATIVE CAPITAL DEVPMT FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	137,327
4. Capital Outlay	0
5. Internal Charges	<u>0</u>
TOTAL INCREASE	137,327

<u>IMPD</u>	<u>IMPD GENERAL FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	506,159
4. Capital Outlay	0
5. Internal Charges	<u>0</u>
TOTAL INCREASE	506,159

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u>	<u>REDEVELOPMENT GENERAL FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	1,322
4. Capital Outlay	0
5. Internal Charges	<u>0</u>
TOTAL INCREASE	1,322

<u>DEPARTMENT OF PUBLIC SAFETY (FIRE DIVISION)</u>	<u>FIRE GENERAL FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	578,602
4. Capital Outlay	0
5. Internal Charges	<u>0</u>
TOTAL INCREASE	578,602

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OFFICE OF FINANCE & MANAGEMENT

REDEVELOPMENT TIF REVENUE BONDS FUND

1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	465,644
4. Capital Outlay	0
5. Internal Charges	0
TOTAL INCREASE	465,644

OFFICE OF FINANCE AND MANAGEMENT

SOLID WASTE COLLECTION FUND

1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	307,192
4. Capital Outlay	0
5. Internal Charges	0
TOTAL INCREASE	307,192

CITY OF INDIANAPOLIS

METROPOLITAN THOROUGHFARE DISTRICT SINKING FUND

1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	20,458
4. Capital Outlay	0
5. Internal Charges	0
TOTAL INCREASE	20,458

CONSOLIDATED CITY OF INDIANAPOLIS

PARK DEBT SERVICE FUND

1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	30,875
4. Capital Outlay	0
5. Internal Charges	0
TOTAL INCREASE	30,875

OFFICE OF FINANCE AND MANAGEMENT

REDEVELOPMENT DEBT SERVICE

1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	23,475
4. Capital Outlay	0
5. Internal Charges	0
TOTAL INCREASE	23,475

CONSOLIDATED CITY OF INDIANAPOLIS

MECA DEBT SERVICE FUND

1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	54,594
4. Capital Outlay	0
5. Internal Charges	0
TOTAL INCREASE	54,594

COUNTY TREASURER

COUNTY GENERAL FUND

1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	366,539
4. Capital Outlay	0
TOTAL INCREASE	366,539

DEPARTMENT OF CHILD SERVICES

FAMILY & CHILDREN SERVICES FUND

1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	930,203
4. Capital Outlay	0
TOTAL INCREASE	930,203

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The said increased appropriation is funded by the following reductions:

	<u>CONSOLIDATED COUNTY FUND</u>
Unappropriated and Unencumbered Fund Balance	<u>60,251</u>
TOTAL DECREASE	60,251
	<u>CITY CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
Unappropriated and Unencumbered Fund Balance	<u>137,327</u>
TOTAL DECREASE	137,327
	<u>IMPD FUND</u>
Unappropriated and Unencumbered Fund Balance	<u>506,159</u>
TOTAL DECREASE	506,159
	<u>REDEVELOPMENT GENERAL FUND</u>
Unappropriated and Unencumbered Fund Balance	<u>1,322</u>
TOTAL DECREASE	1,322
	<u>FIRE GENERAL FUND</u>
Unappropriated and Unencumbered Fund Balance	<u>578,602</u>
TOTAL DECREASE	578,602
	<u>REDEVELOPMENT TIF REVENUE BONDS FUND</u>
Unappropriated and Unencumbered Fund Balance	<u>465,644</u>
TOTAL DECREASE	465,644
	<u>SOLID WASTE COLLECTION FUND</u>
Unappropriated and Unencumbered Fund Balance	<u>307,192</u>
TOTAL DECREASE	307,192
	<u>METROPOLITAN THOROUGHFARE DISTRICT SINKING FUND</u>
Unappropriated and Unencumbered Fund Balance	<u>20,458</u>
TOTAL DECREASE	20,458
	<u>PARK DEBT SERVICE FUND</u>
Unappropriated and Unencumbered Fund Balance	<u>30,875</u>
TOTAL DECREASE	30,875
	<u>REDEVELOPMENT DEBT SERVICE</u>
Unappropriated and Unencumbered Fund Balance	<u>23,475</u>
TOTAL DECREASE	23,475
	<u>MECA DEBT SERVICE FUND</u>
Unappropriated and Unencumbered Fund Balance	<u>54,594</u>
TOTAL DECREASE	54,594
	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered Fund Balance	<u>366,539</u>
TOTAL DECREASE	366,539
	<u>FAMILY & CHILDREN SERVICES FUND</u>
Unappropriated and Unencumbered Fund Balance	<u>930,203</u>
TOTAL DECREASE	930,203

SECTION 5. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC WORKS (FLEET SERVICES DIV)</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	0
2. Supplies	4,000,000
3. Other Services and Charges	0
4. Capital Outlay	0
5. Internal Charges	<u>-4,000,000</u>
TOTAL INCREASE	0

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SECTION 6. The following increased appropriation is hereby approved:

<u>IMPD</u>	<u>POLICE PENSION TRUST FUND</u>
1. Personal Services	6,018,793
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	0
5. Internal Charges	<u>0</u>
TOTAL INCREASE	6,018,793

The said increased appropriation is funded by the following reductions:

	<u>POLICE PENSION TRUST FUND</u>
Unappropriated, Unencumbered Fund Balance	<u>6,018,793</u>
TOTAL REDUCTION	6,018,793

SECTION 7. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC WORKS</u>	<u>SOLID WASTE COLLECTION GENERAL FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	2,757,150
5. Internal Charges	<u>0</u>
TOTAL INCREASE	2,757,150

<u>DEPARTMENT OF PUBLIC WORKS</u>	<u>TRANSPORTATION FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	2,230,000
5. Internal Charges	<u>0</u>
TOTAL INCREASE	2,230,000

<u>IMPD</u>	<u>CITY CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	6,193,000
5. Internal Charges	<u>0</u>
TOTAL INCREASE	6,193,000

<u>DEPARTMENT OF PUBLIC SAFETY</u>	<u>CITY CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	3,807,000
5. Internal Charges	<u>0</u>
TOTAL INCREASE	3,807,000

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	900,000
5. Internal Charges	<u>0</u>
TOTAL INCREASE	900,000

The said increased appropriation is funded by the following reductions:

	<u>SOLID WASTE COLLECTION GENERAL FUND</u>
Unappropriated, Unencumbered Fund Balance	<u>2,757,150</u>
TOTAL REDUCTION	2,757,150

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	<u>TRANSPORTATION FUND</u>
Unappropriated, Unencumbered Fund Balance	<u>2,230,000</u>
TOTAL REDUCTION	2,230,000

	<u>CITY CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
Unappropriated, Unencumbered Fund Balance	<u>10,000,000</u>
TOTAL REDUCTION	10,000,000

	<u>CONSOLIDATED COUNTY FUND</u>
Unappropriated, Unencumbered Fund Balance	<u>900,000</u>
TOTAL REDUCTION	900,000

SECTION 8. The following increased appropriation is hereby approved:

A total of \$3,500,000 of cash is hereby transferred from the County General fund to the Home Detention Fund, to support approved appropriations from that fund.

	<u>COUNTY GENERAL FUND</u>
Unappropriated, Unencumbered Fund Balance	<u>3,500,000</u>
TOTAL REDUCTION	3,500,000

SECTION 9. The following increased appropriation is hereby approved:

<u>COUNTY SHERIFF</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	4,000,000
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	4,000,000

The said increased appropriation is funded by the following reductions:

	<u>COUNTY GENERAL FUND</u>
Unappropriated, Unencumbered Fund Balance	<u>4,000,000</u>
TOTAL REDUCTION	4,000,000

SECTION 10. The following increased appropriation is hereby approved:

<u>IMPD</u>	<u>POLICE PENSION TRUST FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	32,891
4. Capital Outlay	0
5. Internal Charges	<u>0</u>
TOTAL INCREASE	32,891

<u>IMPD</u>	<u>IMPD FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	680,893
4. Capital Outlay	0
5. Internal Charges	<u>0</u>
TOTAL INCREASE	680,893

<u>DEPARTMENT OF PUBLIC SAFETY (FIRE DIVISION)</u>	<u>FIRE PENSION TRUST FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	431,314
4. Capital Outlay	0
5. Internal Charges	<u>0</u>
TOTAL INCREASE	431,314

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<u>COUNTY AUDITOR</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	421,008
4. Capital Outlay	0
TOTAL INCREASE	421,008

The said increased appropriation is funded by the following reductions:

	<u>POLICE PENSION TRUST FUND</u>
Unappropriated and Unencumbered Fund Balance	<u>32,891</u>
TOTAL DECREASE	32,891

	<u>IMPD FUND</u>
Unappropriated and Unencumbered Fund Balance	<u>680,893</u>
TOTAL DECREASE	680,893

	<u>FIRE PENSION TRUST FUND</u>
Unappropriated and Unencumbered Fund Balance	<u>431,314</u>
TOTAL DECREASE	431,314

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered Fund Balance	<u>421,008</u>
TOTAL DECREASE	421,008

SECTION 11. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	0
2. Supplies	400
3. Other Services and Charges	955,000
4. Capital Outlay	50,700
5. Internal Charges	0
TOTAL INCREASE	1,006,100

<u>INFORMATION SERVICES AGENCY</u>	<u>INFORMATION SERVICES FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	1,006,100
4. Capital Outlay	0
5. Internal Charges	0
TOTAL INCREASE	1,006,100

The said increased appropriation is funded by the following reductions:

	<u>CONSOLIDATED COUNTY FUND</u>
Unappropriated and Unencumbered Fund Balance	<u>1,006,100</u>
TOTAL DECREASE	1,006,100

New revenues supporting the appropriations in Section 11	<u>1,006,100</u>
	1,006,100

SECTION 12. The following increased appropriation is hereby approved:

<u>CONSOLIDATED CITY OF INDIANAPOLIS</u>	<u>REVENUE BONDS FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	250,000
4. Capital Outlay	0
5. Internal Charges	0
TOTAL INCREASE	250,000

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<u>CONSOLIDATED CITY OF INDIANAPOLIS</u>	<u>REDEVELOPMENT TIF REVENUE BONDS FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	955,000
4. Capital Outlay	0
5. Internal Charges	<u>0</u>
TOTAL INCREASE	955,000

<u>CONSOLIDATED CITY OF INDIANAPOLIS</u>	<u>SANITARY DISTRICT BONDS FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	1,865,000
4. Capital Outlay	0
5. Internal Charges	<u>0</u>
TOTAL INCREASE	1,865,000

<u>CONSOLIDATED CITY OF INDIANAPOLIS</u>	<u>SANITATION REVENUE BONDS FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	3,200,000
4. Capital Outlay	0
5. Internal Charges	<u>0</u>
TOTAL INCREASE	3,200,000

The said increased appropriation is funded by the following reductions:

	<u>REVENUE BONDS FUND</u>
Unappropriated, Unencumbered Fund Balance	<u>250,000</u>
TOTAL REDUCTION	<u>250,000</u>

	<u>REDEVELOPMENT TIF REVENUE BONDS FUND</u>
Unappropriated, Unencumbered Fund Balance	<u>955,000</u>
TOTAL REDUCTION	955,000

	<u>SANITARY DISTRICT BONDS FUND</u>
Unappropriated, Unencumbered Fund Balance	<u>1,865,000</u>
TOTAL REDUCTION	1,865,000

	<u>SANITATION REVENUE BONDS FUND</u>
Unappropriated, Unencumbered Fund Balance	<u>3,200,000</u>
TOTAL REDUCTION	3,200,000

SECTION 13. The following increased appropriation is hereby approved:

<u>IMPD</u>	<u>(CITY) FEDERAL GRANTS FUND</u>
1. Personal Services	15,991
2. Supplies	15,000
3. Other Services and Charges	211,984
4. Capital Outlay	1,224,900
5. Internal Charges	<u>0</u>
TOTAL INCREASE	1,467,875

<u>INFORMATION SERVICES AGENCY</u>	<u>INFORMATION SERVICES FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	1,392,400
4. Capital Outlay	<u>0</u>
TOTAL INCREASE	1,392,400

The said increased appropriations are funded by new revenues, not previously appropriated, that will be deposited into the following funds:

	<u>(CITY) FEDERAL GRANTS FUND</u>
New revenues supporting the appropriations in Section 13	<u>1,467,875</u>
	1,467,875

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	<u>INFORMATION SERVICES FUND</u>
New revenues supporting the appropriations in Section 13	<u>1,392,400</u>
	1,392,400

SECTION 14. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	300,000
4. Capital Outlay	0
5. Internal Charges	<u>0</u>
TOTAL INCREASE	300,000

A transfer of \$300,000 cash from the Redevelopment TIF Revenue Bond Fund to the Consolidated County Fund is hereby authorized, in support of the above appropriation. This results in a decrease of \$300,000 in the fund balance of the Redevelopment TIF Revenue Bond Fund.

SECTION 15. In accordance with section 151-64 of the revised code of the Consolidated City and County, the following fund balance information is provided:

The projected December 31, 2008 ending fund balance for the Metropolitan Emergency Communications Agency Fund (on a budgetary basis) is approximately \$97,755. The projected December 31, 2009 ending fund balance for the Metropolitan Emergency Communications Agency Fund (on a budgetary basis) is approximately \$254,755.

The projected December 31, 2008 ending fund balance for the MECA Emergency Telephone System Fund (on a budgetary basis) is approximately \$8,677,703. The projected December 31, 2009 ending fund balance for the MECA Emergency Telephone System Fund (on a budgetary basis) is approximately \$7,123,817.

The projected December 31, 2008 ending fund balance for the Consolidated County Fund (on a budgetary basis) is approximately \$22,723,216. The projected December 31, 2009 ending fund balance for the Consolidated County Fund (on a budgetary basis) is approximately \$20,605,180.

The projected December 31, 2008 ending fund balance for the City Cumulative Capital Development Fund (on a budgetary basis) is approximately \$94,763. The projected December 31, 2009 ending fund balance for the City Cumulative Capital Development Fund (on a budgetary basis) is approximately \$3,535,058.

The projected December 31, 2008 ending fund balance for the IMPD General Fund (on a budgetary basis) is approximately \$272,546. The projected December 31, 2009 ending fund balance for the IMPD General Fund (on a budgetary basis) is approximately \$3,213,947.

The projected December 31, 2008 ending fund balance for the Redevelopment General Fund (on a budgetary basis) is approximately \$10,988,100. The projected December 31, 2009 ending fund balance for the Redevelopment General Fund (on a budgetary basis) is approximately \$7,905,235.

The projected December 31, 2008 ending fund balance for the Fire General Fund (on a budgetary basis) is approximately \$190,892. The projected December 31, 2009 ending fund balance for the Fire General Fund (on a budgetary basis) is approximately \$3,524,800.

The projected December 31, 2008 ending fund balance for the Revenue Bonds Fund (on a budgetary basis) is approximately \$814,406. The projected December 31, 2009 ending fund balance for the Revenue Bonds Fund (on a budgetary basis) is approximately \$968,165.

The projected December 31, 2008 ending fund balance for the Redevelopment TIF Revenue Bonds Fund (on a budgetary basis) is approximately \$46,653,701. The projected December 31, 2009 ending fund balance for the Redevelopment TIF Revenue Bonds Fund (on a budgetary basis) is approximately \$48,882,779.

The projected December 31, 2008 ending fund balance for the Solid Waste Collection Fund (on a budgetary basis) is approximately \$1,927,724. The projected December 31, 2009 ending fund balance for the Solid Waste Collection Fund (on a budgetary basis) is approximately \$5,505,582.

The projected December 31, 2008 ending fund balance for the Metropolitan Thoroughfare District Sinking Fund (on a budgetary basis) is approximately \$258,257. The projected December 31, 2009 ending fund balance for the Metropolitan Thoroughfare District Sinking Fund (on a budgetary basis) is approximately \$236,142.

The projected December 31, 2008 ending fund balance for the Parks Debt Service Fund (on a budgetary basis) is approximately \$176,828. The projected December 31, 2009 ending fund balance for the Parks Debt Service Fund (on a budgetary basis) is approximately \$111,696.

The projected December 31, 2008 ending fund balance for the Redevelopment Debt Service Fund (on a budgetary basis) is approximately \$6,948,776. The projected December 31, 2009 ending fund balance for the Redevelopment Debt Service Fund (on a budgetary basis) is approximately \$3,291,409.

The projected December 31, 2008 ending fund balance for the MECA Debt Service Fund (on a budgetary basis) is approximately \$1,773,500. The projected December 31, 2009 ending fund balance for the MECA Debt Service Fund (on a budgetary basis) is approximately \$198,549.

The projected December 31, 2008 ending fund balance for the County General Fund (on a budgetary basis) is approximately \$3,021,277. The projected December 31, 2009 ending fund balance for the County General Fund (on a budgetary basis) is approximately \$6,313,311.

The projected December 31, 2008 ending fund balance for the Family & Children Services Fund (on a budgetary basis) is approximately \$3,404,113. The projected December 31, 2009 ending fund balance for the Family & Children Services Fund (on a budgetary basis) is approximately \$3,404,113.

The projected December 31, 2008 ending fund balance for the Police Pension Trust Fund (on a budgetary basis) is approximately \$2,089,751. The projected December 31, 2009 ending fund balance for the Police Pension Trust Fund (on a budgetary basis) is approximately \$874,601 .

The projected December 31, 2008 ending fund balance for the Transportation Fund (on a budgetary basis) is approximately \$3,934. The projected December 31, 2009 ending fund balance for the Transportation Fund (on a budgetary basis) is approximately \$464,882.

The projected December 31, 2008 ending fund balance for the Home Detention Fund (on a budgetary basis) is approximately \$18,962. The projected December 31, 2009 ending fund balance for the Home Detention Fund (on a budgetary basis) is approximately \$388,658.

The projected December 31, 2008 ending fund balance for the Fire Pension Trust Fund (on a budgetary basis) is approximately \$828,412. The projected December 31, 2009 ending fund balance for the Fire Pension Trust Fund (on a budgetary basis) is approximately \$1,596,457.

The projected December 31, 2008 ending fund balance for the Information Services Fund (on a budgetary basis) is approximately \$3,472,284. The projected December 31, 2009 ending fund balance for the Information Services Fund (on a budgetary basis) is approximately \$364,440.

The projected December 31, 2008 ending fund balance for the Sanitary District Bonds Fund (on a budgetary basis) is approximately \$212,997. The projected December 31, 2009 ending fund balance for the Sanitary District Bonds Fund (on a budgetary basis) is approximately \$607,752.

The projected December 31, 2008 ending fund balance for the Sanitation Revenue Bonds Fund (on a budgetary basis) is approximately \$881,387. The projected December 31, 2009 ending fund balance for the Sanitation Revenue Bonds Fund (on a budgetary basis) is approximately \$3,348,982.

The projected December 31, 2008 ending fund balance for the (City) Federal Grants Fund (on a budgetary basis) is approximately \$1. The projected December 31, 2009 ending fund balance for the (City) Federal Grants Fund (on a budgetary basis) is approximately \$1,369,251.

SECTION 16. The overall projects to be funded in Section 12 by the U.S. Department of Justice grant, including portions not yet appropriated, will total \$8.0 million. Of that amount, 25%, (\$2.0 million) is the required local match, which is being funded by proceeds from the notes and bonds authorized for MECA in 2006. It is anticipated that the balance of the projects not appropriated as part of this ordinance will be appropriated in 2009, 2010 and 2011.

SECTION 17. Except to the extent of matching funds approved in the ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriations for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both,

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and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 18. 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. 296, 2008. Councillor Pfisterer reported that the Administration and Finance Committee heard Proposal No. 296, 2008 on June 24, 2008. It was returned to Committee on July 21, 2008 and was heard again in committee on August 12 and September 2, 2008. The proposal, sponsored by Councillors Pfisterer, Bateman, Oliver and Minton McNeill, amends Sec. 202-204 of the Revised Code of the Consolidated City and County to direct the purchasing division to grant preferences to businesses that have programs for the hiring of previously incarcerated persons. By a 5-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Oliver asked if the businesses already have to have a program in place in order to qualify. Councillor Pfisterer said that it means that they would be willing to hire an ex-offender. Councillor Oliver asked what safeguards are in place to insure that ex-offenders are not simply hired just to meet this qualification and then let go. Councillor Pfisterer said that the city would have a follow-up process. Councillor Oliver asked what process the city already has in place for monitoring. Councillor Pfisterer said that the MBE/WBE has a monitoring process in place.

Councillor Bateman said that he has some reservations, but thinks it is a good idea if it is monitored properly.

Councillor Sanders said that although she voted against the proposal in committee, she has received additional information and will support the measure this evening. She said that there is no policy in place or criteria for measurement, and this still concerns her, but she has been assured it is forthcoming soon, and trusts that this will happen.

Councillor Mansfield commended the sponsors of this proposal and said that it is a step in the right direction. She is concerned that the language is still too soft, and she would like to see further amendments in the future and like to see how it is implemented and monitored.

Councillor Nytes said that her concern is that, although this is an incentive program, she wants to make sure that the city is owning the same message they are sending to the business community. She has been assured by Human Resources that the city will implement much of the same.

Councillor Lutz said that he was astounded by the recidivism rate and those released monthly, and feels something needs to be done for these citizens to make them more productive members of society. He said that this is a first step, and as the process moves forward, changes can be made.

Councillor Minton-McNeill said that she supports the proposal and hopes that it will achieve all that it is intended to do.

Councillor D. Mahern said that he supports the proposal and more follow-up is needed.

Councillor Pfisterer said that Khadeejah Muhammad has assured her that the Mayor's Office supports this initiative and they will continue to examine the process to provide adequate follow-up.

Councillor Oliver commended Councillor Pfisterer for taking the lead on this issue, and stated that his apprehension is that so many ex-offenders have had their hopes dashed by no follow up in many programs that were supposed to be geared toward giving them a fresh start.

Councillor Pryor said she thinks this is a great step in the right direction and shows good bi-partisan cooperation. She asked if a six-month review process can be presented to the Council to insure that follow-up is taking place and concerns are being addressed. Councillor Pfisterer said that she has a six-month follow up already scheduled.

Councillor Evans said that this is something that is definitely needed for the city, and he asked businesses to also help promote these individuals.

Councillor Pfisterer moved, seconded by Councillor Lutz, for adoption. Proposal No. 296, 2008, as amended, was adopted on the following roll call vote; viz:

29 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Sanders, Scales, Smith, Speedy
0 NAYS:

Proposal No. 296, 2008 was retitled GENERAL ORDINANCE NO. 68, 2008, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 68, 2008

A PROPOSAL FOR A GENERAL ORDINANCE amending Sec. 202-204 of the Revised Code of the Consolidated City and County to direct the purchasing division to grant preferences to businesses that have programs for the hiring of previously incarcerated persons.

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

SECTION 1. Section 202-204 of the RCCC be and is hereby amended by adding the underlined text to read as follows:

Sec. 202-204. Purchasing division; promotion of supplies manufactured in the United States.

(a) The office of finance and management shall include a purchasing division, which shall be the purchasing agency, as that term is defined and used in IC 5-22, for the city and county, and for each of their respective departments, divisions, offices and agencies.

(b) The powers and duties of the purchasing division shall include:

- (1) Acting as the agent in obtaining materials, supplies, equipment or contractual services, other than personal services, for city and county departments, divisions, offices and agencies. Any such department, division, office or agency shall requisition such materials, supplies, equipment or services from the purchasing agent who shall, upon determining that appropriations are available for such purposes, acquire the items requisitioned in accordance with public purchase law. All contracts of purchase shall be made in the name of the city department or division or county office and be subject to the approval of the department, division, office or agency;
- (2) Establishing such purchasing and contractual procedures as may best be suited to obtain the greatest economic value to the city and the county;

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- (3) Where bidding and publication of notice are required by law, preparing specifications and notice to bidders and seeing that the required notices are published;
 - (4) Ensuring that adequate funds are available prior to making necessary purchases and acquisitions are within the limits of the budget appropriations of the department, division, office or body in need of the material;
 - (5) Acting as the agent of any executive department to sell or exchange any personal property ordered to be sold by a city department or division or county office in accordance with procedures prescribed by law; and
 - (6) Serving as the repository for all executed contracts of the city, the county, each of the city's and county's respective departments, divisions, offices and agencies, the city-county council except as provided by section 151-93(4) of the Code, the circuit court, Marion Superior Court, and the prosecuting attorney, and maintaining a database on these contracts listing all contracting parties and encumbrances; and
 - (7) Exercising any other powers which may be granted by statute or ordinance or delegated by the mayor.
- (c) To promote the purchase of supplies manufactured in the United States as set forth in IC 5-22-15-21, the city and county, and each of their respective departments, divisions, offices and agencies, shall specify and purchase supplies manufactured in the United States unless the purchasing agent first determines that any of the following circumstances apply:
- (1) The supplies are not manufactured in the United States in reasonably available quantities;
 - (2) The price of the supplies manufactured in the United States exceeds by an unreasonable amount the price of available and comparable supplies manufactured outside the United States;
 - (3) The quality of the supplies is substantially less than the quality of comparably priced available supplies manufactured outside the United States; or
 - (4) The purchase of supplies manufactured in the United States is not in the public interest.
- (d) To promote the policy of the city and county to employ residents of the county who previously were incarcerated for or convicted of a felony, the purchasing division:
- (1) May afford additional weight to the bids or proposals of business enterprises that have programs, or that participate in city and county programs, for the training or hiring of such residents; and
 - (2) Shall have authority in requests for bids or quotes to specify targets for performance, sanctions for nonperformance, and criteria for evaluation of bids and quotes consistent with the provisions of this subsection.

The controller shall determine the extent of such additional weight, but may not apply it to instances where the delivery of goods or services by such residents would compromise public safety and security.

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

Councillor Hunter reported that the Public Works Committee heard Proposal Nos. 305 and 337, 2008 on July 31 and August 28, 2008. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 305, 2008. The proposal, sponsored by Councillors Hunter and Vaughn, authorizes intersection controls at 57th Street and College Avenue (District 3). PROPOSAL NO.

337, 2008. The proposal, sponsored by Councillor Nytes, authorizes parking changes on 10th Street between Ft. Wayne Avenue and College Avenue (District 9).

President Cockrum said that it has been requested to take separate votes on these proposals.

Councillor Vaughn said that this has been an eight-month process regarding Proposal No. 305, 2008. He said that there have been many requests and they want to avoid a tragedy like one that happened just south of this location. He asked for the support of fellow Councillors.

By a 6-1 vote, the Committee reported Proposal No. 305, 2008 to the Council with the recommendation that it do pass. Councillor Hunter moved, seconded by Councillor Vaughn, for adoption. Proposal No. 305, 2008 was adopted on the following roll call vote; viz:

27 YEAS: Bateman, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Sanders, Scales, Smith, Vaughn
1 NAY: Speedy
1 NOT VOTING: Brown

Proposal No. 305, 2008 was retitled GENERAL ORDINANCE NO. 69, 2008, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 69, 2008

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

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
11	57 th St College Ave	College Ave	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
11	57 th St College Ave	None	Signal

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

By a 7-0 vote, the Committee reported Proposal No. 337, 2008 to the Council with the recommendation that it do pass as amended. Councillor Hunter moved, seconded by Councillor Cain, for adoption. Proposal No. 337, 2008, as amended, was adopted on the following roll call vote; viz:

28 YEAS: Bateman, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Sanders, Scales, Smith, Speedy, Vaughn
0 NAYS:
1 NOT VOTING: Brown

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Proposal No. 337, 2008 was retitled GENERAL ORDINANCE NO. 70, 2008, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 70, 2008

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-125, Stopping, standing and parking prohibited at designated locations on certain days and hours, and Sec. 621-121, Parking prohibited at all times on certain streets.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-125, Stopping, standing and parking prohibited at designated locations on certain days and hours, be and the same is hereby amended by the deletion of the following, to wit:

ON ANY DAY EXCEPT SATURDAY AND SUNDAY
6:00 a.m. to 9:00 a.m.

Tenth Street, on the north side,
from College Avenue to Massachusetts Avenue

ON ANY DAY EXCEPT SATURDAY AND SUNDAY
6:00 a.m. to 9:00 a.m.
3:00 p.m. to 6:00 p.m.

Tenth Street, on both sides,
from Ft. Wayne Avenue to College Avenue.

SECTION 2. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 621-121, Parking prohibited at all times on certain streets, be, and the same is hereby amended by the addition of the following, to wit:

Tenth Street, on the north side,
from Ft. Wayne Avenue to a point 200 feet east of East Street

SECTION 3. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 621-125, Stopping, standing or parking prohibited at designated locations on certain days and hours, be, and the same is hereby amended by the addition of the following, to wit:

ON ANY DAY EXCEPT SATURDAY AND SUNDAY
6:00 a.m. to 9:00 a.m.

Tenth Street, on the north side,
from a point 860 feet west of College Avenue to Massachusetts Avenue

SECTION 4. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 621-125, Stopping, standing or parking prohibited at designated locations on certain days and hours, be, and the same is hereby amended by the addition of the following, to wit:

ON ANY DAY EXCEPT SATURDAY AND SUNDAY
3:00 p.m. to 6:00 p.m.

Tenth Street, on the south side,
from Ft. Wayne Avenue to College Avenue

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

PROPOSAL NO. 371, 2008. Councillor Pfisterer reported that the Administration and Finance Committee heard Proposal No. 371, 2008 on August 12, 2008. The proposal, sponsored by Councillor Cockrum, amends the Code to eliminate the Department of Administration and Equal Opportunity (DAEO) and to transfer various duties and responsibilities of DAEO to the Office of

Finance and Management, Office of Corporation Counsel and Mayor's Office. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Oliver asked if the monitoring of the ex-offender program would come under the authority of the Mayor's Office directly. Chris Cotteril, Corporation Counsel, said that the monitoring of this program would be overseen by the Purchasing Division, and the Mayor's Office has direct administration through Ms. Muhammad, who works in the Mayor's Office.

Councillor Evans asked if the MBE/WBE applications are monitored through DAEO. He said that he does not understand how the Corporation Counsel and Mayor's Office can monitor all of these aspects. Mr. Cotteril said that it does not change any of the enterprise goals or processes in place at this time. He said that in review, they found that many discrimination claims had been sitting for much longer than they should have been and they felt moving it to Corporation Counsel will help deliver better results. This proposal actually elevates the MBE/WBE to a higher level in the Mayor's Office for more attention.

Councillor Pryor asked what will happen with the board of administration, which handles certain contracts. Mr. Cotteril said that this proposal eliminates that board, and there is duplicate oversight of MBE/WBE applications. The other workload volume for contract approval was very small and could be handled easily through the Mayor's Office, to whom the duty falls if this board is not constituted. Councillor Pryor said that the Auditor has come before this board for a contract previously, and she asked if the Auditor would now come before the Mayor. Mr. Cotteril said that this would lead to the Mayor's signature on those contracts, but according to the tradition, the Mayor's Office would not likely interfere in such negotiated contracts.

Councillor Evans stated that he believes there are members of the public wishing to make a comment on this proposal. President Cockrum said that this proposal is under Final Adoption and is not open for public comment.

Councillor Pfisterer moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 371, 2008, as amended, was adopted on the following roll call vote; viz:

22 YEAS: Cain, Cardwell, Cockrum, Coleman, Day, Hunter, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Scales, Speedy, Vaughn
6 NAYS: Bateman, Evans, Gray, Pryor, Sanders, Smith
1 NOT VOTING: Brown

Proposal No. 371, 2008 was retitled GENERAL ORDINANCE NO. 71, 2008, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 71, 2008

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to transfer functions from the department of administration and equal opportunity, as follows: to elevate the office of minority owned and women owned business enterprises to the mayor's office; to return the division of equal opportunity to the office of corporation counsel; and, to consolidate the human resources division into the office of finance and management.

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

SECTION 1. Chapter 221 of the "Revised Code of the Consolidated City and County," regarding the department of administration and equal opportunity, hereby is REPEALED.

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SECTION 2. Chapter 281, Article I, of the "Revised Code of the Consolidated City and County," regarding the city-county administrative board, hereby is REPEALED.

SECTION 3. Sections 202-102 and 202-103 of the "Revised Code of the Consolidated City and County," regarding the powers and duties of the office of corporation counsel, hereby are amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 202-102. Duties of corporation counsel.

The corporation counsel shall:

- (1) Supervise and coordinate the activities of the office;
- (2) Oversee the daily operations of the office;
- (3) Prepare and submit the office's budget to the controller;
- (4) Approve the hiring and dismissal of the personnel of the office subject to the limitations prescribed by law and rules adopted by the mayor;
- (5) Manage the personnel of the office;
- (6) Delegate to the personnel of the office authority to act on corporation counsel's behalf;
- (7) Execute contracts subject to the authority of ~~the city-county administrative board~~, the mayor and any other limitations prescribed by law; and
- (8) Exercise any other powers which may be granted by statute or ordinance or delegated by the mayor.

Sec. 202-103. Powers of office of corporation counsel.

The office of corporation counsel shall:

- (1) Furnish all legal services to the mayor, the city-county council (except those services provided pursuant to council rules by the council's general counsel and caucus attorneys as specified in chapter 151 of this Code or otherwise specifically authorized by the president of the council or by action of the council), all departments and divisions of the city and all county officials and agencies; however, this subsection shall not apply to:
 - a. Services the circuit court or Marion Superior Court find necessary to carry out their judicial powers as provided by the Indiana Constitution or statute;
 - b. Services provided by a special prosecutor appointed pursuant to IC 33-14-1-6, and the prosecution of a criminal case by the county prosecutor; or
 - c. Services provided to judicial offices and the prosecuting attorney by the Indiana Attorney General pursuant to IC 33-2.1-9-1;
- (2) Prepare ordinances and resolutions, except those relating only to the internal rules or procedures of the council or as provided in section 151-62 of the Code, for introduction before the city-county council, and prepare legislative proposals to be introduced in the general assembly;
- (3) Prepare leases, deeds, contracts and other legal documents;
- (4) Institute legal action for the purpose of enforcing the ordinances of the city and county;
- (5) Furnish legal advice and opinions when such legal advice or opinion is requested by persons entitled to representation by the office of corporation counsel;
- (6) Compromise litigation and effect settlement of impending litigation that was initiated by or brought against:
 - a. The city, with the approval of the mayor;

- b. The city-county council, with approval of the council; and
 - c. The county, county official, or county office, with the approval of the agency for whom representation is provided;
- (7) Enter an appearance as attorney for and represent and defend the city, the county, city and county agencies, officers and employees, and the city-county council and its members subject to sections 151-100, 151-101 and 151-102 of the Code, in all causes of action wherein they are parties by reason of their official capacity and to conduct all appellate litigation arising therefrom or timely advise any such entity or person if such representation is declined and the reasons therefor;
- (8) Contract with independent legal counsel to represent and defend an entity or person entitled to representation and defense under this section, whenever:
- a. It is in the best interests of the city, with the approval of the mayor;
 - b. It is in the best interests of the city-county council, with the approval of the council;
 - c. It is in the best interests of the county, county official, or county office, with the approval of the agency for whom representation is provided; or
 - d. Representation is declined by the corporation counsel for reason of conflicts of interest, and the party for whom representation is provided requests the same;

no contract for legal services may be entered into or executed by the city, the county, or a city or county agency or employee without the prior written approval of the corporation counsel, and any contract executed without the prior written approval of the corporation counsel as required by this subsection shall be voidable on that basis alone; however, this subsection shall not apply to contracts for legal services that the city-county council enters into pursuant to sections 151-100 and 151-102 of the Code, or that the circuit court or Marion Superior Court find necessary to carry out their judicial powers as provided by the Indiana Constitution or state statute, nor shall this subsection apply to the appointment of a special prosecutor pursuant to IC 33-14-1-6 or to the prosecution of a criminal case by the county prosecutor;

- (9) Provide legal representation to any municipal corporations whose budgets are subject to review by the city-county council when both the municipal corporation and the mayor consent to such representations; ~~and~~
- (10) Determine the appropriate coverage of insurance and surety bonds for the city and county and obtain such insurance and surety bonds;
- (11) Provide assistance to the public concerning access to city and county public records and city and county meetings and receive, investigate, and resolve public access complaints;
- (12) Provide assistance to ensure the retention of city and county public records as may be requested by the lawful custodian of such records; and
- ~~(13)~~ Exercise any other powers which may be granted by statute or ordinance or delegated by the mayor.

SECTION 4. Chapter 202, Article II, of the "Revised Code of the Consolidated City and County," regarding the office of corporation counsel, hereby is amended by the addition of a NEW Section 202-104, to read as follows:

Sec. 202-104. Additional powers and duties—office of equal opportunity.

The office of equal opportunity and the equal opportunity advisory board are established in the office of corporation counsel, and are empowered to carry out the duties and responsibilities enumerated in Chapter 581 of the Code and to exercise any other powers that may be granted by statute or ordinance, or delegated by the mayor.

SECTION 5. Sections 202-202 and 202-203 of the "Revised Code of the Consolidated City and County," regarding the powers and duties of the office of finance and management, hereby are amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 202-202. Duties of city controller.

The city controller shall:

- (1) Supervise and coordinate the activities of the office of finance and management;
- (2) Oversee the daily operations of the office of finance and management;
- (3) Prepare and submit the office of finance and management's budget;
- (4) Approve the hiring and dismissal of the personnel of the office of finance and management subject to the limitations prescribed by law and rules adopted by the mayor;
- (5) Manage the personnel of the office of finance and management;
- (6) Delegate to the personnel of the office of finance and management authority to act on the controller's behalf;
- (7) Execute contracts subject to the authority of ~~the city-county administrative board~~, the mayor and any other limitations prescribed by law; and
- (8) Exercise any other powers which may be granted by statute or ordinance or delegated by the mayor.

Sec. 202-203. Powers of the office of finance and management.

- (a) The office of finance and management shall:
 - (1) Administer and be responsible for financial reporting and audits, including the establishment of accounting policies and procedures, fixed assets, budgets and purchasing for all of the city and county departments, offices and agencies, investment of cash balances for the city, and Barrett law assessment and collection functions of the city;
 - (2) Prepare estimates of city and county expenditures pursuant to IC 36-3-6-4(g) and IC 36-3-6-5;
 - (3) Prepare, with the assistance of the corporation counsel, proposed appropriations ordinances for the city and county and special service districts and proposed ordinances fixing the rate of taxation for the taxes to be levied for city and county departments, offices and agencies;
 - (4) Examine, from time to time, the officers, departments and division heads and members of the boards of the city and county as to their organization, accounting records, personnel and other requirements, to ascertain that their respective budgets are being followed and their functions performed and recommend any improvements or economies which might be made in the administrative practices of all the departments, offices and divisions of the city and county;
 - (5) Ensure that accounting systems for all of the departments of the city and county are kept in accordance with generally accepted accounting principles for governments;
 - (6) Provide suitable instruction for the use of forms and the methods of keeping all accounting records and preparation of all financial reports of the city and county;
 - (7) Examine all contracts, purchase orders and other documents which would result in or involve financial obligations of the city or county and approve the same only upon ascertaining that there is an unexpended and unencumbered balance in the account or fund from which money may be drawn for payment;
 - (8) Submit a monthly financial report to the mayor, for his presentation to the city-county council, showing the financial condition of the various accounts and funds of the city and county, including estimated revenues, revenues received, appropriations and allotments for such appropriations, and to furnish to all of the departments, offices and agencies monthly financial reports of their fiscal conditions;

- (9) Designate banks and other financial depositories in which the funds of the city shall be deposited in accordance with applicable law and designate the municipal, state and federal securities which shall constitute proper legal investments for the city;
- (10) Prescribe the time and manner in which moneys received by the city shall be deposited in the designated banks or depositories;
- (11) Make investments of all city moneys, including pension funds, sinking funds and all other funds of the city except as otherwise provided and subject to the ordinances of the city-county council and be responsible for the preparation and sale of all bonds and securities issued by the city;
- (12) Issue all city licenses to qualified applicants upon receipt of the fee established and fixed therefor by ordinance;
- (13) Direct the administrative procedure for, and the accounting, collection and payment of, all Barrett law assessments within the limits of the city and county, attend to the enforcement of such assessments and provide for the issuance and payment of Barrett law bonds;
- (14) Sign and issue all orders for money from the various funds established under Articles I through VII, inclusive, of Revised Code Chapter 135 to the auditor. No warrants shall be made by the auditor, and no money shall be paid out by the treasurer except on such order;
- (15) Require a claim form or order to be presented to the controller from the director, administrator or officer of a department, division or office of the city or county as a requisite to issuing any order for the payment of money from funds of the city or county, and incidental thereto, the controller shall have power to require evidence that amounts claimed are justly due;
- (16) Keep a register of all bonds of the city and county and of the transfers thereof, where so provided in any such bond, and an account of all outstanding securities;
- (17) Audit or provide for the audit of the accounts of the departments, divisions and offices of the city and county;
- (18) Purchase or authorize the purchase of and maintain records of insurance for city and county officers and employees and purchase or authorize the purchase of and maintain records of surety bonds for city officers and for county officers or township assessors if requested to do so by such officers;
- (19) Allocate parking spaces in the city-county building parking garage and other parking facilities owned or leased by the city or county;
- (20) Develop and manage an energy efficiency program for the city and county; and
- ~~(2021)~~ Exercise any other powers which may be granted by statute or ordinance or delegated by the mayor or allocated pursuant to IC 36-3-5-2.8.
 - (b) The office of finance and management may contract for assistance in the collection of money owed to the city, its departments, special districts or other agencies and to add the costs of collection, if the amount owed exceeds twenty-five dollars (\$25.00) and became delinquent after July 1986, to the amount owed and collected.
 - (c) The office of finance and management shall, in conjunction with the auditor, establish rules and methods of accounting to ensure timely and accurate transaction of fiscal business matters. The rules and methods shall address such topics as the controller, in conjunction with the auditor, deems necessary, but shall at a minimum include:
 - (1) Sufficient detail to allow the exchange of information among city and county offices with the auditor's office and the office of finance and management, and between the auditor's office and the office of finance and management;
 - (2) Timeframes for the processing of accounts, payroll, distributions, budgets, financial reports, audits, and purchases;
 - (3) Procedures for preparing financial reports; and

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- (4) Procedures for administering time keeping and payroll functions.

Upon initial establishment and subsequent revisions, these rules and methods of accounting shall be filed with the clerk of the city-county council. The rules and methods of accounting shall be binding upon all offices, agencies, and departments that submit budget estimates to the office of finance and management under IC 36-3-6-4(f).

SECTION 6. Chapter 202, Article III, of the "Revised Code of the Consolidated City and County," regarding the office of finance and management, hereby is amended by the addition of a NEW Section 202-207, to read as follows:

Sec. 202-207. Human resources division.

(a) The office of finance and management shall include a human resources division with the power and duty to:

- (1) Promulgate and codify personnel policies and procedures provided such actions are not in conflict with any federal, state or local laws;
- (2) Recommend the hiring, promotion, transfer, layoff and dismissal of any city or county employee, including salary reviews, with final decision making authority resting in the affected city department or county agency;
- (3) Fulfill the duties of wage and salary administrator;
- (4) Recruit, advertise and post a list of all available city and county positions unless otherwise exempt from posting as determined by the administrator of human services;
- (5) Approve the creation of all new positions by city department directors and county officials, including the reclassification of any existing position;
- (6) Promulgate and enforce a uniform system of job descriptions, job classification and salary range schedules for the city and county in conjunction with affected city department directors and county officials;
- (7) Screen all applicants for employment whose applications are received by the human resources division and determine whether the applicant meets the minimal qualifications for a city or county position as provided in the job description;
- (8) Exclusively refer qualified applicants for interview by the specific city department or county office, except as to those positions designated as either confidential or policy making, as defined by legal standards, by the relevant appointing authority (city, county elected official or council) in conjunction with the human resources division;
- (9) Conduct, as required, criminal background checks on applicants for employment;
- (10) Issue written offers of employment and letters of rejection to applicants for employment with the city and county in conformity with the guidance provided by the relevant city department or county office;
- (11) Prepare and maintain the master personnel file for each city and county employee;
- (12) Develop and administer tests to be used for interviewing and placement purposes;
- (13) Prepare the wage control for all city and county employees;
- (14) Develop and administer all personnel and management training programs for the city departments and county offices;
- (15) Represent the city and county in all unemployment compensation and workers' compensation proceedings and coordinate the handling of claims processing in these areas;
- (16) Participate and assist in labor negotiations with any city or county bargaining representative;
- (17) Develop, administer and coordinate a comprehensive safety program for the city and county

including completion of any reports necessary for governmental compliance;

- (18) Identify any safety violation in accordance with federal, state or local laws which exists in any city department or county office and determine and enforce applicable safety standards;
- (19) Administer fringe benefits for city and county officers and employees;
- (20) Perform any and all other duties related to personnel management and administration; and
- (21) Exercise any other powers which may be granted by statute or ordinance or delegated by the mayor.

(b) With the exception of the duties of the human resources division described in subparts (a)(3), (5), (6), (13), (16) and (19), the city-county council, sheriff's department, circuit court, superior court, and prosecutor may perform the foregoing human resources functions with their own staffs. The human resources division shall offer assistance to those offices as requested.

SECTION 7. Chapter 202 of the "Revised Code of the Consolidated City and County," regarding the Mayor's Office, hereby is amended by the addition of a NEW Article IV, to read as follows:

**ARTICLE IV. OFFICE OF MINORITY-OWNED
AND WOMEN-OWNED BUSINESS ENTERPRISES**

Sec. 202-401. Purpose.

It is the purpose of this article to carry out the following policies of the city and county:

- (1) To utilize minority-owned business enterprises for public works projects, procurement of goods, and services for the city and county in a dollar amount equal to at least fifteen (15) percent of monies spent by the city and county; and
- (2) To utilize women business enterprises for public works projects, procurement of goods and services for the city and county in a dollar amount equal to at least eight (8) percent of monies spent by the city and county.

Sec. 202-402. Office of minority-owned and women-owned business enterprises; administrator.

There is hereby established an office of minority-owned and women-owned business enterprises. An administrator, who shall be appointed by and serve at the pleasure of the mayor, shall serve as the director of the office.

Sec. 202-403. Powers and duties generally.

The office of minority-owned and women-owned business enterprises shall be responsible for performing the following functions:

- (1) To monitor contract compliance, as follows:
 - a. By ensuring compliance with federal grant requirements respective to the utilization of minority business enterprises and women business enterprises;
 - b. By reviewing city and county contracts to assure compliance with relevant federal, state and local laws and regulations on affirmative action and equal employment;
 - c. By functioning as a liaison between the city and county and their contractors by providing technical assistance in developing affirmative action goals and monitoring these compliance efforts to meet established goals; and
 - d. By managing and implementing the minority and women business enterprises programs, and by monitoring city and county purchasing as specified in section 202-401 of this article;
- (2) To make recommendations for improving the utilization of minority and women businesses by the city and county; and

- (3) To evaluate the effect which state and federal prevailing wage legislation has on:
 - a. The employment and training of minorities, families, persons with disabilities and other protected groups in public construction projects funded in whole or in part by the city or county; and
 - b. Employers and particularly minority- and women-owned business enterprises in bidding and working in public construction projects funded in whole or in part by the city or county.

As part of its evaluation, the division shall annually conduct surveys to determine the prevailing wage rates for various classes of construction work in private construction projects in the county.

SECTION 8. Section 135-721 of the "Revised Code of the Consolidated City and County," regarding creation of the risk management reserve fund, hereby is amended by the deletion of the language that is stricken-through, to read as follows:

Sec. 135-721. Created.

(a) There is hereby created a special fund, to be designated the "risk management reserve fund," in the office of finance and management. This fund shall be a continuing, nonreverting fund, with all balances remaining therein at the end of each year, and no such balances shall lapse into the city or county general funds or ever be diverted, directly or indirectly, in any manner to any other uses than for the purposes of risk management associated with the responsibility of the city and county to provide workmen's compensation.

(b) The annual anticipated needs, uses and expenditures of the funds at any time in the fund shall be established by the controller and the ~~director of the department of administration and equal opportunity corporation counsel~~, along with a levy of taxes if needed to augment the funds each year; later additions to such special funds may be duly appropriated during each year, as approved by the city-county council, and as provided by law.

SECTION 9. Section 135-731 of the "Revised Code of the Consolidated City and County," regarding creation of the automobile liability reserve fund, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 135-731. Created.

(a) There is hereby created a special fund, to be designated the "automobile liability reserve fund," in the ~~division of finance, in the~~ office of finance and management. This fund shall be a continuing, nonreverting fund, with all balances remaining therein at the end of each year, and no such balances shall lapse into the city or county general funds or ever be diverted, directly or indirectly, in any manner to any other uses than for the purposes of city or county liability arising from accidents involving city or county motor vehicles.

(b) The annual anticipated needs, uses and expenditures of the funds at any time in the fund shall be established by the auditor, and controller ~~and the director of the department of administration and equal opportunity~~, along with a levy of taxes if needed to augment the funds each year; later additions to such special funds may be duly appropriated during each year, as approved by the city-county council, and as provided by law.

SECTION 10. Section 182-4 of the "Revised Code of the Consolidated City and County," regarding preparation of the capital improvement program, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 182-4. Same--Preparation.

The directors of the departments of ~~administration~~ public safety, parks and recreation, and public works and the city controller shall be jointly responsible for the preparation of the capital improvement program.

- (1) The director of the department of public safety shall be responsible for the preparation of the portion of the capital improvement program relating to police and fire stations.
- (2) The director of the department of public works shall be responsible for:

- a. The preparation of the portion of the capital improvement program relating to facilities for the collection, transportation, transfer and disposal of solid waste, roads, streets, bridges and other public ways, sanitary and stormwater systems, drains, levees and flood control projects; and
 - b. The assimilation of all portions of the capital improvement program into a single cohesive document.
- (3) The director of the department of parks and recreation shall be responsible for the preparation of the portion of the capital improvement program relating to park and recreational facilities, including greenways.
- (4) The city controller shall be responsible for identifying the appropriate revenue sources from which the capital improvement program is to be financed, and shall make recommendations concerning the issuance of bonds or other obligations, the implementation of any user fee systems, and the appropriate rate of taxation for the cumulative capital development funds, property tax levies and other local taxes.

SECTION 11. Section 251-501 of the "Revised Code of the Consolidated City and County," regarding the administrator of the weights and measures division, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 251-501. Inspector.

The administrator of the weights and measures division shall be known as the inspector. No person shall be appointed inspector unless such person shall be approved by the state division of weights and measures. The director of the department of public safety may, with the approval of the state division of weights and measures, remove the inspector for any cause other than politics after a hearing before the ~~director of the department of administration and equal opportunity controller.~~

SECTION 12. Section 251-601 of the "Revised Code of the Consolidated City and County," regarding the appointment of special police, hereby is amended by the deletion of the language that is stricken-through, to read as follows:

Sec. 251-601. Appointment of special police.

The director of the department of public safety may appoint and swear firefighters and other qualified persons as special police officers to perform special duty within the consolidated city on behalf of ~~the departments of administration and equal opportunity, metropolitan development, public safety, public works, transportation, and parks and recreation~~ any city department or city agency.

SECTION 13. Section 252-108 of the "Revised Code of the Consolidated City and County," regarding life and liability insurance for members of the Indianapolis fire department, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 252-108. Life and liability insurance.

The director of public safety shall recommend to the ~~director of the department of administration and equal opportunity~~ corporation counsel appropriate group life and disability insurance coverage to cover all members of the force. Such insurance coverage may be purchased and maintained in reasonable amounts and shall cover only firefighters killed or disabled in the line of duty. The director of public safety shall recommend to the ~~director of the department of administration and equal opportunity~~ corporation counsel appropriate insurance to indemnify firefighters against liability for injuries or damages to persons or property resulting from alleged acts of negligence, wrongful acts or omission of the firefighter while acting within the scope of their authority and employment.

SECTION 14. Section 291-102 of the "Revised Code of the Consolidated City and County," regarding administration of general city and county personnel policies and procedures, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 291-102. Administration generally.

The ~~director of administration and equal opportunity~~ controller is authorized and directed to take those steps necessary to implement compliance with the policies and procedures stated in this chapter by all departments and agencies of the consolidated city and county. The ~~director~~ controller is further authorized and directed to utilize probationers of the ~~Municipal Court of Marion County~~ Marion Superior Court whose conditions of probation include performing community work service. The ~~director~~ controller is further authorized and directed to utilize volunteers, seasonal, part-time and/or temporary employees to perform any and all work for the consolidated city and county. The ~~director~~ controller, in conjunction with the other department directors, shall determine how such persons shall be utilized.

SECTION 15. Section 291-105 of the "Revised Code of the Consolidated City and County," regarding assignment of wages of a city or county employee, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 291-105. Assignment of wages.

The assignment of future wages to become due to any employee of this city or county, or from any department or office thereof, may be done only in instances and for those purposes as may be authorized by the mayor or ~~director of the department of administration and equal opportunity~~ the controller. All employees of the city and county or any department or office thereof agree that, upon accepting employment with the city or county or with a department or office thereof, and as a condition precedent, they will not assign, transfer or sell any future wages to become due to any employee or employees from the city or county or any department or office thereof, except assignments made for the specific purposes approved by the city or county or such other assignment as may be approved by the ~~director of the department of administration~~ controller.

SECTION 16. Sections 291-108 and 291-109 of the "Revised Code of the Consolidated City and County," regarding incentive pay programs and call-back pay, respectively, hereby are amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 291-108. Incentive pay programs.

Each department director and each county official responsible for hiring and fixing the salaries in each county office or agency may develop a program which would provide compensation adjustments consistent with incentives for productivity and such other measures of success as may be determined by the department director or appropriate county official. Each incentive pay program developed must be reviewed and approved for consistency, objectivity and availability of funding by the human resources division of ~~the department of administration and equal opportunity~~, the office of finance and management, and the office of corporation counsel.

Sec. 291-109. Call-back pay.

(a) Each department director and each county official responsible for hiring and fixing the salaries in each county office or agency may develop a call-back pay plan which designates certain positions within the department, office or agency as eligible for call-back pay. Persons in those designated positions shall receive a minimum of four (4) hours of pay when called into work outside their scheduled work hours.

(b) Any such call-back pay plan must comply with the Fair Labor Standards Act and with any applicable collective bargaining agreements. Each call-back plan must be reviewed and approved for consistency, objectivity and availability of funding by the human resources division of ~~the department of administration and equal opportunity~~, the office of finance and management, and the office of corporation counsel.

SECTION 17. Sections 291-106 and 291-107 of the "Revised Code of the Consolidated City and County," regarding city and county holidays and compensatory leave, respectively, hereby are amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 291-206. Holidays.

(a) *Designated.* The following are designated as city holidays for full-time and part-time employees:

New Year's Day (January 1st);

Martin Luther King Day (third Monday of January);

Presidents Day (third Monday of February);

Good Friday (Friday preceding Easter);

Memorial Day (last Monday of May);

Independence Day (July 4th);

Labor Day (first Monday of September);

Thanksgiving Day (fourth Thursday of November);

Friday after Thanksgiving;

Christmas Day (December 25th);

Primary Election Day; and

General Election Day in years with state and municipal elections.

(b) *Days celebrated as holidays in continuing operations.* In continuing seven-day-a-week operations, employees will observe the actual holiday. For employees who are employed in functions which must necessarily be continued at all times, a policy of compensatory leave or overtime for work on holidays shall be determined by the competent authority of each office in cooperation with the direction of the ~~department of administration and equal opportunity~~ human resources division of the office of finance and management.

(c) *Days celebrated as holidays in Monday-through-Friday operations.*

- (1) In Monday-through-Friday operations, when any of these holidays occur on Sunday, the Monday succeeding shall be designated as the legal holiday. When any holiday occurs on Saturday, the Friday preceding shall be designated as the legal holiday.
- (2) *Holiday pay for unworked holiday.* Employees shall receive holiday pay at the employee's regular straight time rate for each of the designated holidays, if the employee is normally scheduled to work on the day that has been designated as a holiday.
- (3) a. If a holiday is observed on a day of the week when an employee is not normally scheduled to work due to his/her participation in a voluntary flex time plan, the employee shall receive a maximum eight-hour (seven and one-half-hour where applicable) compensatory day off, which shall be scheduled with the approval of his/her supervisor. An employee who separates employment shall not receive pay for any unused compensatory days.
b. If a holiday is observed on a day of the week when an employee is not normally scheduled to work due to a work schedule implemented by the city, the employee shall observe his/her next regularly scheduled day as a holiday and shall receive holiday pay for the number of hours he/she would have been regularly scheduled to work on that day.
- (4) ~~Pay for working on a holiday~~ *Pay for working on a holiday.* Eligible employees shall be paid time and one-half in addition to holiday pay for any and all time authorized for work on the day designated as the holiday or compensatory time and one-half off as the case may be.

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- (5) ~~Eligibility for holiday pay~~ Eligibility for holiday pay. To be eligible, the employee must work the full scheduled workday before and the full scheduled workday following the holiday, unless the employee is on a paid leave of absence or is receiving worker's compensation. In Monday-through-Friday operations, there shall be no duplication or pyramiding of holiday pay for holidays falling on Saturday or Sunday but which are observed on other days.
- (6) ~~Failure to report for scheduled work~~ Failure to report for scheduled work. Any employee scheduled for work on a day designated as a holiday, who fails to report for work or absents himself or herself for that day, shall not be eligible for holiday pay or compensatory time off as the case may be. Regardless of whether the absence is approved or not, any employee scheduled to work on a holiday, who fails to work that holiday, must use paid leave time to be paid for that day.
- (7) ~~Temporary employees~~ Temporary employees. Temporary/seasonal and part-time/ temporary employees do not receive holiday pay.

Sec. 291-207. Compensatory leave.

(a) *Nonexempt employees*. Compensatory leave for employees classified as nonexempt shall be governed by the provisions of the Fair Labor Standards Act as supplemented by policies adopted by the ~~director of administration~~ controller and elected county officials.

(b) *Exempt and excluded employees*. Employees classed as exempt or excluded from the provisions of the Fair Labor Standards Act may be granted compensatory leave time pursuant to the provisions of this subsection. Compensatory leave is reserved for those exceptional circumstances when the job requires the employees to work a longer amount of time than the regular course of the job demands. The policy respecting compensatory leave shall be determined by the ~~director of administration~~ controller and each elected county official, and in every such instance by the requirements and circumstances of each office. Full discretion is granted to all elected county officials and the ~~director of administration~~ controller. In no event shall such exempt or excluded employees be paid for unused compensatory time.

SECTION 18. Section 291-210 of the "Revised Code of the Consolidated City and County," regarding military leave, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 291-210. Military leave.

(a) *In general*. Military leave shall be granted in accordance with appropriate state and federal law. In accordance with state law, a maximum of fifteen (15) eight-hour working days of paid military leave shall be granted. If an employee exceeds fifteen (15) days of military leave, then he/she may elect to go on leave without pay or to exhaust appropriate paid leave.

(b) *Special benefits for certain extended active duty*. As a demonstration of the gratitude of the people of Indianapolis and Marion County for city and county public employees whose lives are disrupted and who might suffer financial and personal hardships by answering the call to bear arms for military duty to defend America's freedom and way of life during state or national emergencies, the following supplemental military leave fringe benefits shall be provided to eligible employees whose active duty extends beyond the fifteen (15) days leave provided under subsection (a):

- (1) For purposes of this subsection (b), "eligible employee" means any employee of the City of Indianapolis or of Marion County, including merit officers of the Marion County Sheriff's Department, the metropolitan law enforcement agency, and the Indianapolis Fire Department, that serve in the National Guard or any reserve component of the armed forces of the United States and who by order of the Governor of Indiana or the President of the United States are placed on full-time active duty for more than thirty (30) days.
- (2) If an eligible employee's active duty base on a weekly basis is less than the normal work-week salary or wages earned by the eligible employee at the time of activation, such eligible employee shall receive a weekly payment as a fringe benefit equal to that difference, paid on the same schedule as if the employee were not on military leave.
- (3) If an eligible employee was a participant in a health benefit program provided by the city or county that covered dependants of the eligible employee, the city or county shall pay the employee/employer contribution for such dependant coverage during such military leave.

- (4) The employer contribution to PERF for an eligible employee shall be continued during the period of military leave.
- (5) For each eligible employee who is a Merit Officer of the Marion County Sheriff's Department, the employer shall pay the employee's contribution to the pension plan during the period of military leave.
- (6) An eligible employee who serves more than thirty (30) days and less than one hundred eighty (180) days on continuous active duty shall be granted an additional week of paid vacation leave; and an eligible employee who serves one hundred eighty (180) or more days of continuous active duty shall be granted an additional two weeks of paid vacation leave, in accordance with the department's current policies and procedures.
- (7) The benefits provided under this subsection shall be administered as follows:
 - a. Eligible employees who wish to apply for these benefits shall notify the office of finance and management and ~~the its~~ human resources division, ~~department of administration and equal opportunity of their activation~~ as soon as possible after activation of their intent to claim such benefits providing documentation and verification of their orders to full-time active duty.
 - b. The benefits provided under this subsection shall be paid from the personal services appropriations of the respective agency who employed the eligible employee; and the Council will entertain transfers or additional appropriation requests from any agency whose budget is inadequate to cover such benefits.
- (8) This subsection shall be retroactive to January 1, 2003, for employees hired prior to that date.

SECTION 19. Sections 291-301, 291-302, and 291-303 of the "Revised Code of the Consolidated City and County," regarding group health insurance, health maintenance organization participation, and worker's compensation, respectively, hereby are amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 291-301. Group health insurance authorized.

- (a) The ~~director of the department of administration and equal opportunity~~ controller is hereby authorized to negotiate group health insurance coverage for the employees of Marion County and the Consolidated City of Indianapolis, and police officers, firefighters and sheriff's deputies and their dependents.
- (b) If such contract is negotiated, the controller and the auditor are authorized to the extent of the appropriations therefor to pay such portion of the premium for "employees only" and dependents' coverage as may be authorized by the mayor.
- (c) The controller and the auditor are authorized to withhold, with the employee's consent, from the employee's compensation the employee's share of such health insurance premium.

Sec. 291-302. Health maintenance organization participation authorized.

- (a) The ~~director of the department of administration and equal opportunity~~ controller is authorized to negotiate a contract or contracts with an established health maintenance organization (as defined in the "Health Maintenance Organization Act of 1973," 87 Stat. 914) for guaranteed medical services for employees of Marion County and the Consolidated City of Indianapolis, and police officers, firefighters and sheriff's deputies and their dependents.
- (b) If such a contract is negotiated and any employee elects to participate in such health maintenance organization plan and not to participate in the group health insurance plan, the controller and the auditor ~~are~~ may pay on behalf of each electing employee that portion of the health maintenance organization cost equal to the amount of the "employee only" premium for health insurance authorized pursuant to section 291-301.
- (c) The controller and auditor are also authorized to withhold from an electing employee's compensation the employee's share of the cost of health maintenance organization participation and the cost of dependent participation, if available.

Sec. 291-303. Worker's compensation; commencement of compensation authorized.

(a) ~~The director of the department of administration and equal opportunity controller~~ is authorized to extend to city and county employees compensation at the regular rate of pay for the entire regularly scheduled work day on which the compensable injury occurs.

(b) The injury must be compensable pursuant to IC 22-3-1-1 et seq.

(c) This benefit shall apply to all salaried, hourly, and bi-weekly employees who are covered by IC 22-3-1-1 et seq.

(d) In all other respects, the Consolidated City of Indianapolis and Marion County shall comply strictly with IC 22-3-1-1 et seq.

SECTION 20. Section 291-403 of the "Revised Code of the Consolidated City and County," regarding the administration of deferred compensation plans, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 291-403. Administration.

(a) Each deferred compensation plan shall be administered as provided for in the deferred compensation plan document for that plan and any amendments thereto. The plan shall be administered by the ~~city-county administrative board controller~~. The administrator controller may enter into an agreement with, or contract with, one (1) or more third parties to provide administrative services for each deferred compensation plan.

(b) The administrator controller may allow political subdivisions, as defined by the Indiana Code 36-1-2-13, located within Marion County to adopt the plan.

SECTION 21. Section 291-602 of the "Revised Code of the Consolidated City and County," regarding definitions of terms in Chapter 291, Article VI of the Code, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 291-602. Definitions.

As used in this article (section 291-601 through 291-614), the following terms shall have the following meanings:

City means the employing authorities of Consolidated City of Indianapolis and Marion County.

Collective bargaining means to perform the mutual obligation of the employer, by its representatives, and the exclusive bargaining representative of employees in an appropriate bargaining unit to meet and negotiate in good faith at reasonable times and places with respect to terms and conditions of employment, and any subject covered by a collectively bargained agreement covering city employees on September 1, 2001 with the intention of reaching an agreement.

Confidential employee means any employee who:

- (1) Works in the office of the mayor;
- (2) Works in the office of the city-county council;
- (3) Works in the office of the corporation counsel;
- (4) Works in the office of finance and management or its human resources division;
- (5) Is secretary to a department head, director, or elected official; or
- ~~(6) Works in the human resources division of the department of administration and equal opportunity; or~~
- ~~(7)~~ Is the personal secretary of any supervisor, managerial, or confidential employee.

Employee means any active employee of the City of Indianapolis or Marion County, but the term employee does not include anyone who is:

- (1) An employee of the court;
- (2) A confidential employee;
- (3) A managerial employee;
- (4) A supervisor;
- (5) An intermittent employee;
- (6) A student employee;
- (7) A temporary employee;
- (8) A member of a board or commission;
- (9) An individual in the custody of any law enforcement agency who is working in a program through such an agency;
- (10) An attorney whose responsibilities include providing legal advice to the city or performing legal research for the city as a client;
- (11) An individual who performs internal investigations;
- (12) A member of the Indianapolis Fire Department, the metropolitan law enforcement agency, or the Marion County Sheriff's Department who has less than one (1) year of employment with such department or agency;
- (13) An employee of the county treasurer, clerk, auditor, prosecutor, surveyor, assessor, recorder, or coroner unless the employee or group of employees is voluntarily recognized by the elected official holding said office; or
- (14) An employee of the township assessor of Center Township, Decatur Township, Franklin Township, Lawrence Township, Perry Township, Pike Township, Warren Township, Washington Township, or Wayne Township unless the employee or group of employees is voluntarily recognized by the township assessor.

Employee organization means an organization:

- (1) In which employees participate, and
- (2) That exists for the purpose of representing employees in collective bargaining.

Exclusive bargaining representative and *bargaining agent* mean an employee organization chosen by employees in an appropriate bargaining unit pursuant to this article or recognized by the city as a representative of an appropriate bargaining unit before the adoption of this article.

Managerial employee means any individual who:

- (1) Has responsibility for a unit or sub-unit of a division of an agency or department;
- (2) Participates in the formulation of policy;
- (3) Is significantly engaged in executive or management functions;
- (4) Is charged with the responsibility of directing the implementation of management policies, procedures or practices; or
- (5) Is involved in administration of collective bargaining agreements or human resources or personnel decisions, including, but not limited to, staffing, reductions, reorganizations, hiring, discipline, evaluations, pay, assignments, transfers, promotions or demotions.

Supervisor means any individual who has authority to hire, transfer, suspend, layoff, recall, promote, demote, discharge, assign, reward or discipline other employees, or to adjust grievances, or effectively to recommend any such action. With respect to the Indianapolis Fire Department, "supervisor" includes all personnel at the rank of division chief or above. With respect to the

metropolitan law enforcement agency, "supervisor" includes all personnel with the rank of captain or above.

Temporary employee means an individual who is employed for not more than ninety (90) days.

Terms and conditions of employment means wages, hours, allowances, fringe benefits, facilities, equipment and other physical aspects of employment, personnel policies, and the voluntary payment of dues through payroll deduction.

SECTION 22. Section 291-605 of the "Revised Code of the Consolidated City and County," regarding determination of the appropriate bargaining unit, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 291-605. Determination of appropriate bargaining unit.

Upon any request to determine the appropriateness of proposed bargaining unit and the placement of any employee in such unit, a joint labor management advisory committee shall meet and make a recommendation to the human resources division of the ~~department of administration and equal opportunity office of finance and management~~. This committee shall consist of three (3) representatives chosen by the employing authority and three (3) representatives chosen by the recognized employee organizations of the city. The human resources division may adopt the recommendation of the committee. In the event the employee organization seeking a determination under this section is unsatisfied with the decision of the human resources division, the matter may be arbitrated according to the rules of the American Arbitration Association. An arbitrator shall reverse or modify a decision of the human resources division only if the arbitrator finds the decision arbitrary or capricious. The parties to the arbitration shall share the costs of the arbitration equally.

SECTION 23. Section 292-3 of the "Revised Code of the Consolidated City and County," regarding surety bonds for city and county officials, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 292-3. Surety bonds for city and county officials.

(a) It is hereby declared to be the purpose of this section to fix the amounts of individual surety bonds and authorize a blanket bond for city and county officials.

(b) Pursuant to IC 5-4-1-18(c), the City-County Council of Indianapolis and Marion County fixes the amount of surety bonds for city and county officials as follows:

<i>Official</i>	<i>Bond Amount</i>
County coroner	\$ 8,500.00
Supervisor Barrett law	60,000.00
City controller	300,000.00
County treasurer	300,000.00
County treasurer (ex officio city treasurer)	300,000.00
County surveyor	8,500.00
County assessor	8,500.00
County auditor	300,000.00
County clerk	300,000.00
County recorder	60,000.00
County sheriff	90,000.00
County prosecutor	8,500.00
Decatur Township assessor	8,500.00
Wayne Township assessor	8,500.00

Warren Township assessor	8,500.00
Washington Township assessor	8,500.00
Perry Township assessor	8,500.00
Pike Township assessor	8,500.00
Franklin Township assessor	8,500.00
Lawrence Township assessor	8,500.00
Center Township assessor	8,500.00

(c) Pursuant to IC 5-4-1-18(b), the city-county council authorizes the purchase of blanket bonds to cover the faithful performance of city and county officials not covered by individual bonds. The amount of these blanket bonds shall be left to the discretion of the ~~director of the department of administration and equal opportunity corporation counsel.~~

SECTION 24. Section 581-101 of the "Revised Code of the Consolidated City and County," regarding the findings and purpose of Chapter 581 regarding human relations and equal opportunity, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 581-101. Findings and purposes.

(a) The council finds that the practice of denying equal opportunities in employment, education, access to and use of public accommodations, and acquisition of real estate based on race, color, religion, ancestry, age, national origin, disability, sex, sexual orientation, gender identity, or United States military service veteran status is contrary to the principles of freedom and equality of opportunity and is a burden to the objectives of the policies contained herein and shall be considered discriminatory practices.

(b) It is the purpose of this chapter to carry out the following policies of the city and county:

- (1) To provide equal employment opportunity in all city and county jobs without regard to race, color, religion, disability, national origin, ancestry, age, sex, sexual orientation, gender identity, or United States military service veteran status;
- (2) To encourage the hiring of the persons with disabilities in both the public and the private sectors and to provide persons with disabilities with equal access to public accommodations;
- ~~(3) To utilize minority owned business enterprises (MBEs) for public works projects, procurement of goods, and services for the city and county in a dollar amount equal to at least fifteen (15) percent of monies spent by the city and county;~~
- ~~(4) To utilize women business enterprises (WBEs) for public works projects, procurement of goods and services for the city and county in a dollar amount equal to at least eight (8) percent of monies spent by the city and county;~~
- ~~(5)~~ To utilize businesses owned by persons with disabilities;
- ~~(6)~~ To protect employers, labor organizations, employment agencies, property owners, real estate brokers, builders, lending institutions, governmental and educational agencies and other persons from unfounded charges of discrimination;
- ~~(7)~~ To provide all citizens of the city and county equal opportunity for education, employment, and access to public accommodations without regard to race, religion, color, disability, sex, sexual orientation, gender identity, national origin, ancestry, age, or United States military service veteran status; and
- ~~(8)~~ To provide all citizens of the city and county equal opportunity for acquisition through purchase or rental of real property including, but not limited to, housing without regard to race, religion, color, disability, sex, sexual orientation, gender identity, familial status, national origin, ancestry, age or United States military service veteran status.

SECTION 25. Section 581-103 of the "Revised Code of the Consolidated City and County," regarding definitions of terms in Chapter 581, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 581-103. Definitions.

(a) Unless defined otherwise in this section, terms used in this chapter shall have the meanings ascribed to them in the Indiana Civil Rights Law (currently codified at IC 22-9-1-1 et seq.), and/or the Indiana Fair Housing Law (currently codified at IC 22-9.5-1-1 et seq.), as those laws may be amended from time to time. Unless this chapter expressly creates greater rights or protections than the Indiana Civil Rights Law and/or the Indiana Fair Housing Law, it is the general intent of this chapter to provide the same rights and protections as the Indiana Civil Rights Law and/or the Indiana Fair Housing Law.

(b) As used in this chapter, the following terms shall have the meanings ascribed to them in this section.

Acquisition of real estate means the sale, rental, lease, sublease, advertising, construction or financing, including negotiations and any other activities or procedures incident thereto, of:

- (1) Any building, structure, apartment, single room or suite of rooms or other portion of a building, occupied as or designed or intended for occupancy as living quarters by one (1) or more families or single individuals;
- (2) Any building, structure or portion thereof, or any improved or unimproved land utilized or designed or intended for utilization, for business, commercial, industrial or agricultural purposes; or
- (3) Any vacant or unimproved land offered for sale or lease for any purpose whatsoever.

Appointing authorities means and includes the mayor, council and such other person or agency as may be entitled to appoint any member of the equal opportunity advisory board created in this chapter.

Appraiser means any person who, for a fee or in relation to his or her employment or usual occupation, establishes a value for any kind of real estate, the acquisition of which is defined in this section.

Board means the equal opportunity advisory board.

Complainant means any person who signs a complaint on his or her own behalf alleging that he or she has been aggrieved by a discriminatory practice.

Complaint means a written grievance filed with the ~~division~~ office of equal opportunity, either by a complainant or by the board or ~~division~~ office, which meets all the requirements of sections 581-406 and 581-407 of this chapter.

Disability means "disability" as that term is defined in the Americans with Disabilities Act ("ADA"), as that Act may be amended from time to time, and as that definition may be interpreted by the federal courts. To the extent that the ADA would require a person to be a "qualified individual with a disability" in order to be protected from a specific form or type of discrimination under the ADA, then the same is true with respect to this chapter.

Discriminatory practice means and includes the following:

- (1) The exclusion from or failure or refusal to extend to any person equal opportunities or any difference in the treatment of any person by reason of race, sex, sexual orientation, gender identity, religion, color, national origin or ancestry, disability, age, or United States military service veteran status;
- (2) The exclusion from or failure or refusal to extend to any person equal opportunities or any difference in the treatment of any person, because the person filed a complaint alleging a violation of this chapter, testified in a hearing before any members of the board or otherwise cooperated with the ~~division~~ office or board in the performance of its duties and functions under this chapter, or requested assistance from the board in connection with any alleged discriminatory practice, whether or not such discriminatory practice was in violation of this chapter; ~~and~~

(3) In the case of a real estate broker or real estate salesperson or agent, acting in such a capacity in the ordinary course of his or her business or occupation, who does any of the following:

a. Any attempt to prevent, dissuade or discourage any prospective purchaser, lessee or tenant of real estate from viewing, buying, leasing or renting the real estate because of the race, sex, sexual orientation, gender identity, religion, national origin, age, color, disability, ancestry, familial status or United States military service veteran status of:

1. Students, pupils or faculty of any school or school district; or
2. Owners or occupants, or prospective owners or occupants, of real estate in any neighborhood or on any street or block; provided, however, this clause shall not be construed to prohibit disclosure in response to inquiry by any prospective purchaser, lessee or tenant of:
 - (i) Information reasonably believed to be accurate regarding such race, sex, sexual orientation, gender identity, religion, national origin, age, color, disability, ancestry, familial status, or United States military service veteran status; or
 - (ii) The honest professional opinion or belief of the broker, salesperson or agent regarding factors which may affect the value or desirability of property available for purchase or lease;

or

b. Any solicitation, promotion, advertisement or attempt to influence or induce any owner to sell, lease or list for sale or lease any real estate, which solicitation, promotion, advertisement or attempted inducement includes representations concerning:

1. Race, sex, sexual orientation, gender identity, religion, national origin, age, color, disability, ancestry, familial status or United States military service veteran status of present, prospective or possible purchasers or occupants of real estate in any area, neighborhood or particular street or block;
2. Present, prospective or possible neighborhood unrest, tension or change in the race, sex, sexual orientation, gender identity, religion, national origin, age, color, disability, ancestry, familial status or United States military service veteran status of occupants or prospective occupants of real estate in any neighborhood or any street or block;
3. Present, prospective or possible decline in market value of any real estate by reason of the present, prospective or possible entry into any neighborhood, street or block of persons of a particular race, sex, sexual orientation, gender identity, religion, national origin, age, color, disability, ancestry, familial status or United States military service veteran status; or
4. Present, prospective or possible decline in the quality of education offered in any school or school district by reason of any change in the race, sex, sexual orientation, gender identity, religion, national origin, age, color, disability, ancestry, familial status, or United States military service veteran status of the students, pupils or faculty of such school or district;

and

(4) ~~[(a.)~~ Making unavailable or denying the sale or rental of a dwelling to any buyer or renter, or the refusal to extend to any person equal opportunities in the terms, conditions, or privileges of the sale or rental of a dwelling or in the provision of services or facilities in connection with the dwelling because of a disability of:

~~1a.~~ ~~¶~~The buyer or renter;

~~2b.~~ ~~¶~~ A person residing in or intending to reside in the dwelling after the dwelling is sold, rented, or made available; or

~~3c.~~ ~~¶~~Any person associated with the buyer or renter.

b. For purposes of this subsection (4), ~~discrimination~~ discrimination includes the following:

~~1a.~~ ~~a~~ A refusal to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises;

~~2b.~~ ~~a~~ A refusal to make reasonable accommodations in rules, policies, practices, or services, when the accommodations may be necessary to afford the person equal opportunity to use and enjoy a dwelling; and

~~3c.~~ In connection with the design and construction of covered multifamily dwellings (as defined in the Indiana Civil Rights Law, as that law may be amended from time to time) for first occupancy after March 13, 1991, a failure to design and construct those dwellings in a manner that:

~~(A)1.~~ ~~†~~ The public use and common use parts of the dwellings are readily accessible to and usable by persons with disabilities;

~~(B)2.~~ ~~a~~ All the doors are designed to allow passage into and within all premises within the dwellings and are sufficiently wide to allow passage by persons with disabilities in wheelchairs; and

~~(C)3.~~ ~~a~~ All premises within the dwellings contain the following features of adaptive design:

- (i) An accessible route into and through the dwelling;
- (ii) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
- (iii) Reinforcements in bathroom walls to allow later installation of grab bars; and
- (iv) Usable kitchens and bathrooms so that an individual in a wheelchair can maneuver about the space.

e. Compliance with the rules of the fire prevention and building safety commission that incorporate by reference the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for people with physical disabilities (ANSI A117.1) satisfies the requirements of ~~subsection 4(b)(3)(C)~~ this subpart 3.

~~d.~~ This ~~section~~ subsection (4) does not require that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

~~Division means the division of equal opportunity created by this chapter.~~

Education means the construction, maintenance or operation of any school or educational facility utilized or intended to be utilized for the education or training of persons residing within the territorial jurisdiction of the ~~division office~~ and controlled by a public governmental board or agency which operates one (1) or more elementary or secondary schools.

Employer means:

- (1) Any political subdivision within the county, not represented by the office of corporation counsel under section 202-103 of the Code and any separate municipal corporation which has territorial jurisdiction primarily within the county; and
- (2) Any person who employs at the time of any alleged violation six (6) or more employees within the territorial jurisdiction of the ~~division office~~.

Employment means a service performed by an individual for compensation on behalf of another person, except for:

- (1) Services performed by an individual who in fact is engaged in an independently established trade, occupation, business or profession, and who has been and will continue to be free from direction or control over the manner of performance of such services;
- (2) Services performed by an agent who receives compensation solely upon a commission basis and who controls his or her own time and efforts; or
- (3) Services performed by an individual in the employ of his or her spouse, child or parent.

Employment agency means and includes any person who undertakes, with or without compensation, to procure, recruit, refer or place any individual for employment.

Familial status means an individual who is (1) pregnant; (2) domiciled with an individual younger than eighteen (18) years of age in regard to whom the person: (A) is the parent or legal custodian; or (B) has the written permission of the parent or legal custodian for domicile with that person; or (3) in the process of obtaining legal custody of an individual younger than eighteen (18) years of age.

Gender identity means an individual having or being perceived as having a gender-related self-identity, self-image, appearance, expression or behavior different from those characteristics traditionally associated with the individual's assigned sex at birth.

Labor organization means and includes any organization which exists for the purpose, in whole or in part, of collective bargaining or dealing with employers concerning grievances, terms or conditions of employment, or for other mutual aid or protection in relation to employment.

Lending institution means any bank, building and loan association, insurance company or other corporation, association, firm or enterprise, the business of which consists in whole or in part in making or guaranteeing loans, secured by real estate or any interest therein.

Office means the office of equal opportunity created by this chapter.

Owner means and includes the title holder of record, a contract purchaser, lessee, sub lessee, managing agent or other person having rights of ownership or possession, or the right to sell, rent or lease real estate.

Person means and includes one (1) or more individuals, partnerships, associations, organizations, cooperatives, legal representatives, trustees, trustees in bankruptcy, receivers, governmental agencies and other organized groups of persons.

Public accommodation means an establishment which caters to or offers its services, facilities or goods to the general public.

Public facility means any facility or establishment, other than an educational institution, which is owned, operated or managed by or on behalf of a governmental agency.

Real estate broker means any person who, for a fee or other valuable consideration, sells, purchases, rents, leases or exchanges, or negotiates or offers or attempts to negotiate the sale, purchase, rental, lease or exchange of real property owned by another person; or a person who is licensed and holds himself or herself out to be engaged in the business of selling, purchasing, renting, leasing or exchanging real property for other persons, or who manages and collects rents for the real property of another.

Real estate salesperson or *agent* means any person employed by a real estate broker to perform or assist in performing any or all of the functions of the real estate broker.

Respondent means one (1) or more persons against whom a complaint is filed under this chapter, and who the complaint alleges has committed or is committing a discriminatory practice.

Sexual orientation means an individual's actual or perceived identity or practice as a lesbian woman, gay male, bisexual person or heterosexual person.

SECTION 26. Chapter 581, Article II, of the "Revised Code of the Consolidated City and County," regarding the division of equal opportunity, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

ARTICLE II. ~~DIVISION OFFICE~~ OF EQUAL OPPORTUNITY

Sec. 581-201. ~~Division Office~~ created; purpose.

There is hereby created a ~~division~~ an office of equal opportunity within the ~~department of administration office of corporation counsel~~. This ~~division office~~ and its board are empowered as provided in this chapter to carry out the public policy of the state as stated in the Indiana Civil Rights Law at IC 22-9-1-2, and the Indiana Fair Housing Law, at IC 22-9.5-1-1, within the territorial boundaries of the county, and the public policy of the city, as stated in this chapter.

Sec. 581-202. Composition and functions.

The ~~division office~~ shall be directed by an administrator who shall also be the affirmative action officer for the city and county. The administrator shall be appointed by and serve at the pleasure of the mayor and shall be responsible for performing the following functions:

- (1) To monitor internal employment practices as follows:
 - a. By ensuring that city and county government offers equal employment opportunities to persons regardless of race, religion, color, sex, sexual orientation, gender identity, national origin, ancestry, age, disability, or United States military service veteran status;
 - b. By providing a vehicle through which employees may seek redress for alleged discriminatory acts by city and county government and/or retaliatory acts by city or county government for filing or assisting in the discrimination complaint process;
 - c. By establishing affirmative action goals for city and county government;
 - d. By complying with federal reporting requirements concerning affirmative action and equal opportunity; and
 - e. By reviewing policies and procedures of the city and the county to eliminate discriminatory practices;

and

- (2) ~~To monitor contract compliance as follows:~~
 - a. ~~By ensuring compliance with federal grant requirements respective to the utilization of minority business enterprises and women business enterprises;~~
 - b. ~~By reviewing city county contracts to assure compliance with relevant federal, state and local laws and regulations on affirmative action and equal employment;~~
 - c. ~~By functioning as a liaison between the city county and its contractors by providing technical assistance in developing affirmative action goals and monitoring these compliance efforts to meet established goals; and~~
 - d. ~~By managing and implementing the minority and women business enterprises programs, and by monitoring city and county purchasing as specified in subsection 581-101(b) of this chapter;~~
- (3) ~~To evaluate the effect which state and federal prevailing wage legislation has on:~~
 - a. ~~The employment and training of minorities, families, persons with disabilities and other protected groups in public construction projects funded in whole or in part by the city or county; and~~
 - b. ~~Employers and particularly minority and women owned business enterprises in bidding and working in public construction projects funded in whole or in part by the city or county;~~

~~As part of its evaluation, the division shall annually conduct surveys to determine the prevailing wage rates for various classes of construction work in private construction projects in the county; and~~

- (42) To receive, investigate and adjudicate community complaints as specified in Article IV of this chapter.

Sec. 581-203. General powers and duties.

In addition to the functions previously mentioned in section 581-202 of this chapter, the ~~division~~ office shall have the following powers and duties:

- (1) To gather and distribute information for the purpose of improving human relations and removing inequities in the areas of housing, recreation, education, employment, law enforcement, vocational guidance and related matters;
- (2) To assist other governmental and private agencies, groups and individuals in reducing community tensions and preventing conflicts between persons of different racial, ethnic and religious groups;
- (3) To discourage persons from engaging in discriminatory practices through informal methods of persuasion and conciliation and through programs of public information and education;
- (4) To furnish technical assistance upon request to persons to assist them in eliminating discriminatory practices or otherwise implementing the policy and purposes of the Indiana Civil Rights Law and the Indiana Fair Housing Law;
- (5) To make such general investigations, studies and surveys as the ~~division~~ office shall deem necessary for the performance of its duties;
- (6) To prepare and submit at least annually a report of its activities to the mayor and to the public, which report shall describe the investigations and proceedings conducted by the ~~division~~ office, the outcome thereof and the progress and achievements of the ~~division~~ office and the community toward elimination of discriminatory practices;
- (7) To cooperate with the state civil rights commission, any appropriate federal, state or local agencies, and with private organizations, individuals and neighborhood associations in order to effectuate the purposes of this chapter and to further compliance with federal, state and local laws and ordinances prohibiting discriminatory practices; and
- (8) To perform any other duties assigned by ordinance or the mayor.

SECTION 27. Section 581-304 of the "Revised Code of the Consolidated City and County," regarding the general powers and duties of the equal opportunity advisory board, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 581-304. General powers and duties.

(a) The board shall have the ~~following~~ powers and duties: ~~(1) To~~ to appoint an executive committee, a majority of which shall constitute a quorum, which committee shall be authorized to act upon emergency matters between meetings of the board; provided, however, the executive committee shall not take any action inconsistent with action previously taken or policies adopted by the board, and the executive committee shall not exercise any of the powers or functions of the board under sections 581-405 through 581-415 of this chapter; all officers of any executive committee appointed by the board must be members of the board;

(b) Further, the board shall have the powers and duties ~~(2) (a) To~~ to establish a committee on contract compliance composed of at least five (5) members of the board. The committee shall meet at such times as the members of the committee shall deem necessary. The committee shall have the power to establish and adopt rules for the conduct of its affairs. ~~(b) The duties of the contract compliance committee shall include:~~

- (1) To review contract compliance procedures and make recommendations concerning their effective and efficient operation;
- ~~(2) To make recommendations for improving the utilization of minority and women businesses by the city and county;~~
- ~~(3)~~ (2) To establish other standing and ad hoc committees, as the board deems necessary;

- (43) To advise the ~~division~~ office in formulating policies designed to effectuate the purposes of this chapter and to make such recommendations to the mayor and the council as the board shall deem appropriate to implement such policies;
- (54) To adopt, amend and rescind procedural and substantive rules and regulations for the conduct of its affairs, not inconsistent with the provisions or intent and purposes of this chapter, as the board shall deem necessary or appropriate; the rules or regulations shall be adopted subject to the provisions of Chapter 151, Article VIII of the Code;
- (65) To adjudicate claims of discrimination in a manner consistent with the provisions of this Chapter;
- (76) To facilitate advancement of the policies identified in section 581-101;
- (87) To exercise such additional powers or functions as may be delegated to the board by ordinance or by executive order validly adopted and promulgated by the mayor; and
- (98) To generally advise the ~~division~~ office in the area of equal opportunity which shall include but not be limited to recommending new programs and program objectives, reviewing problem areas and recommending changes in existing programs.

SECTION 28. Sections 581-405, 581-406, and 581-407 of the "Revised Code of the Consolidated City and County," regarding discrimination complaints, hereby are amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 581-405. Grounds for complaint; persons who may file.

(a) A complaint charging that any person has engaged in or is engaging in a discriminatory practice prohibited by section 581-403 of this chapter may be filed with the ~~division~~ office by any person claiming to be aggrieved by the practice, by one (1) or more members of the board or by one (1) or more employees of the ~~division~~ office who have reasonable cause to believe that such a violation has occurred, in any of the following circumstances:

- (1) In the case of the acquisition of real estate, against the owner of the real estate, a real estate broker, real estate salesperson or agent, or a lending institution or appraiser;
- (2) In the case of education, against the governing board of any public school district which operates schools within the territorial limits of the consolidated city or of the county;
- (3) In the case of a public accommodation, against the owner or person in charge of any such establishment, or both;
- (4) In the case of a public facility, against the governmental body which operates or has jurisdiction over the facility; or
- (5) In the case of employment, against any employer, employment agency or labor organization.

(b) Sections 581-406 through 581-415 of this chapter shall not apply to complaints arising from employment performed for the city, or any department or agency thereof, or any employment performed for the county, or any department or agency thereof, unless such employee has first utilized all internal complaint procedures, remedial measures and investigatory procedures available through the agency's or department's written policies and procedures. In the absence of a written procedure, employees should report complaints to ~~DEO~~ the office prior to submitting a complaint under section 581-406. In carrying out his or her duties under this chapter, the administrator of the ~~division~~ office shall develop appropriate rules and procedures for the ~~division~~ office to conduct internal investigations and to process and refer complaints related to allegations of discriminatory practices in employment against the city, a city department or agency, the county, or a county department or agency. These rules and procedures shall include, but are not limited to, requiring employees of the city, a city department or agency, the county, or a county department or agency to use appropriate internal mechanisms prior to an investigation being instituted under section 581-412.

Sec. 581-406. Contents of complaint.

To be acceptable by the ~~division~~ office, a complaint shall be in writing and shall be sufficiently complete so as to reflect properly the following:

- (1) The full name and address of the complainant or other aggrieved person or persons;
- (2) The full name and address of the person against whom the complaint is made;
- (3) The alleged discriminatory practice and a statement of particulars thereof;
- (4) The date or dates of the alleged discriminatory practice;
- (5) If the alleged discriminatory practice is of a continuing nature, the dates between which the continuing discriminatory practices are alleged to have occurred;
- (6) A statement as to any other action, civil or criminal, instituted before any other administrative agency, commission, department or court, whether state or federal, based upon the same grievance alleged in the complaint, with a statement as to the status or disposition of any such other action; and
- (7) In the case of alleged employment discrimination a statement that the employer employs six (6) or more employees in the territorial jurisdiction of the division office.

Sec. 581-407. Execution and verification of complaint; notice of acknowledgement.

(a) The original complaint shall be signed and verified before a notary public or other person duly authorized by law to administer oaths and take acknowledgments. Notarial services shall be furnished by the division office without charge.

(b) The administrator shall cause an acknowledgement of the complaint to be provided to the complainant advising the complainant of the time limits and choice of forum provided under the law.

SECTION 29. Section 581-410 of the "Revised Code of the Consolidated City and County," regarding the receipt of a complaint from the state civil rights commission, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 581-410. Receipt of complaint from state civil rights commission.

The division office is hereby authorized to receive any complaint transferred to it by the state civil rights commission pursuant to IC 22-9-1-12.1, IC 22-9.5-4-1 and/or IC 22-9.5-4-8, and to take such action with respect to any such complaint as is authorized or required in the case of a complaint filed under section 581-405 of this chapter.

SECTION 30. Section 581-101 of the "Revised Code of the Consolidated City and County," regarding investigation and conciliation of discrimination complaints, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 581-412. Investigation and conciliation.

(a) *Investigation.* Within thirty (30) days after receipt of a complaint filed under this chapter, the administrator shall initiate an investigation of the alleged discriminatory practice charged in the complaint. All such investigations shall be made by the division office at the direction of the administrator and may include informal conferences or discussions with any party to the complaint for the purpose of obtaining additional information or attempting to resolve or eliminate the alleged discriminatory practice by conciliation or persuasion. The division office shall have the authority to initiate discovery, including but not limited to interrogatories, requests for production of documents and subpoenas, on approval of the administrator. Any request by the division office to compel discovery may be by appropriate petition to the Marion County Circuit or Superior Courts. The administrator will make a good faith effort to complete investigations within one hundred (100) days after a complaint has been received. If it is impracticable to complete the investigation within one hundred (100) days, the administrator may extend the time for conducting the investigation. The administrator shall notify the parties in writing of the reason(s) for the delay.

(b) *Report of investigation; determination by panel.* Unless the complaint has been satisfactorily resolved prior to completion of the investigation made under subsection (a) of this section, the administrator shall report the results of the investigation made under subsection (a) of this section to a predetermined panel of three (3) members of the board designated by the chairperson or vice chairperson or pursuant to the rules of the board, which panel shall not include any member of the board who is ineligible to participate pursuant to subsection 581-414(f) of this chapter or who is a member of the complaint adjudication committee created pursuant to section 581-413 of this chapter. The administrator

shall make a recommendation as to whether there is reasonable cause to believe that the respondent has violated section 581-403 of this chapter. The panel shall then determine by majority vote whether reasonable cause exists to believe that any respondent has violated section 581-403 of this chapter. In making such a determination, the panel shall consider only the complaint, the response, if any, and the administrator's report; provided, however, the panel may request the administrator to make a supplemental investigation and report with respect to any matter which it deems material to such determination.

(c) *Action when violation found.* If the panel, under subsection (b) of this section, determines that reasonable cause exists to believe that any respondent has violated section 581-403 of this chapter, it may direct the administrator to endeavor to eliminate the alleged discriminatory practice through a conciliation conference. At least one (1) panel member shall be present at any conciliation conference at which both the complainant and respondent are present or represented. If the complaint is satisfactorily resolved through conciliation, the terms of any agreement reached or undertaking given by any party shall be reduced to writing and signed by the complainant, respondent and the administrator. Any disagreement between the respondent and the administrator in regard to the terms or conditions of a proposed conciliation agreement may be referred to the panel which considered the complaint, and the decision of the panel with respect to such terms or conditions shall be final for purposes of conciliation proceedings under this subsection, but shall not be binding upon the respondent without his written consent thereto. The board or ~~division~~ office may institute legal proceedings under this chapter for enforcement of any written agreement or undertaking executed in accordance with this subsection.

SECTION 31. Sections 581-414 and 581-415 of the "Revised Code of the Consolidated City and County," regarding certain hearings, findings, recommendations, and court enforcement of the equal opportunity advisory board, hereby are amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 581-414. Hearings, findings and recommendations when conciliation not effected.

(a) *Hearing to be held; notice.* If a complaint has not been satisfactorily resolved within a reasonable time through informal proceedings under section 581-412 of this chapter, or if the panel investigating the complaint determines that reasonable cause exists to believe a respondent has violated section 581-403 of this chapter but that a conciliation conference is inappropriate under the circumstances surrounding the complaint, then the chairperson of the board shall assign the case to the adjudication committee or, in the case of a complaint not related to housing, to either the adjudication committee or to a hearing officer. The adjudication committee or the hearing officer may hold a public hearing thereon upon not less than ten (10) working days' written notice to the complainant or other aggrieved person and to the respondent. If the respondent has not previously filed a written response to the complaint, he or she may file such response and serve a copy thereof upon the complainant and the ~~division~~ office not later than five (5) working days prior to the date of the hearing.

(b) *Powers; rights of parties at hearing.* In connection with a hearing held under subsection (a) of this section, the adjudication committee or the hearing officer shall have the power, upon any matter pertinent to the complaint or response thereto, to subpoena witnesses and compel their attendance; to require the production of pertinent books, papers or other documents; and to administer oaths. The complainant shall have the right to be represented by the administrator or any attorney of his or her choice. The respondent shall have the right to be represented by an attorney or any other person of his or her choice. The complainant and respondent shall have the right to appear in person at the hearing, to be represented by an attorney or any other person, to subpoena and compel the attendance of witnesses, and to examine and cross examine witnesses. The board may adopt appropriate rules for the issuance of subpoenas and the conduct of hearings under this section. The adjudication committee, the hearing officer and the board shall have the power to enforce discovery and subpoenas by appropriate petition to the Marion County Circuit or Superior Courts.

(c) *Statement of evidence; exceptions; arguments.* Following the close of the hearing, the adjudication committee or the hearing officer shall prepare a report containing written recommended findings of fact and conclusions and file such report with the ~~division~~ office. The adjudication committee or hearing officer shall make a good faith effort to complete the report within thirty (30) working days from the close of the hearing, but may extend the time for completing the report as needed, up to an additional thirty (30) working days. A copy of the report shall be furnished to the complainant and respondent, each of whom shall have an opportunity to submit written exceptions within such time as the rules of the complaint adjudication committee shall permit. The adjudication committee or the hearing officer may, in its, his or her discretion, upon notice to each interested party, hear further evidence or argument upon the issues presented by the report and exceptions, if any.

(d) *Findings of fact; sustaining or dismissing complaint; remedies.* Upon the preponderance of the evidence, the adjudication committee or the hearing officer shall issue written findings of fact and conclusions, and shall and serve a copy thereof upon the complainant and the respondent. Findings and conclusions made by the adjudication committee or the hearing officer shall be based solely upon the record of the evidence presented at the hearing.

If, in the opinion of the adjudication committee or the hearing officer, any respondent has engaged or is engaging in a discriminatory practice in violation of the chapter, the adjudication committee or the hearing officer may cause to be served on the respondent an order requiring the respondent to cease and desist from the unlawful discriminatory practice and requiring such person to take further affirmative action as will effectuate the purposes of this chapter, including but not limited to:

- (1) The restoration of complainant's losses incurred as a result of discriminatory treatment, as the adjudication committee or hearing officer may deem necessary to assure justice;
- (2) The posting of notice setting forth the public policy of the city and county concerning equal opportunity and respondent's compliance with such policy in places of public accommodations;
- (3) The submission of proof of compliance to be filed by respondent at periodic intervals; and
- (4) If the respondent is licensed by a city or county agency authorized to grant a license, the submission of a statement to show cause to the licensing agency why his or her license should not be revoked or suspended.

If, in the opinion of the adjudication committee or the hearing officer, any respondent has not engaged in a discriminatory practice in violation of this chapter, the adjudication committee or the hearing officer shall state dismiss the complaint against that respondent.

The adjudication committee or the hearing officer shall make a good faith effort to serve its, his or her findings and conclusions within one (1) year from the date of receipt of the complaint. If it is impracticable to serve the findings and conclusions within one (1) year from the date of receipt of the complaint, the adjudication committee or the hearing officer may extend the time for serving the findings and conclusions. The adjudication committee or the hearing officer also shall notify the parties in writing of the reason(s) for the delay.

(e) *Appeal to the board.* Within thirty (30) working days after the issuance of findings and conclusions by the adjudication committee or the hearing officer, either the complainant or the respondent may file a written appeal of the decision of the adjudication committee or the hearing officer to the board. If no appeal is filed within thirty (30) working days, then the findings and conclusions are final. After considering the record of the evidence presented at the hearing and the findings and conclusions of the adjudication committee or the hearing officer, the board may affirm the decision of the adjudication committee or the hearing officer and adopt the findings and conclusions of the adjudication committee or the hearing officer, or it may affirm the decision of the adjudication committee or the hearing officer and make supplemental findings and conclusions of its own, or it may reverse the decision of the adjudication committee or the hearing officer and make findings of fact and conclusions to support its decision. The board may also adopt, modify or reverse any relief ordered by the adjudication committee or the hearing officer. The board shall make a good faith effort to take any of the above actions within thirty (30) working days after the appeal is filed, but may extend the time as needed, up to an additional thirty (30) working days.

(f) *Members of board who are ineligible to participate.* No member of the board who initiated a complaint, who is the subject of a complaint, or who has an immediate family member who is the subject of a complaint shall participate in the adjudication of that complaint as a member of the three-person panel, the adjudication committee or the board. In the event of an appeal to the board, a board member's participation on the three-person panel or on the adjudication committee shall not be a basis for ineligibility.

(g) *Judicial review.* Any respondent who disagrees with a decision of the board rendered pursuant to subsection 581-414(e) of this chapter shall have the right to file a verified petition to the superior or circuit court of Marion County for a review of the board's decision. The petition for review must be filed within thirty (30) calendar days after the date of issuance of the written decision of the board. The City of Indianapolis shall be the sole defendant in the petition for review. Within thirty (30) calendar days after receipt of a summons, the city shall cause the board to file a true and complete copy of the transcript of the hearing with the court. The court, without jury, shall review the record and render its decision as in other administrative reviews. The clerk of the court shall send a copy of the court's decision to the

respondent and to the ~~division~~ office of equal opportunity, either of whom may appeal the court's decision.

Sec. 581-415. Court enforcement.

(a) *Institution of action.* In any case where the board, the adjudication committee or the hearing officer has found that a respondent has engaged in or is engaging in a discriminatory practice in violation of section 581-403 of this chapter, and such respondent has failed to correct or eliminate such discriminatory practice within the time limit prescribed by the board, the adjudication committee or the hearing officer and the time limit for appeal to the board has elapsed, the board may file in its own name in the Marion County Circuit or Superior Courts a complaint against the respondent for the enforcement of section 581-414 of this chapter. Such complaint may request such temporary or permanent injunctive relief as may be appropriate and such additional affirmative relief or orders as will effectuate the purposes of this chapter and as may be equitable, within the powers and jurisdiction of the court.

(b) *Record of hearing; evidentiary value.* In any action filed under this section, the board may file with the court a record of the hearing held by the adjudication committee or the hearing officer under section 581-414 of this chapter, which record shall be certified by the secretary of the board as a true, correct and complete record of the proceedings upon which the findings of the hearing officer and/or the board were based. The court may, in its discretion, admit any evidence contained in the record as evidence in the action filed under subsection (a) of this section, to the extent such evidence would be admissible in court under the rules of evidence if the witness or witnesses were present in court, without limitation upon the right of any party to offer such additional evidence as may be pertinent to the issues and as the court shall, in its discretion, permit.

(c) *Temporary judicial relief upon filing of complaint.* Upon the filing of a complaint under section 581-405 of this chapter by a person claiming to be aggrieved, the administrator, in the name of the board and in accordance with such procedures as the board shall establish by rule, may seek temporary orders for injunctions in the Marion County Circuit or Superior Courts to prevent irreparable harm to the complainant, pending resolution of the complaint by the ~~division~~ office, hearing officer and the board.

(d) *Enforcement of conciliation agreements.* If the board determines that any party to a conciliation agreement approved by the administrator under section 581-412 of this chapter has failed or refused to comply with the terms of the agreement, it may file a complaint in the name of the board in the Marion County Circuit or Superior Courts seeking an appropriate decree for the enforcement of the agreement.

SECTION 32. Section 645-811 of the "Revised Code of the Consolidated City and County," regarding the provision of modular newsracks, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 645-811. Provision of modular newsracks.

(a) In furtherance of the purposes of this chapter, the city by and through the office of city controller shall enter into a contract with one (1) modular newsrack provider, or otherwise provide, for the placement and maintenance of modular newsracks in the modular newsrack district; and the city may enter into contracts with one (1) or more modular newsrack providers, or otherwise provide, for the placement and maintenance of modular newsracks in other areas of the city.

In the modular newsrack district, the contract shall provide that for a period of two (2) years following the effective date of this article, the total number of compartments in modular newsracks shall be substantially equivalent to the highest total number of individual newsracks known to have been maintained on the public rights-of-way in the modular newsrack district at any one (1) time during the year preceding the introduction of this article. After that period, the total number of compartments in modular newsracks in the modular newsrack district may be increased or decreased only on the basis of market supply or demand, or consistent with the purposes stated in section 645-801 of this Code. The contract shall also ensure that modular newsracks shall be placed in locations throughout the district which afford easy, convenient service to pedestrians, but which do not obstruct or interfere with access to abutting properties, and which do not impede or endanger pedestrian, bicycle or vehicle traffic.

(b) A contract under this section would include, but not be limited to, the following terms and conditions:

- (1) In consideration of the placement and maintenance of modular newsracks, the city shall grant to the modular newsrack provider a license with respect to the real property where the modular newsracks will be placed;
 - (2) A detailed description and photograph or scale drawing of the modular newsrack, including its dimensions, number of separate compartments, and method of attachment to the public rights-of-way;
 - (3) A scale drawing or site plan for each modular newsrack, showing its placement relative to existing buildings, curbs and other fixtures and appurtenances in the surrounding public rights-of-way for a minimum of twenty-five (25) feet in any direction; and
 - (4) The terms of any contract between the modular newsrack provider and the publishers of such newspapers and other publications, including the method by which the modular newsrack provider determines the newspaper's or other publication's position within the modular newsrack.
- (c) Prior to entering a contract under this section, the city may conduct such investigations, surveys, or test programs it deems reasonable or necessary to determine any of the following: whether modular newsracks would promote the stated purposes and requirements of this chapter; what different services, and modular newsrack styles and features, are offered by prospective modular newsrack providers; the degree of public acceptance and use of modular newsracks; and the areas and exact locations where modular newsracks may be placed.
- (d) After the controller and a prospective modular newsrack provider have agreed upon the terms and conditions of a contract under this section, but prior to entering the contract, the controller shall publish notice in accordance with IC 5-3-1 of a public hearing to be held ~~before the city-county administrative board~~ by the controller. The notice shall appear at least ten (10) days before the hearing is held, and state the date, place, and hour of the hearing, and a summary of the principal terms of the contract. The proposed contract shall be available for public inspection from the date of publication of notice through the end of the public hearing. The sole purpose of the public hearing is to receive public comment on the proposed contract, and all persons are entitled to be heard as to whether the city should enter into the contract. Based upon the public comments received at the hearing, and such other matters as the controller may consider, the proposed contract may be modified prior to its execution.
- (e) It shall be unlawful to place or maintain a modular newsrack upon the public rights-of-way, except as provided in this section.

SECTION 33. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 34. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 35. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14, and January 1, 2009, whichever last occurs.

PROPOSAL NO. 377, 2008. Councillor Vaughn reported that the Public Safety and Criminal Justice Committee heard Proposal No. 377, 2008 on August 13 and September 3, 2008. The proposal, sponsored by Councillor Vaughn, amends the Code to transfer certain functions of the Marion County Justice Agency to the Department of Public Safety, and make certain corresponding technical corrections. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Vaughn moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 377, 2008 was adopted on the following roll call vote; viz:

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27 YEAS: Bateman, Cain, Cardwell, Cockrum, Coleman, Day, Gray, Hunter, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Sanders, Scales, Smith, Speedy, Vaughn
0 NAYS:
2 NOT VOTING: Brown, Evans

Proposal No. 377, 2008 was retitled GENERAL ORDINANCE NO. 72, 2008, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 72, 2008

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to eliminate the Marion County Justice Agency, to transfer certain Agency functions to the department of public safety, and to make certain corresponding technical corrections.

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

SECTION 1. Division 3 and Division 4 of Chapter 283, Article II, of the "Revised Code of the Consolidated City and County," regarding the criminal justice planning council director and the Marion County justice agency, respectively, hereby are REPEALED.

SECTION 2. Section 135-252 of the "Revised Code of the Consolidated City and County," regarding the pretrial release fund, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 135-~~252~~47. Pretrial release fund.

(a) There is hereby established a special nonreverting ~~county~~ fund for the ~~county justice agency~~ Marion Superior Court, to be designated the "pretrial release fund." The auditor shall deposit in such fund the pretrial release fees.

(b) This fund shall be a continuing, nonreverting fund, with all balances remaining therein at the end of the year, and no such balances shall lapse into the county general fund or be diverted directly or indirectly in any manner for any purpose other than that for which such revenues were received.

(c) Amounts shall be paid from such fund only pursuant to appropriations authorized by the city-county council in the normal budgeting processes.

SECTION 3. Section 135-298 of the "Revised Code of the Consolidated City and County," regarding expenditures from the drug free community fund, hereby is amended by the deletion of the language that is stricken-through, to read as follows:

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

(a) Drug Free Marion County, which is the local coordinating council established pursuant to IC 5-2-6-16(a) shall make recommendations for expenditures from the drug free community fund to the Criminal Justice Planning Council (hereinafter "CJPC").

(b) The chairman of the CJPC shall appoint a three (3) member committee from the board to review the recommendations of Drug Free Marion County. ~~The Director of the Marion County Justice Agency shall assist the committee as necessary.~~ The committee shall report on its review to the CJPC.

(c) At a public meeting of the CJPC, and after receiving the report of the three (3) member committee and giving due consideration to the recommendations of Drug Free Marion County, the CJPC shall make recommendations to the city-county council.

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

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

SECTION 4. Section 283-211 of the "Revised Code of the Consolidated City and County," regarding definitions used in Article II of Chapter 283, hereby is amended by the deletion of the language that is stricken-through, to read as follows:

Sec. 283-211. Definitions.

As used in this article, the following terms shall have the meanings ascribed to them in this section.

CJPC means the Marion County Criminal Justice Planning Council.

~~*Director* means the Director of the Marion County Justice Agency or its successor.~~

~~*MCJA* means the Marion County Justice Agency.~~

Executive committee means the voting members of the CJPC.

Participant agencies include the Marion County Sheriff's Department, the metropolitan law enforcement agency, Marion County Prosecutor, Public Defender, Community Corrections, Indianapolis Marion County Forensic Services Agency (Crime Lab) and Marion County Clerk.

Courts includes the Circuit and Superior Courts of Marion County.

SECTION 5. Sections 283-225 and 283-226 of the "Revised Code of the Consolidated City and County," regarding goals of the criminal justice planning council, and its officers, quorum, and meetings, respectively, hereby are amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 283-225. Additional goals.

(a) The CJPC shall be charged with the following duties and goals which may or may not be delegated to ~~MCJA Director or other~~ relevant agencies within Marion County:

- (1) To confer with the appropriate city, county, regional and federal agencies concerned with law enforcement and the administration of justice for the purpose of improving the criminal justice system in Marion County_;
- (2) To confer with the appropriate city, county, regional and federal agencies for the purpose of securing funds for the support of ~~the MCJA and~~ the CJPC, including adequate staff to conduct research in support of the CJPC's activities_;
- (3) To advise law enforcement and the criminal justice agencies on improved policies in an effort to improve the criminal justice system in Marion County_;
- (4) To assist in determining the means of financing any justice related information services_;
- (5) To assist in the coordination of the Participant Agencies' and courts' common data base justice information system_;
- (6) To coordinate studies and evaluations of any and all information needs and current operating systems in the Participant Agencies and courts with the information technology board in accordance with section 281-212_;
- (7) To contract for technical and specialized assistance in administering the goals of the CJPC_;
- (8) To cooperate with the information technology board in its annual plan and resource inventory of the participant agencies and courts_;
- (9) To coordinate with the information technology board to develop, maintain and communicate information services policy for the participant agencies and courts_;
- (10) To coordinate the development of job descriptions and salary levels_;
- ~~(11) To approve the employment of a director for the MCJA.~~
- (12) To suggest and recommend standards for the efficient administration of the criminal justice system of Marion County_;

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- (132) To assist in establishing standards for privacy of personally identifiable confidential information and security of systems and records of participant agencies and courts;
- ~~(14) To delegate any functions to the director, subject to review by the CJPC.~~
- ~~(15) To hire necessary personnel not otherwise available in any existing agency within Marion County, who serve at the director's pleasure according to law, to carry out its duties.~~
- (163) To undertake such other studies or programs related to or involving the participant agencies and courts as may be adopted by the CJPC or assigned to the CJPC by the city-county council;
- ~~(17) To contract for assistance in the collection of money owed the MCJA and to add the costs of collection to the amount owed and collected.~~
- (184) To administer the law enforcement fund and to have authority over expenditures from the fund; and
- (195) To monitor the balances in and expenditures from the drug free community fund, and make recommendations to the CJPC consistent with the comprehensive drug free community plan and the requirements of IC 5-2-11-5.

~~(20)(b)~~ It shall not be construed that any authorization herein to perform any functions described supercedes any authorizations vested solely within the discretion of the city-county council.

Sec. 283-226. Offices; quorum; meetings.

(a) All contracts, agreements, resolutions and official communications of the CJPC shall be in writing and executed by these officers upon being authorized by motion passed by the CJPC by simple majority of its voting members present. In the event of a tie vote, the chairman shall cast an additional vote to break the tie.

(b) A quorum of the CJPC shall be five (5) voting members.

(c) The CJPC shall meet monthly at such place and time as may be set by the chairman and may meet at such other times and places as may be needed, called by the chairman for a particular purpose. Four (4) voting members may also call a meeting.

(d) Administrative support for the CJPC shall be provided by the department of public safety.

SECTION 6. Section 283-605 of the "Revised Code of the Consolidated City and County," regarding funding of crime prevention initiatives and programs, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 283-605. Funding of crime prevention initiatives and programs.

When written funding recommendations on crime prevention initiatives and programs are submitted by the crime prevention advisory board to the mayor and approved by the mayor, the ~~Marion County Justice Agency~~ director of the department of public safety shall prepare an appropriate resolution proposal for the council's approval.

SECTION 7. Section 285-302 of the "Revised Code of the Consolidated City and County," regarding definitions used in Article III of Chapter 285 and Article II of Chapter 281, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 285-302. Definitions.

As used in this article and in Chapter 281, Article II of this ~~Revised Code~~, the following terms shall have the meanings ascribed to them in this section.

~~(a) Board~~ Board means the Marion County Information Technology Board created by section 281-201 of this ~~Revised~~ Code.

~~(b) Computerized information~~ means any public information which could be made available for inspection by means of enhanced access.

(e) *Custodian* means the public agency which compiles, collects, creates or otherwise obtains or maintains computerized information in the course of carrying out its legal duties. ~~"Custodian"~~ *Custodian* shall not mean the information services agency of Indianapolis and Marion County ~~or the county justice agency, which provide provides~~ management information services to other public agencies.

(f) *Enhanced access* means either:

- (1) Access to computerized information or government services by means of an electronic device other than an electronic device provided by a public agency in the office of the public agency; or
- (2) The computerized compilation or creation of a list or report that does not result in the permanent electronic storage of the information.

(g) *Enhanced access end product* means information or services provided by a public agency or agencies through enhanced access.

(h) *Enhanced access fee* means a reasonable fee authorized under IC 5-14-3-8(h) and charged by a public agency or agencies, or an agent of a public agency or agencies, for access to an enhanced access end product. The enhanced access fee shall include only that portion of the fee which is in excess of any fee otherwise authorized by statute or ordinance for the information or service provided in the enhanced access end product.

(i) *Enhanced access review committee* or *review committee* means the enhanced access review committee created by section 285-306 of this article.

(j) *Fund* means the enhanced access fund created by section 135-511 of this ~~Revised~~ Code.

(k) *Public agency* means a governmental department, office, court, elected official or other entity whose budget is subject to approval by the city-county council ~~of the Consolidated City of Indianapolis and Marion County.~~

SECTION 8. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 9. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 10. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14, or January 1, 2009, whichever last occurs.

Councillor Hunter reported that the Public Works Committee heard Proposal Nos. 378-384, 2008 on August 28, 2008. He asked for consent to vote on these proposals together.

Councillor Gray said that he was not approached on Proposal No. 381, 2008, and his request was for parking meters in another area. He said that he does not need to vote on the item separately, but wanted to make that comment.

Consent was given to vote on the proposals together.

PROPOSAL NO. 378, 2008. The proposal, sponsored by Councillor Hunter, authorizes parking restrictions on the north and south sides of Julian Avenue (District 21). PROPOSAL NO. 379, 2008. The proposal, sponsored by Councillor Cain, changes the parking restrictions in the Eagle Nest Subdivision (District 5). PROPOSAL NO. 380, 2008. The proposal, sponsored by

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Councillor Hunter, authorizes intersection controls at Michigan Street and Mitchner Avenue (District 21). PROPOSAL NO. 381, 2008. The proposal, sponsored by Councillor Gray, authorizes the removal of parking restrictions on 39th Street between Illinois Street and Meridian Street (District 8). PROPOSAL NO. 382, 2008. The proposal, sponsored by Councillor Minton McNeill, changes the parking restrictions on 10th Street between Pennsylvania Street and Delaware Street (District 15). PROPOSAL NO. 383, 2008. The proposal, sponsored by Councillors Vaughn and Hunter, authorizes parking restrictions on the east side of College Avenue from 60 feet south of Bungalow Court to 60 feet north of Bungalow Court (District 3). PROPOSAL NO. 384, 2008. The proposal, sponsored by Councillor Minton McNeill, authorizes parking restrictions on both sides of Pierson Street from Michigan Street to Vermont Street, and on both sides of Pierson Street from Tippecanoe Street to New York Street (District 15).

By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Hunter moved, seconded by Councillor Lutz, for adoption. Proposal Nos. 378-384, 2008 were adopted on the following roll call vote; viz:

Proposal No. 378, 2008 was retitled GENERAL ORDINANCE NO. 73, 2008, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 73, 2008

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-124, Parking prohibited during specified hours on certain days.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-124, Parking prohibited during specified hours on certain days, be and the same is hereby amended by the addition of the following, to wit:

SCHOOL DAYS

From 7:00 a.m. to 4:00 p.m.

*Julian Avenue, on the north side,
From a point 360 feet east of Julian Avenue to a point
495 feet east of Julian Avenue*

*Julian Avenue, on the south side
From a point 270 feet east of Julian Avenue to a point
495 feet east of Julian Avenue*

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

Proposal No. 379, 2008 was retitled GENERAL ORDINANCE NO. 74, 2008, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 74, 2008

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-121, Parking prohibited at all times on certain streets.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the deletion of the following, to wit:

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Tanager Lane, on both sides,
From Hague Road to a point 125 feet east of Hague Road.

Teel Way, on both sides,
From a point 200 feet south of 82nd Street to 82nd Street.

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the addition of the following, to wit:

Tanager Lane, on the south side,
From Hague Road to a point 125 feet east of Hague Road.

Teel Way, on the west side,
From a point 200 feet south of 82nd Street to 82nd Street.

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

Proposal No. 380, 2008 was retitled GENERAL ORDINANCE NO. 75, 2008, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 75, 2008

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

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
27	Michigan St Mitchner Ave	None	All-Way Stop

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

Proposal No. 381, 2008 was retitled GENERAL ORDINANCE NO. 76, 2008, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 76, 2008

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

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets, be and the same is hereby amended by the deletion of the following, to wit:

Thirty-ninth Street, on both sides,
From Illinois Street to Meridian Street

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

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Proposal No. 382, 2008 was retitled GENERAL ORDINANCE NO. 77, 2008, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 77, 2008

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

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets, be and the same is hereby amended by the deletion of the following, to wit:

Tenth Street, on both sides
From White River Parkway west drive to Delaware Street

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets, be and the same is hereby amended by the addition of the following, to wit:

Tenth Street, on both sides
from White River Parkway West Drive to Pennsylvania Street

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

Proposal No. 383, 2008 was retitled GENERAL ORDINANCE NO. 78, 2008, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 78, 2008

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

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets, be and the same is hereby amended by the addition of the following, to wit:

College Avenue, on the east side,
from a point 60 feet south of Bungalow Court,
to a point 60 feet north of Bungalow Court

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

Proposal No. 384, 2008 was retitled GENERAL ORDINANCE NO. 79, 2008, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 79, 2008

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-119, Parking prohibited at all times on alleys and on narrow streets and Sec. 621-121, Parking prohibited at all times on certain streets.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-119, Parking prohibited at all times on alleys and on narrow streets, be and the same is hereby amended by the deletion of the following, to wit:

Pierson Street, on both sides,
From Michigan Street to Vermont Street

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the deletion of the following, to wit:

Pierson Street, on both sides,
From Tippecanoe Street to New York Street

SECTION 3. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the addition of the following, to wit:

Pierson Street, on both sides,
From New York Street to Allegheny Street

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

NEW BUSINESS

Councillor B. Mahern moved, seconded by Councillor Sanders, that Proposal No. 427, 2008 be reassigned to various committees for review.

Councillor Lutz said that the assignment to committees is done by the President of the Council and not the body as a whole. President Cockrum said that these reductions will be reviewed in each committee during their review and analysis. Councillor B. Mahern asked if each committee could then review this proposal. President Cockrum said that this adjustment needs to be made so that the other numbers fall in line in the budget that is proposed. Councillor B. Mahern said that it is troubling to him that this proposal is going to one committee and not to several committees who have expertise in separate subject matters. President Cockrum said that these numbers are already in the proposed budget. Councillor B. Mahern asked if the budget was submitted assuming this would pass. President Cockrum answered in the affirmative. Councillor B. Mahern said that this is troubling to him. President Cockrum said that if a committee makes a change in the budget, that would have to then be amended into this proposal.

Councillor Speedy said that there is nothing to prevent Council members to ask questions relative to this proposal in their respective committees.

Councillor Pryor asked why separate proposals were not offered instead of lumping them all into one proposal, when many different budgets are affected. President Cockrum said that these reductions are all included in the individual portions of the budget which will get reviewed by each committee.

Councillor Hunter said that this motion is out of order and the Council must overrule the President's assignment in order to do this. President Cockrum said that the motion should be to overrule the President's assignment to the Administration and Finance Committee. The motion to overrule the President's assignment failed on the following roll call vote; viz:

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Councillor Vaughn said that in the interest of public testimony this evening related to COIT spending, he will call another meeting to address how that money was spent specifically.

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 Sanders stated that she had been asked to offer the following motion for adjournment by:

- (1) Councillor Cain in memory of Richard Clemens Vonnegut, Sr.; and
- (2) Councillor Nytes in memory of Isaiah Hill; and
- (3) Councillor Cockrum in memory of Shirley Coleman; and
- (4) Councillor All in memory of Lucious Newsome; and
- (5) Councillor Hunter in memory of Martha Evelyn Horrall.

Councillor Sanders moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Richard Clemens Vonnegut, Sr., Isaiah Hill, Shirley Coleman, Lucious Newsome, and Martha Evelyn Horrall. She respectfully asked the support of fellow Councillors. She 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 11:01 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 8th day of September, 2008.

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)

