

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

**REGULAR MEETINGS
MONDAY, AUGUST 6, 2001**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:13 p.m. on Monday, August 6, 2001, with President SerVaas presiding.

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

ROLL CALL

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

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

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor Sanders recognized Ken Zoeller, president of the Indiana AFLCIO, and Bob Vorhies, president of the Indiana Labor Council. Councillor Talley introduced constituent Devon Wells. Councillor Gray recognized Indianapolis Fire Department Chief Louis Dezelan and his administrative staff. Councillor Bradford recognized former Councillors Carlton Curry and Jeff Golc. Councillor Nytes introduced long-time precinct worker, Cordelia Burk.

OFFICIAL COMMUNICATIONS

President SerVaas called for the reading of Official Communications. He recognized Mayor Bart Peterson and asked him to present his communication regarding the 2002 budget. Mayor Peterson delivered the following address:

People and priorities. That's what our city's budget boils down to. Our job is to allocate the taxpayers' money to achieve our vision for the people of this city. My vision for Indianapolis is of safe streets, strong neighborhoods, a thriving economy, and world-class arts and cultural activities. I believe this budget maximizes our resources to achieve what matters most for our city. But it's the result of a lot of tough calls and is not without sacrifices.

Why? Because like most large cities, we face serious financial challenges. So once again, we've tightened our belts, cutting spending where we can and returning money at the year's end to help cover the cost of our initiatives, while maintaining healthy fund balances that exceed those projected in the 2001 budget.

Now I want to discuss this budget in more detail, starting with public safety - which is the bedrock of any local government. Public safety is a two-way street. To fight crime better, police officers must do their part. But so must our citizens. No one understands that better than Shannon Burns, a tireless CrimeWatch volunteer in Irvington. Each month, Shannon calls IPD for a list of the crimes reported in her area. She alerts all the block captains about them and passes along crime prevention tips. The block captains then call their neighbors to get the word out. Shannon also checks in frequently with IPD to verify rumors of crimes.

Then there's Marie Battles. When you drive down Denny Street, Marie's house stands out because of all the care and attention she gives it. She's outside each day, picking up trash in front of her property. More importantly, Marie has led Brightwood's CrimeWatch effort for over 13 years. IPD East District CrimeWatch coordinator Annie Kern tells me Marie is "one of the bravest block captains I know." Marie develops on-going relationships with the officers in her neighborhood - meeting with them in her home. She's earned IPD's respect because of all the help she gives them. Annie says, "I take Marie very seriously. When she calls for help or wants to tell me something, I get in my car and go check in with her. She's a one-woman army." [Clerk's Note: The Mayor asked Ms. Battles to stand and be recognized.]

But Shannon and Marie can't do it alone. That's why I'm committed to making community policing really work in Indianapolis. Already, we've added 58 more community police officers to IPD. Another 57 officers begin training at the academy this month.

Adding officers has enabled us to reassign nine police officers to the Julian Center, helping us increase our domestic violence arrests by 30 percent. Meanwhile, we've trained all our officers to take more photos, more notes, and more time at domestic violence crime scenes. So that even after the bruises heal or the black eye fades, we can build a case against the abuser - and get that family to a safer place.

The new police have also enabled us to assign 10 more officers to the battle against drugs. That's four more officers out in the neighborhoods, investigating citizens' drug-related complaints - about the guy selling drugs on the corner. Or the house down the block where the people stream in and out - day and night.

Another three of these 10 new narcotics officers have joined our core narcotics team, and the final three have joined our criminal interdiction unit. These officers make the big busts - the ones that take more time to complete. But their time is worth it. In just one two-month period, they seized over 24 pounds of meth, 5 pounds of crack, 1,500 pounds of marijuana, 80 Ecstasy tablets, 30 illegal guns, and \$ 250,000. They're worth it too because it doesn't help much to arrest the guy selling drugs on the corner if someone takes his place the very next day. These officers are working to stem the tide of crack and meth and other drugs into our city. And in fact, major drug felony cases are up this year by about 50 percent, thanks to their efforts.

Some of the new officers are reinvigorating our PAL Clubs - running anti-gang and anti-gun programs in our schools. One of them is on horseback - patrolling downtown. Two have formed a new cyber-crimes unit, protecting kids from child molesters on-line. And a few more are using computers to track criminal hotspots so we can better target our efforts.

This is some of what can happen when our police force is adequately staffed and properly deployed. This is what it takes to convince people that Indianapolis is the last place you want to hurt your family, or break into someone's home, or sell even the smallest amount of meth or crack

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cocaine. This is why this budget adds another 50 police officers to IPD - a police force that until very recently was actually smaller than it had been 30 years ago. And the federal grant we got last year covers over 70 percent of their year 2002 cost.

Like public safety, neighborhood quality can make or break a city. Anyone who questions the importance of streets, sidewalks, and trash pickup need only attend one neighborhood meeting - or spend one afternoon out talking to citizens. You all know these services matter greatly to people - as do the health, safety, and appearance of the places they call home. That's why - with money you allocated last year - we added four code inspectors - as well as upgrading our code enforcement technology. It's why we assigned two city attorneys to prosecute code enforcement cases full-time. These new resources have helped us crack down on many notorious motels and rental properties - including Citizen's Lodge, a motel just south of the state fairgrounds which had the dubious distinction of being the place with the most police runs in the city - until we closed it down.

When the bulldozer ripped through Citizens' Lodge, we didn't just put an end to the roaches, rotting pipes, and leaking toilets inside. We leveled a breeding ground for criminal activities unparalleled in this city. That's the kind of thing more inspectors and better code enforcement technology help us do. They also made our crackdown on Eagle Terrace Apartments a reality. With their help - and leadership from the City-County Council - we learned about this westside complex where many low-income Latino families were living in conditions no one should face. Thanks in part to these inspectors - we worked with the owner to improve Eagle Terrace - so the children who live there see America as the same land of opportunity that you and I do.

This budget proposes spending an additional \$ 1.2 million on code enforcement, which includes technology improvements, two more inspectors, and continuing funds for the Nuisance Abatement Task Force Coordinator - who coordinates efforts among the various code enforcement agencies. I'd like to take a moment to thank Scott Newman and his office for securing the grant that funds the coordinator position. This budget also adds a part-time dispatcher to animal care and control, so we can capture more dangerous or abused animals before someone gets hurt.

We're also buying smaller trash cans in neighborhoods where city dumpsters have led to illegal dumping problems. This is a small change - funded through a shift in existing resources - but it's already having an impact. Just ask the people in some of the first neighborhoods to get the new cans on the southeast side. They'll tell you: it's all about accountability. When several houses share a big dumpster, it's often a huge, unsightly mess, because it belongs to no one. Put smaller cans behind each house and suddenly they belong to someone who cares whether their backyard or alley looks good.

This budget also once again allocates significant resources to building our economy - including regional economic development. Employers usually don't pay attention to the county line when deciding where to locate or expand their businesses. Metropolitan areas that attract new business understand this. Most of our money and effort must and will be focused solely on Marion County, but we must also contribute - as our neighboring counties are as well - to the regional business promotion effort.

We're also allocating \$500,000 in CDBG money to assess more brownfield redevelopment sites and to create a low-interest loan program to help companies finance cleaning up these sites. Brownfield redevelopment will both rid us of environmental hazards and put dormant properties back on the tax rolls - a win-win situation for our city and our environment.

Arts and cultural opportunities not only add greatly to city life, they help attract high-tech, high-wage employers, who value things that enhance their employees' quality of life. Our Arts Council has done an excellent job of proposing for your approval the allocation of public funds to arts and cultural organizations, and of promoting the arts in Indianapolis generally. The \$ 250,000 increase in arts funding you approved earlier this year helped support such local organizations as The Children's Museum, the Indianapolis Repertory Theatre, Freetown Village, and VSA Arts Indiana, an arts organization for people with disabilities.

While our community has recently unveiled a \$ 10 million dollar cultural tourism plan, we cannot neglect direct support for local arts and cultural organizations. The kind of direct support the City-County Council provides is not available through the cultural tourism initiative. Therefore, this budget asks for \$ 250,000 in additional city arts funding - a small amount compared to the overall

budget, but one that can make a huge difference both for the arts organizations that receive it and the employers it helps attract to our city.

This budget funds the things that will really make a difference in the quality of life in Indianapolis. What this budget doesn't do, however, is raise your taxes! Instead, it lowers the city tax rate slightly while maintaining healthy fund balances. In fact, it leaves more in the fund balances than the 2001 proposed budget did.

One of the challenges in putting together the budget was \$ 15.5 million in costs beyond our control due to price increases, inevitable expenses, and prior commitments. For example, we expect employee health insurance costs to increase 10 percent and life insurance costs to increase five percent for a combined budget increase of \$ 1.6 million. Utility costs have increased \$ 1 million. Police and fire pension costs have increased \$ 5.6 million. The General Assembly's pension relief bills have helped that situation greatly for the next few years. And I want to thank you for your bipartisan support of that effort. But it's not over yet, as I'll discuss momentarily. There were other unavoidable commitments like the city-county computer network costs, and the city-county building parking garage and elevator repairs. We inherited the police and fire contracts which include raises in collective bargaining agreements with police officers and firefighters of \$ 3.1 million, and automatic increases in payments on public works contracts of \$ 640,000. All these things cost money, justified though they may be.

We also faced deferred maintenance costs, including \$ 150,000 to repair fire station roofs and \$ 1.8 million to clean out our large-diameter sewers - in some cases for the first time since they were installed. \$ 1.8 million may seem like a lot of money. But just a few weeks ago an overflowing sewer contributed to causing half a million dollars in damage to IPD's south district headquarters - a problem this sewer cleaning would help prevent. Cleaning these sewers will also increase the effectiveness of the plan we put forth earlier this year to move our sewer system into the 21st century where it belongs - so our waterways won't become a cesspool almost every time it rains.

Simply to maintain the same quality of services or upgrade things to stay abreast of changing times means spending increases of \$ 5.5 million. That's why this budget contains \$ 1.25 million to support on-going technology upgrades. To understand the importance of these measures, talk to someone trying to get a business or building permit from the city. Internet technology can do wonders in streamlining this process. Likewise, GIS technology can greatly increase governmental efficiency and service because its complex mapping system allows us to better track and respond to zoning and development needs.

We've also allocated \$ 329,000 to pay for six new firefighters to help assure sufficient fire response capabilities for all of Indianapolis. And we've allocated a \$ 1.9 million increase to replace or upgrade aging fire gear and other crucial equipment. Anyone who questions whether our firefighters need these things should spend a day in their shoes. Try walking inside a burning building. Risking your life to save someone else. It takes bravery. It takes world-class training. And it takes high-quality equipment that won't let you down. Our firefighters have the bravery. They have the training. It's time to give them the equipment they deserve.

Likewise, this budget allocates \$500,000 for IPD to make the first payment toward the purchase of a new helicopter. Just so you know, IPD's two working helicopters are both about 30 years old. They aren't fast enough or capable enough to be much use in high-speed chases - which happen frequently. The new helicopter will help police spot suspects more easily and direct pursuit to cut them off before they go 10 or 20 miles, leaving tragedy in their wake.

My proposed budget also includes more funds to maintain our local parks. Our parks system has grown in recent years, which is a wonderful thing. And the Council has recognized that our maintenance needs have grown with it. We need more seasonal maintenance, if we don't want the quality of our parks to deteriorate. Our parks are among Indianapolis's crown jewels. And they're wonderful venues for human services - like the 50,000 free lunches we're serving at them this summer thanks to a federal grant; not to mention the summer camps and sporting events we lead at parks each year.

Our biggest fiscal challenge, however, is still the police and fire taxing districts. Despite the pension relief bills, the existing IPD and IFD taxing districts are still irreparably broken because of the crushing burden of long-term police and fire pension costs and a flagging tax base. That's why

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we've assembled a working group to help us examine possible solutions. We had our first meeting in July, and we hope to make real progress in addressing this issue which has challenged our city since the successful move to unify most of city-county government 31 years ago.

Despite these challenges - the police and fire taxing district problem, the many costs beyond our control, including the price increases, inherited expenses, deferred maintenance costs, much needed upgrades, and other commitments, we're paying for our new initiatives. We're doing this not with a tax increase, but by using our resources more effectively, including \$8.1 million in earned revenues and new grant money. And we're keeping our fund balances healthy in the aggregate - and higher than the 2001 budget's projected balances. Most of all, we're achieving our top priorities for the people of this city.

More police on the streets to fight crime and drugs. Stronger neighborhoods that instill pride and a sense of ownership in the people who live in them. An economy that attracts even more high-growth, high-wage employers. More plays, concerts, and works of art for all our residents to enjoy. This budget supports these things while ensuring our city runs as efficiently as possible on a day-to-day basis.

Working together, I know we can make life better for the citizens we serve - despite our financial constraints. Together, we can make Indianapolis the best place in America to call home. I look forward to working with you to make it happen.

President SerVaas recognized Marty Womacks, County Auditor, and asked her to present her budget communication. Ms. Womacks delivered the following remarks:

Mayor Peterson, Mr. President, Members of the City-County Council, and Citizens of Marion County:

We are facing an extremely challenging task financing the county side of government for 2002. I have spent many hours pondering over what I would say to you tonight. After much diligence by my staff and the cooperation of many county agencies, I am presenting a budget to you that does not include a tax increase.

The mandate by the Marion County Superior Courts was absolutely devastating to the county's financial and strategic plan. The total cost of the mandate came to approximately \$3.8 million and included additional costs for the Prosecutor's Office, Public Defender's Office, the Building Authority, the County Clerk's Office, the Sheriff's Department, and of course, my office. The mandate set the stage for the preparation of this budget.

My primary objective for the budget has always been to increase the compensation for our valued employees. This budget fell short of accomplishing this priority. However, I am requesting the Council to appropriate a portion of the additional County Option Income Tax dollars in order to give the well-deserving county employees a minimal 2 % increase for next year.

The most important priority of the county to its citizens is to provide for their safety. The county's 2002 budget preserves all levels of public safety. In fact, the county and this Council have just provided for the most important upgrade of the E-911 in decades and we did it with no increase in tax rates. We are also planning for a new Coroner's Office with no effect on any tax rate. I am requesting the Council to also consider appropriating a portion of the addition COIT funds for twenty (20) Sheriff's Deputies.

The Sheriff's Department has been working proactively to cooperate with the ICLU and ward off what might have been costly fines for the inmate population problem at the Lockup. A more efficient way of processing inmates will begin by the middle of this month and we anticipate even more efficiencies in coming months.

In the proposed budget you have before you, there are added costs for 48 additional beds for inmates in Jail II. We are requesting an additional 27 beds to bring the total to 75 which is the number that were funded earlier this summer. There are also funds for leasing a new coroner's office because of a need to provide space for performing autopsies previously done at Indiana University.

This budget will reflect substantial allocations in the Reassessment Fund, which is separate from the general fund, for the work to be scheduled for the 2002 pay 2003 General Reassessment. We must still look ahead to anticipate that a new property system

is a critical need to be considered very soon. Our current system is 22 years old. As many of you know, this system is what we use to calculate assessments, the foundation of our property taxing process. Without a functioning system, we cannot bill and produce the funds necessary to run the county.

Beginning in 2002, all assessed valuations will be multiplied times 3 and the tax rates will be divided by 3 accordingly so there will be no monetary implication to the taxpayer. This will prepare the taxpayer for the market value on his/her tax bill in 2003.

In order to meet the budgetary requirements for 2002, we will be taking a one-time credit against our outstanding Department of Correction bills of \$3.4 million for amounts billed to the county for the assessment and evaluation of juveniles. We will continue to seek legislative relief for this ever-increasing drain on the county's budget.

The introduced budgets include the budget for the State's Family and Children Fund. This appropriation is for a state program managed by state employees under state policies and state guidelines spending county money. This should not in any way be considered as "county". As we have all anticipated, this budget requires a property tax increase. I request that you approve this budget as presented. I will continue to try to get legislative relief for what many consider to be a "state" problem. We have also filed appeals to the State Board of Tax Commissioners contending that this is an unfair tax because it is inequitable statewide.

Many of you are opposed to grants. However, grants have provided for many of our needs when local dollars are not available. The new community court on S. Shelby Street which opened on May 30 of this year is an example of what federal funding can do for us. The Prosecutor's office took the lead in seeing this become a reality. The Juvenile Accountability Incentive Block Grant has provided many needs for our juvenile system. We are in our third year of funding with this grant.

I would like to publicly commend Scott Newman, our Prosecutor, who has been consistently proactive in finding ways to supplement his meager budget. They developed a check deception outsourcing project which allowed them to eliminate fees to merchants, take a more aggressive stance on collections and prosecuting bad check writers, offer a class to offenders that did not exist before, and generate to this point approximately \$80,000 in revenue for the operation of the prosecutor's office. This was also a wonderful community-minded effort.

They were also successful in getting enhanced state funding for the operation of Adult Protective Services which investigates elder abuse, neglect, and financial exploitation.

The Public Defender's Office has also been proactive in working toward greater state reimbursements to their office by meeting required standards.

The Recorder's Perpetuation Fund grows at a substantial rate each year allowing the county recorder to implement projects which are making her office more "user friendly".

I have been working with ACS programmers to develop software that will allow citizens to file deductions of all kinds on the web. Those homeowners who do not have computers will be able to file on computers located in their neighborhood library. Companies with main offices out of state will be able to file whatever their necessary forms might be from their home location. This will provide a convenience for them and cut down on those coming and going in this building.

As indicated so far, funding is difficult. However, we continue to try to be creative in our continuous endeavor to be of service to the citizens of Marion County. I have eliminated the travel portion of my budget for next year and I am making a plea to all agencies to consider the importance of their expenditures prior to making them. We should be ever mindful as to whether or not what we are spending is something that the taxpayers of this county should bear.

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I plan to establish a panel of the best planners and managers in county government to implement a strategic planning process for the future of this county. The budget division of my office has worked long and hard this year to fund the priorities of county government. I want to see if there are others who can help with ideas for saving county dollars or spending them more wisely. Thank you for your attention.

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, August 6, 2001, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

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

July 24, 2001

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* on Wednesday, July 25, 2001, and in the *Indianapolis Star* on Thursday, July 26, 2001, a copy of a Notice of Public Hearing on Proposal Nos. 358-362 and 402, 2001, said hearing to be held on Monday, August 6, 2001, at 7:00 p.m. in the City-County Building.

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

July 30, 2001

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

Ladies and Gentlemen:

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

FISCAL ORDINANCE NO. 81, 2001 - approves an increase of \$153,070 in the 2001 Budget of the Department of Public Works, Engineering Division (Flood Control General Fund) to complete the Stormwater Master Plan, financed by fund balances

FISCAL ORDINANCE NO. 82, 2001 - approves an increase of \$676,000 in the 2001 Budget of the Department of Public Works, Engineering Division (State Grants and Redevelopment Tax Increment Financing Funds) to make infrastructure improvements near the Actema (Wavetek Wandel Goldermann, Inc.) facility in the INTECH business park near 71st Street and I-465 in Pike Township, financed by a state grant and by a reduction in the Redevelopment Tax Increment Financing Fund balances

FISCAL ORDINANCE NO. 83, 2001 - approves an increase of \$300,000 in the 2001 Budget of the Department of Public Works, Engineering Division (State Grants Fund) to make infrastructure improvements near Navistar International along Brookville Road, financed by a grant from the Indiana Department of Commerce (Local cash match is \$300,000 and is funded by existing appropriations in the Transportation General Fund Budget)

GENERAL ORDINANCE NO. 70, 2001 - authorizes a traffic signal at Cold Springs Road and Michigan Road (Districts 2, 9)

GENERAL ORDINANCE NO. 71, 2001 - authorizes intersection controls for Loretta Drive and Fable Street (District 20)

GENERAL ORDINANCE NO. 72, 2001 - authorizes a multi-way stop at Bradley Avenue at the Alley (121 South Bradley) (District 15)

GENERAL ORDINANCE NO. 73, 2001 - authorizes parking restrictions on Ritter Avenue, on the west side, from 10th Street to a point 185 feet north of 10th Street (Districts 12, 13, 15)

SPECIAL RESOLUTION NO. 47, 2001 - recognizes the 2001 World Police & Fire Games, 6000 local volunteers, and Games Chairman Danny Overley

SPECIAL RESOLUTION NO. 48, 2001 - recognizes sixth grade student Karli Schneider for her winning entry in the Indiana Association of Cities and Towns Foundation's "If I Were Mayor, I Would..." contest

SPECIAL RESOLUTION NO. 49, 2001 - recognizes the public service of Department of Public Works Administrator Gary Vandegriff

SPECIAL RESOLUTION NO. 50, 2001 - recognizes the Annual Bragging Rights Golf Outing

SPECIAL RESOLUTION NO. 51, 2001 - recognizes civic leader P.E. MacAllister for his many local contributions, including the July 1st Salute to America's Heroes at Garfield Park

SPECIAL RESOLUTION NO. 52, 2001 - recognizes motivated high school graduate C. Lamont Wilks

SPECIAL RESOLUTION NO. 53, 2001 - recognizes the community commitment of Indianapolis electrical contractor Zeal Construction Services, Inc.

POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 2, 2001 - approves an appropriation of \$1,222,543 in the 2001 Budget of the Department of Public Safety, Police Division (Federal Grants and Police Service District Funds) to pay for various community policing programs and to purchase equipment needed to support such programs, financed by federal grants (Local cash match is \$51,210 and is funded by existing appropriations in the Department of Public Safety, Police Division's Budget)

Respectfully,
s/Bart Peterson, Mayor

ADOPTION OF THE AGENDA

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

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of July 23, 2001. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 426, 2001. The proposal, sponsored by Councillors Sanders, Brents, Horseman, Langsford, SerVaas, and Short, honors the survivors of the USS INDIANAPOLIS. Councillor Sanders read the proposal and presented representatives with copies of the document and Council pins. Survivors Jim O'Donnell and John Gromoziak thanked the Council for the recognition. Councillor Short invited the public to attend the ceremony on Sunday, August 19, 2001, at 9:00 a.m. at the Canal memorial. Councillor Sanders moved, seconded by Councillor Horseman, for adoption. Proposal No. 426, 2001 was adopted by a unanimous voice vote.

Proposal No. 426, 2001 was retitled SPECIAL RESOLUTION NO. 54, 2001, and reads as follows:

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CITY-COUNTY SPECIAL RESOLUTION NO. 54, 2001

A SPECIAL RESOLUTION honoring the survivors of the *USS INDIANAPOLIS*.

WHEREAS, the heavy cruiser *USS Indianapolis* was commissioned on November 15, 1931, and named in honor of our fine city; and

WHEREAS, during World War II, she served as a flagship of the Fifth Fleet in the Pacific, earning ten battle stars before torpedoes struck her on July 30, 1945, leaving 800 of the 1,197 members of her crew to struggle for life in the ocean, fending off sharks, with no food or drinking water; and

WHEREAS, only 317 men were rescued from that terror, of which only about 120 are still alive today; and

WHEREAS, the biannual reunion of survivors of this tragedy, the largest at sea in American Naval History, will be held in the City of Indianapolis August 16-19, 2001; 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 of the namesake city of the *USS Indianapolis* welcomes her survivors and all of those participating in the reunion.

SECTION 2. The Council pays its respect to those heroes visiting our city... and homage to those sailors and marines who are still at sea.

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. 427, 2001. The proposal, sponsored by Councillors Sanders and SerVaas, approves invitation for sister city relationship with Piran, Slovenia. Councillor Sanders read the proposal and presented representatives with copies of the document and Council pins. Steve Vaughn, president of the Slovene Culture Society, and former Councillor Jeff Golc, thanked the Council for the recognition and invited members to attend the Slovene Fest on December 2, 2001, when the mayors of Piran and Indianapolis will sign the sister-city agreement. Councillor Sanders moved, seconded by Councillor SerVaas, for adoption. Proposal No. 427, 2001 was adopted by a unanimous voice vote.

Proposal No. 427, 2001 was retitled SPECIAL RESOLUTION NO. 55, 2001, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 55, 2001

A SPECIAL RESOLUTION supporting a sister-city relationship between Piran, Slovenia, and Indianapolis, Indiana, and extending an invitation to the Mayor of Piran for her city to join with the Mayor of the City of Indianapolis in this cooperative relationship.

WHEREAS, the people-to-people program initiated by President Eisenhower in 1956 and endorsed by President Kennedy in 1961 is designed to bring the people of the world closer together in the interest of peace; and

WHEREAS, the Metropolitan Affiliation Program, commonly referred to as the Sister-Cities Program, is a vital part of the people-to-people program and is endorsed and supported by several international organizations; and

WHEREAS, a Council Committee which has included input from local citizens of Slovenian descent as well as others from our community has explored the desirability and benefits of a sister-city relationship with Piran, Slovenia, an historic city on the coast of the Adriatic, symbolic of the richness of the history and culture of the country, a refuge and vacation area for Europeans; and

WHEREAS, the decision of Slovenia to become an independent state more than a decade ago was recognized by this council by way of a resolution in 1991, and that decision has thrust Slovenia into the global market and will result in its membership into the European Union, broadening its opportunities for economic development and cultural tourism; and

WHEREAS, Piran, is defined as the Administrative Center of the Western Peninsula of this country thereby drawing similarities in governmental structure to Indianapolis' Unigov; and

WHEREAS, the City of Indianapolis has been home to a large Slovenian population since the early 1900s and the city has benefited from the contributions to public service by this ethnic community as manifested by the number of public servants committed to the growth of our community over the years; and

WHEREAS, Citizens and government officials of Piran welcome the commitment to a sister-city relationship and the exchange of mutual interests in the areas of economic development, education, arts and culture; now, therefore:

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

SECTION 1. The Indianapolis City-county Council recognizes the similarities and mutual interests between Piran, the jewel on the Adriatic, and Indianapolis, the gem of the Midwest and extend through this resolution a formal invitation to the Mayor of Piran to join with the city of Indianapolis as Sister Cities and as such construct mutually beneficial programs of exchange between their citizens thus strengthening international amity.

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

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

PROPOSAL NO. 428, 2001. The proposal, sponsored by Councillor Coughenour, recognizes the 11 Gold Awards to Indianapolis' White River Environmental Partnership for perfect compliance with national environmental discharge regulations. Councillor Coughenour read the proposal and presented representatives with copies of the document. Rick Farnham, president of the White River Environmental Partnership (WREP), thanked the Council for the honor. Councillor Moriarty Adams commended the WREP for all their hard work. Councillor Coughenour moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 428, 2001 was adopted by a unanimous voice vote.

Proposal No. 428, 2001 was retitled SPECIAL RESOLUTION NO. 56, 2001, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 56, 2001

A SPECIAL RESOLUTION recognizing the 11 Gold Awards to Indianapolis' White River Environmental Partnership for perfect compliance with national environmental discharge regulations.

WHEREAS, from 1995 through 2000, White River Environmental Partnership (WREP) which manages the Belmont and Southport wastewater treatment plants for Indianapolis has earned 60 awards and recognitions; and

WHEREAS, eleven of these awards have been presented by the Association of Metropolitan Sewerage Agencies in recognition of perfect compliance with national environmental discharge regulations; and

WHEREAS, other WREP awards have been from the Indianapolis Black Chamber of Commerce, Arlington High School, Indianapolis Education Association, BOS Community Development Corporation, Indiana Retail Minority Suppliers Development Council, and still other awards were given for outstanding laboratory work, worker safety, employee athletics, and for the annual Wastewater Olympics competition; now, therefore:

August 6, 2001

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

SECTION 1. The Indianapolis City-County Council recognizes and commends the owners, managers and employees of White River Environmental Partnership for their 11 Gold Awards and the numerous other awards for doing an outstanding job of what they are in business to do, and for being a good corporate citizen.

SECTION 2. As Indianapolis enters a new and exciting era of wastewater management, including combined sewer overflows, it is reassuring to know that such a qualified team is in place to handle the new challenges.

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. 801, 2000. Councillor Coonrod reported that the Administration and Finance Committee heard Proposal No. 801, 2000 on March 6, April 3, and July 31, 2001. The proposal appoints Charles A. Egger to the Equal Opportunity Advisory Board. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Coonrod moved, seconded by Councillor Nytes, for adoption. Proposal No. 801, 2000, as amended, was adopted by a unanimous voice vote.

Proposal No. 801, 2000, as amended, was retitled COUNCIL RESOLUTION NO. 65, 2001, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 65, 2001

A COUNCIL RESOLUTION appointing Charles A. Egger to the Equal Opportunity Advisory Board.

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

SECTION I. As a member of the Equal Opportunity Advisory Board, the Council appoints:

Charles A. Egger

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

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 411, 2001. Introduced by Councillors Cockrum and Douglas. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a reappropriation of \$71,457 in the 2001 Budget of the Department of Parks and Recreation (State Grants Fund) to fund the following expenses: demolition of old buildings at Carson Park, site grading and seeding, and professional engineering services, financed by a grant from the Build Indiana Fund"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 412, 2001. Introduced by Councillors Cockrum, Massie, and Douglas. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a reappropriation of \$27,774 in the 2001 Budget of the Department of Parks and Recreation (State Grants Fund) to purchase a heating, ventilation and cooling system at the Garfield Conservatory, and a compressor at the Perry Ice Rink, financed by grants from the Build Indiana Fund"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 413, 2001. Introduced by Councillors Cockrum, SerVaas, and Douglas. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$7,718 in the 2001 Budget of the Department of Parks and Recreation (Federal Grants Fund) to purchase a hexagon shelter and steel frame cupola as part of a Juan Solomon Park restoration project, financed by grant from the U.S. Department of the Interior"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 414, 2001. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a General Resolution which considers and adopts the Stormwater Credit Manual ("Manual") approved by the Board of Public Works"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 415, 2001. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a General Resolution which considers and adopts the Stormwater Masterplan as submitted by the Board of Public Works"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 416, 2001. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls and parking restrictions for the newly constructed Mapleton Trace (District 22)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 417, 2001. Introduced by Councillor Talley. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 45th Street and Campbell Avenue (District 14)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 418, 2001. Introduced by Councillors Schneider and Dowden. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Graham Road and Kilmer Lane (Districts 3, 4)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 419, 2001. Introduced by Councillor Short. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Meredith Avenue and Parker Avenue (District 21)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 420, 2001. Introduced by Councillor SerVaas. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Bancaster Circle/Bancaster Drive/Colchester Drive (District 2)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 421, 2001. Introduced by Councillor SerVaas. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls at 63rd Street and Carrollton Avenue (District 2)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 422, 2001. Introduced by Councillor SerVaas. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Harcourt Spring Drive and Harcourt Spring Terrace (District 2)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 423, 2001. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Alton Avenue and 12th Street (District 16)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 424, 2001. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on portions of Henry Street, Meridian Street, and Merrill Street (District 16)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 425, 2001. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions for portions of Sara Court, Hargeo Drive, Laura Lynn Lane, and Lockwood Lane (District 25)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 442, 2001. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints R. Bruce Wallace to the Air Pollution Control Board"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 443, 2001. Introduced by Councillors Dowden and Talley. The Clerk read the proposal entitled: "A Proposal for a Police Special Service District Fiscal Ordinance which is the annual budget for the Police Special Service District for 2002"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 444, 2001. Introduced by Councillors Dowden and Talley. The Clerk read the proposal entitled: "A Proposal for a Fire Special Service District Fiscal Ordinance which is the annual budget for the Fire Special Service District for 2002"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 445, 2001. Introduced by Councillors Coughenour and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Solid Waste Collection Special Service District Fiscal Ordinance which is the annual budget for the Solid Waste Collection Special Service District for 2002"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 446, 2001. Introduced by Councillor Coonrod. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends Chapters 201, 151, and 291 of the Revised Code codifying the salaries of elected officials, and fixing the salaries of employees of the Consolidated City"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 447, 2001. Introduced by Councillor Coonrod. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends Chapters 281 and 291 of the Revised Code codifying the salaries of elected officials for the calendar year 2001, and fixing the salaries of employees of Marion County"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 448, 2001. Introduced by Councillors Borst and Boyd. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is the Annual Budget for 2002 for the Consolidated City and appropriates the amounts set forth herein for the purposes specified"; and the President referred it to the Administration and Finance, Metropolitan Development, Parks and Recreation, Public Safety and Criminal Justice, and Public Works Committees.

PROPOSAL NO. 449, 2001. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is the Annual Budget for 2002 for certain constitutional officers of Marion County and appropriates the amounts set forth herein for the purposes specified"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 450, 2001. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is the Annual Budget for 2002 for certain Marion County judicial and law enforcement agencies and appropriates the amounts set forth herein for the purposes specified"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 451, 2001. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is the Annual Budget for 2002 for certain county agencies and appropriates the amounts set forth herein for the purposes specified"; and the President referred it to the Administration and Finance and Community Affairs Committees.

PROPOSAL NO. 452, 2001. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is the annual budget for the Metropolitan Emergency Communications Agency for 2002"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 453, 2001. Introduced by Councillors Borst and Coonrod. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates the amounts necessary for payments for city sinking funds for the calendar year 2002"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 454, 2001. Introduced by Councillors Borst and Boyd. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates the amounts necessary for payments from the Revenue Bonds Debt Service Funds for 2002"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 455, 2001. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which allocates certain miscellaneous revenues of the Consolidated City and Marion County to respective funds"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 456, 2001. Introduced by Councillor Bradford. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is the annual budget for the Marion County Office of Family and Children for 2002"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 457, 2001. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which determines the tax levy for 2002 for each fund of the Consolidated City and Marion County"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 458, 2001. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which authorizes the payment of certain dues for the city and county offices and agencies"; and the President referred it to the Administration and

Finance, Community Affairs, Metropolitan Development, Parks and Recreation, Public Safety and Criminal Justice, and Public Works Committees.

PROPOSAL NO. 459, 2001. Introduced by Councillors Cockrum, Massie, and Talley. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which approves a financing plan for acquisition of new voting system for Marion County"; and the President referred it to the Rules and Public Policy Committee.

Councillor Massie asked for consent to move Proposal No. 182, 2001 next on the agenda due to the number of people in attendance with interest in the proposal. Consent was given.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 182, 2001. Councillor Massie reported that the Rules and Public Policy Committee heard Proposal No. 182, 2001 on June 5 and July 24, 2001. The proposal, sponsored by Councillors Black, Sanders, Conley, Gray, Knox, Langsford, Smith, Talley, and Tilford, authorizes employer/employee cooperation procedures for city and county employees. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Massie made the following motion:

Mr. President:

I move to amend Proposal No. 182, 2001, Sec. 291-602, Definitions, by adding a new subparagraph (c)(14), to read as follows:

- (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.

Councillor Soards seconded the motion. Councillor Massie explained that a technical question arose after the committee hearing surrounding definitions. The question was whether or not the term County Assessor, as an elected official, referred to all of the township assessors, or just the County Assessor. After consulting with the attorneys, even though it might be considered as covered, they felt the prudent thing would be to spell out the township assessors to make it clear. Councillor Massie added that he was not able to consult all of the sponsors, but he believes it is self-explanatory, and he hopes that his inability to contact everyone does not hold up this proposal, which so many have worked so long and hard to promote.

Councillor Sanders said that she understands the reasonings behind the amendment, but she has spoken outside the chambers to Corporation Counsel Scott Chinn, and it appears there is a State code that defines the township assessors equal to some of the other employer definitions that are already covered. She said that she has trepidation voting in favor of this amendment without further clarification by Mr. Chinn.

Robert Elrod, General Counsel, said that Mr. Chinn is not in the room at present, but he believes that he and Mr. Chinn are in agreement that the Code is unclear. The township assessors are different than many elected officials, because the Attorney General has determined that they need to keep their offices in the township, but they are paid out of the County General Fund. Rather than have a question as to whether or not they are County employees, or employees of an elected

official, which are otherwise exempted; it seems prudent to make it clear that they are equal to the other County elected officials in the ordinance. He said that this amendment is simply a matter of clarification.

Councillor Soards asked if this amendment prohibits the township assessors' offices from voluntarily participating in a bargaining unit. Councillor Massie said that it does not prohibit this, and simply makes it more clear that, like the County Assessor, they are free to participate or not. He added that he has spoken to Union officials, and they have no problem with the amendment.

Councillor Black said that he came this evening prepared to commend Councillor Massie for all his hard work and bi-partisan efforts to facilitate the passage of this proposal. He said, however, that this last-minute amendment takes away from all that so many have worked so long and hard to accomplish. He said that he, therefore, cannot support the amendment. Councillor Massie apologized to Councillor Black for not contacting him before the meeting, but that the amendment does not actually change the proposal in any way, and simply clarifies what might have been an uncertainty for some. He said that this amendment is being offered in response to a question by a township assessor, and he is simply trying to further define this group of employees. Councillor Black said that he would not understand why any township assessor would want to be exempt and not allow their employees to be organized, and he would have a hard time voting in favor of their budget if they chose not to do so.

Councillor Horseman said that she, too, has appreciated all of Councillor Massie's efforts, but when she voted in Committee to pass this proposal, she did not understand the township assessors to be included under the broad scope of County Assessor. Therefore, she will be voting against the amendment.

Councillor Tilford said that this was a difficult process for everyone, but everyone worked together in good faith, with open minds. This seems to be a simple oversight and should not muddy up the waters and negate all the hard work that was done.

Councillor Sanders said that she believes only two of the three unions agree with this amendment, and this would exclude almost 200 people from the protection of a bargaining unit, if those officials decide not to participate.

Councillor Soards asked if there are other elected officials who are not exempt. Councillor Sanders said that the Mayor's Office and Sheriff Jack Cottey are not exempt. Councillor Soards said that this amendment does not preclude the assessors from participating, and therefore he does not see a problem.

Councillor Gray asked for clarification on the amendment and if its intent is to include the assessors' employees in the program or give them the opportunity to decline involvement. Councillor Massie said that during deliberations, one of the concerns expressed was that County elected officials be exempt from mandatory recognition. The Mayor and the Sheriff chose not to be included in that, but the unions put on the table to exempt County officials from mandatory recognition. At that point, in the definitions of an employee, it was added that this section would not refer to an employee of the County Treasurer, Clerk, Auditor, or Coroner, unless the employer or group of employees is voluntarily recognized. This was the language provided by the unions, and four County offices were omitted. In the substituted version, therefore, Prosecutor, Surveyor, Assessor, and Recorder were amended in. This is the version that passed out of Committee. Since that meeting, Councillor Massie said that he was contacted by a township assessor asking if they were included under the Assessor umbrella, or if that referred to

the one County Assessor. This is why this amendment was drafted, to make it clear that these elected officials are also included. He said that he has spoken to the union representatives, who have all agreed that this amendment is not a problem.

Councillor Conley said that it is unfortunate that this amendment is being thrown in at the last minute after all the hard work that has gone into this proposal. He said that he is still a little confused about how he should vote.

Councillor Borst said that he does not understand why the amendment has thrown everyone for a loop. He said that he believes everyone realized when the Assessor was amended in, that the Committee was referring to all elected assessors, and he does not see how this further amendment changes the proposal in any way. He said it is a simple clarification, and he believes Bob Clifford, director of the Bond Bank, has spoken with Mr. Chinn and can relay that Mr. Chinn is okay with this amendment and its clarification. Mr. Clifford said that Jennifer Simmons, Deputy Chief of Staff for the Office of the Mayor, spoke with Mr. Chinn by phone, and he is familiar with the amendment and has no problems with it. He said there may have been some kind of lack of communication, but he has no problems with the proposal.

Councillor Black asked if several employees of the township assessor want to join the union and the assessor says he does not want to join, if this would prohibit them from joining. Councillor Massie said that it would prohibit them, as is the process now.

President SerVaas said that he believes every township is part of the County, and therefore an elected official in the township is still a County elected official, and it should be clarified.

Councillor Coughenour said that this amendment does not change anything in the proposal and simply makes it very clear so that there is no confusion as to who is covered.

The motion to amend Proposal No. 182, 2001 carried by the following roll call vote; viz:

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

Councillor Boyd asked for consent to explain his vote. Consent was given. Councillor Boyd said that he voted in favor of the amendment because he does not consider it to be further restrictive, and because the union representatives present have said that they can live with it and do not want this bump in the road to hold up the full proposal.

Councillor Massie moved, seconded by Councillor Smith, for adoption as amended. Proposal No. 182, 2001, as amended, was adopted on the following roll call vote; viz:

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

Councillor Black asked for consent to explain his vote. Consent was given. He said that he voted for the proposal because he has always supported the union, but he votes for it reluctantly simply because of the amendment.

Proposal No. 182, 2001, as amended, was retitled GENERAL ORDINANCE NO. 74, 2001, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 74, 2001

A GENERAL ORDINANCE amending the Revised Code of the Consolidated City and County to authorize employer/employee cooperation procedures for city and county employees

WHEREAS, the efficient management of the Consolidated City of Indianapolis and Marion County (the "City"), and the public interest require that orderly, constructive and cooperative relationships be maintained among employees, employee organizations and management; and

WHEREAS, the City and City-County Council has no obligation under Indiana law to recognize bargaining agents of its employees or engage in collective bargaining;

WHEREAS, nothing in Indiana law prohibits the City and City-County Council from recognizing bargaining agents of its employees or engaging in collective bargaining,

WHEREAS, the City and City-County Council previously has entered into collective bargaining arrangements with certain employee bargaining groups;

WHEREAS, the City has an obligation to try to protect its citizens from any threatened or actual interference with, or disruption of, the provision of effective and efficient governmental services and functions; now, therefore:

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

SECTION 1. The "Revised Code of the Consolidated City and County" be, and is hereby amended by adopting a new Article VI of Chapter 291, to read as follows:

ARTICLE VI. EMPLOYER/EMPLOYEE COOPERATION PROCEDURE

Sec. 291-601. Statement of policy.

Findings and Intent. It is the public policy of the City and the purpose of this Article to promote orderly and constructive relationships between the City and its employees subject, however, to the paramount right of the citizens of the City to keep inviolate the guarantees for their health, safety, welfare, and the uninterrupted operations and functions of government. Unresolved disputes between the City and its employees are injurious to the public, and the Council is therefore aware that adequate means must be established for providing for their resolution. Within the limitations imposed upon the governmental processes by these rights of the public at large and recognizing that harmonious relationships are required between the City and its employees, the Council has determined that the overall policy may best be accomplished by (1) granting to City employees the right to organize and choose freely their representatives; (2) permitting the City to negotiate and bargain in good faith with employee organizations representing City employees and to enter into written agreements evidencing the result of such bargaining; and (3) establishing procedures to provide for the protection of the rights of the City, City employees and the public at large.

Sec. 291-602. Definitions.

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

(a) *City* means the employing authorities of Consolidated City of Indianapolis and Marion County.

(b) *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.

(c) *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 the Controller;
- (5) is secretary to a Department Head, Director, or elected official.
- (6) works in the Human Resources Division of the Department of Administration, or
- (7) is the personal secretary of any supervisor, managerial, or confidential employee.

(d) *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 Indianapolis Police Department, or the Marion County Sheriffs Department who has less than one (1) year of employment with such department; or
- (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.
- (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.

(e) *Employee organization* means an organization:

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

(f) *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.

(g) *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.

(h) *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 Indianapolis Police Department, "supervisor" includes all personnel with the rank of Major or above. With respect to the Marion County Sheriffs Department, "supervisor" includes all personnel with the rank of Captain or above.

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

(j) *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.

Sec. 291-603. Employee rights.

Employees shall have the right to organize, form, join, assist, and pay dues or contributions to employee organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid and protection insofar as such activity is not inconsistent with Sections 291-601 through 291-614 or prohibited by any other applicable law. Employees shall also have the right to refrain from any or all such activities by *exercising their rights under this Section in a timely manner*. A collectively bargained agreement provision that violates the rights of employees set forth in this Section shall be void to the extent that it violates the rights of employees set forth in this Section. *A collectively bargained agreement provision that establishes a time period for the exercise of an employee right set forth in this Section shall not violate this Section*. The employer and each employee organization will refrain from any intimidation, coercion, or harassment of employees who choose to exercise their rights under this Article.

Sec. 291-604. Prohibition on organizing or other activity on work time.

Solicitation of support, membership, or dues, or engaging in any other union activities is not permitted when any of the employees involved are on duty except as lawfully may be provided in a collective bargaining agreement entered into under this article.

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. This committee shall consist of three representatives chosen by the employing authority and three 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

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finds the decision arbitrary or capricious. The parties to the arbitration shall share the costs of the arbitration equally.

Sec. 291-606. Recognition of bargaining agent.

(a) A bargaining agent shall be the exclusive representative of all employees in an appropriate bargaining unit if:

- (1) the City already had recognized the bargaining agent as the representative of an appropriate bargaining unit prior to the adoption of this Article;
- (2) the employee organization is selected by a majority of the employees voting in an appropriate bargaining unit in an election conducted pursuant to this Article and the rules and procedures of the Indiana State Department of Labor; or
- (3) the City recognizes an employee organization's request for recognition. A petition or authorization cards showing that a majority of employees in the bargaining unit are members of the employee organization and wish to be exclusively represented by the employee organization for purposes of collective bargaining shall be presented to a mutually agreed upon neutral third party. This party shall investigate the request and, upon verification, the employee organization may at the discretion of the City, be recognized by the City as the exclusive representative of the employees in the bargaining unit.

(b) In the event that more than one employee organization files a request for recognition or for election within ten (10) calendar days after a first request for recognition or for election has been filed, an election shall be held under the auspices of the Indiana State Department of Labor. If an employee organization receives a majority of the votes cast by the employees voting in an appropriate bargaining unit, it shall be recognized by the employer as the exclusive bargaining agent, provided, however, that the employer or an employee organization may file exceptions to the election with the Indiana State Department of Labor, and the employer need not recognize the employee organization pending the resolution of any process to review those exceptions. Any cost of such election shall be shared equally by the parties involved.

Sec. 291-607. Request for election.

(a) An employee organization may request an election be held by submitting a petition or authorization cards for an election to the Indiana State Department of Labor. The petition or authorization cards must represent a showing of interest by at least thirty percent (30%) of the employees in the appropriate bargaining unit.

(b) Any additional interested employee organization must submit a petition of intervention which must be accompanied by a showing of interest by thirty percent (30%) of the employees in the appropriate bargaining unit within ten (10) days of notice of the pending election.

(c) An election under this Article shall be held within forty-five (45) calendar days after written notice to all parties of the determination by the Indiana State Department of Labor of a valid petition for election in accordance with guidelines established by the Indiana State Department of Labor. If an employee organization receives a majority of the valid ballots cast by the employees in an appropriate bargaining unit, it shall be recognized by the employer as the exclusive bargaining agent, provided, however, that an employer or the employee organization may file exceptions with the Indiana State Department of Labor, and the employer need not recognize the employee organization pending the resolution of any process to review those exceptions.

(d) Nothing in this Article shall require or permit an election in any bargaining unit within twelve (12) months after a previous election has been held in such bargaining unit pursuant to this Article.

Sec. 291-608. Decertification/withdrawal of recognition.

(a) Recognition of an employee organization shall continue only so long as such organization satisfies the criteria of this Article and any guidelines of the Indiana State Department of Labor applicable to recognition.

(b) If a petition for decertification of a recognized collective bargaining agent is presented to the Indiana State Department of Labor showing that at least thirty percent (30%) of the employees in the bargaining unit no longer want the employee organization to be their bargaining agent, then the Indiana State Department of Labor shall hold an election pursuant to Section 291-606 of this Article.

(c) A petition for decertification of a recognized collective bargaining agent in an appropriate unit may be filed in a 30 day period between the 180th and 150th day prior to expiration of the collectively bargained agreement for that bargaining unit and any time after that collectively bargained agreement has expired.

(d) For a period of one (1) year following recognition or certification of a collective bargaining agent, no decertification petitions may be filed.

(e) The employee organization no longer shall be recognized as the bargaining agent of the employees in the bargaining unit if a majority of the employees in the appropriate bargaining unit voting in the election. vote to no longer be represented by the employee organization.

(f) The City may withdraw recognition from an employee organization at any time based upon a good faith belief that a majority of the bargaining unit no longer supports the employee organization. An employee organization may file an exception to the City's withdrawal of recognition with the Indiana Department of Labor, which in considering such an exception, may order an election to determine majority support. A withdrawal of recognition under this Section shall not be deemed an abrogation of the City's obligations under a valid collective bargaining agreement in effect at the time of withdrawal.

Sec. 291-609. Good faith bargaining.

(a) Any employee organization recognized as the bargaining agent for employees in an appropriate unit shall be:

- (1) permitted to speak on behalf of all members of the unit and shall be responsible for representing the interests of all members of the bargaining unit without discrimination and without regard to employee organization membership; and
- (2) entitled to meet at reasonable times and places to engage in good faith collective bargaining on the terms and conditions of employment in an effort to reach an agreement, subject to the approval of the Mayor or elected official with responsibility for the employees in the bargaining unit.

(b) Nothing in this Article requires either party to make any concessions or agree to the other party's proposals.

(c) Good faith bargaining shall not include submission of or a response to a proposal that:

- (1) violates the rights of employees as set forth in Section 291-603; or
- (2) impairs, restricts, or delegates the authority of the City as set forth in Section 291-613.

Sec. 291-610. Approval of Tentative Agreement.

(a) When the bargaining agent and the City reach a tentative agreement, they shall reduce it to writing and execute it signifying the approval of the bargaining agent and the City bargaining representative. No agreement shall be effective or enforceable until:

- (1) A fiscal impact study of the tentative agreement is prepared by the Auditor if the bargaining unit consists of County employees or the City Controller if the bargaining unit consists of City employees;
- (2) The fiscal impact study of the tentative agreement is submitted to the City-County Council, a public hearing is held on the fiscal impact study before the Committee on Rules and Public Policy of the Council and this Committee issues a report within forty-five (45) days on the fiscal impact of the tentative agreement; and
- (3) The tentative agreement is approved by:
 - a. The Mayor or elected official with ultimate supervisory responsibility for the employees in the bargaining unit; and
 - b. A majority of the employees in the bargaining unit voting on ratification of the tentative agreement.

(b) Any collective bargaining agreement currently in existence between the City and any bargaining agent shall continue in full force and effect and shall not be invalidated or otherwise affected by this Article.

(c) A written agreement shall be contrary to public policy and therefore shall not bind the parties or be enforceable by either party to the extent that it is not the result of good faith bargaining as defined in Section 291-609.

Sec. 291-611. Mediation procedure.

In the event that the City and the bargaining agent are unable to reach an agreement or contract within one hundred twenty (120) days after their first meeting, an impasse may be called by either party and the following procedure shall be followed:

- (1) Any unresolved issues shall be submitted for mediation with the Federal Mediation and Conciliation Service of the United States Government. The parties shall jointly request mediation within five (5) days of a declared impasse. The mediator shall set reasonable deadlines for all steps of the mediation process.
- (2) The mediation process is advisory only, and the mediator shall have no authority to bind either party.
- (3) The mediation process and any comments, statements or suggestions from the mediator or the parties and any documents evidencing the same made or created during the mediation process shall not be disclosed except as required by law.
- (4) The parties shall share the costs of mediation equally.

Sec. 291-612. Strikes and other job actions.

(a) It is hereby declared the public policy of the City that to protect public health, safety, welfare, and the efficient and effective provision of governmental services to the citizens of the City, employees do not have, and may not be accorded, the right to participate in, threaten or encourage any strike, work stoppage, or slowdown while in City employ, or, picketing while on work time, or any other type of job action or interruption or interference with the activities of the City, or to act in concert with other employees to abstain in whole or in part from the full, faithful and proper performance of their duties for the City. The City agrees that no lockout shall take place.

- (b) Upon a finding that any of the actions prohibited in this Section have occurred:
- (1) A court of competent jurisdiction immediately shall restrain and enjoin any individuals or organizations from engaging in such actions and award to the City its costs and reasonable attorneys' fees, and any and all other appropriate money damages and other relief;
 - (2) Subject to the merit laws governing public safety employees an employing authority may terminate immediately any employee who has violated this Section. In the event that such a termination is made subject to review under a dispute resolution procedure contained in a collective bargaining agreement, any authority reviewing the termination shall be limited to determining whether or not an employee has violated this Section and shall not be empowered to reverse or modify an employing authority's termination decision if the authority finds that such a violation has occurred.
 - (3) Any employee organization determined to have violated this section shall cease to be accorded recognition under this Article, shall cease to receive any dues or fees collected by paycheck withholding and shall not be accorded recognition or receive any dues or fees collected by paycheck withholding for a period of one (1) year.

Sec. 291-613. City's authority.

This Article shall not be deemed in any way to limit or diminish the authority of the City to manage and direct the operations and activities of the City to the fullest extent authorized and permitted by law. Specifically, the City retains the right:

- (1) to direct employees;
- (2) to hire, promote, transfer, assign, and retain employees in positions, and to suspend, demote, discharge, or take other disciplinary action against employees;

- (3) to relieve employees from duties because of lack of work or for other reasons not prohibited by law;
- (4) to maintain the efficiency of the operations entrusted to them;
- (5) to determine the methods, means and personnel by which such operations are to be conducted.
- (6) to determine its tax levies, budgets, and appropriations; and
- (7) to carry out the mission of the City.

Sec. 291-614. Time limits.

Any time limits in this Article may be extended by written agreement of the City, the employee organization and any other appropriate parties.

SECTION 2. Severability.

If any section, sentence, or provision of this Article or the application thereof to any person or circumstance is declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this Article which can be given effect without the invalid provision or application, except that if any portion of Section 291-612 or its application is deemed invalid, then the Article automatically shall be deemed invalid in its entirety.

SECTION 3. Effective date.

This Ordinance shall become effective upon adoption and compliance with Ind. Code 36-3-4-14.

Councillor Coughenour asked for consent to hear Proposal No. 429, 2001 next on the agenda. Consent was given.

PROPOSAL NO. 429, 2001. The proposal, sponsored by Councillors Coughenour, SerVaas, Borst, and Boyd, commends those who successfully worked out the historic new city-county collective bargaining procedures. Councillor Coughenour read the proposal and presented representatives with copies of the document and Council pins. Tom Hanify, representing the Firefighter's Union, Local 416, and Dave Young, representing the Fraternal Order of Police, thanked the Council for the recognition and for working so hard to complete this project. Councillor Horseman recognized Councillor Black and all his efforts over the years to promote unions, and said that there were others who worked long and hard that also need to be recognized. Councillor Coughenour moved, seconded by Councillor Borst, for adoption. Proposal No. 429, 2001 was adopted by a unanimous voice vote.

Proposal No. 429, 2001 was retitled SPECIAL RESOLUTION NO. 57, 2001, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 57, 2001

A SPECIAL RESOLUTION commending those who successfully worked out the historic new city-county employee collective bargaining procedures.

WHEREAS, for more than three decades some unions have negotiated contracts with some city departments and some employees in a haphazard way; and

WHEREAS, after many months of educating, negotiating, and give-and-take, concurrence was reached for a proposed ordinance, and after two extensive public hearings and more amendments, the Council now has before it for final action an historic collective bargaining ordinance for public employees; and

WHEREAS, constructive discussions over a long period of time by people of good intentions has produced a document, Proposal 182, 2001, that not only provides for traditional employer-employee collective bargaining, but adds modern 21st Century thinking to the Proposal; and

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WHEREAS, coordinating the effort was Council Rules and Public Policy Committee Chairman Robert Massie, Dave Young of the Fraternal Order of Police, Tom Hanify representing the firefighters union, and Shane Brinkman of the American Federation of State, County, and Municipal Employees union; and

WHEREAS, with cooperation for the common good, all Parties, liberals and conservatives, and many others have worked together for the benefit of the local governmental employees and the citizens and taxpayers, and Committee Chairman Massie "quarterbacked" this complex issue with exemplary maturity and skill; now, therefore:

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

SECTION 1. The Indianapolis City-County Council commends Committee Chairman Robert Massie, Dave Young, Tom Hanify, and Shane Brinkman and the several union representatives for coming this far with the first-ever Codified collective bargaining framework for local Indianapolis employees.

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

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

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 430, 2001, PROPOSAL NO. 431, 2001, PROPOSAL NO. 432, 2001, and PROPOSAL NOS. 433-441, 2001. Introduced by Councillor Smith. Proposal No. 430, 2001, Proposal No. 431, 2001, Proposal No. 432, 2001, and Proposal Nos. 433-441, 2001 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on July 31, 2001. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 114-125, 2001, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 114, 2001.

2001-ZON-016

6811 SOUTH TIBBS AVENUE (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 25

HAROLD M. WILSON requests a rezoning of 4.5 acres, being in the D-A (FF) (W-5) District, to the D-I (FF) (W-5) classification to provide for single-family residential development.

REZONING ORDINANCE NO. 115, 2001.

2001-ZON-021

2554 AND 2556 NORTH EMERSON AVENUE (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 10

SPEEDWAY SUPERAMERICA LLC, by Philip A. Nicely, requests a rezoning of 1.09 acres, being in the D-4 District, to the C-3 classification to provide for a convenience store/gasoline station.

REZONING ORDINANCE NO. 116, 2001.

2001-ZON-049

3125 NORTH EMERSON AVENUE (approximate address), INDIANAPOLIS

WARREN TOWNSHIP, COUNCILMANIC DISTRICTS # 10

CATHEDRAL OF PRAISE BIBLE WAY CHURCH, by James N. Seahill, requests a rezoning of 8.22 acres, being in the I-2-U District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 117, 2001.

2001-ZON-010

6601 GRANDVIEW DRIVE (approximate address), INDIANAPOLIS

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 2.

CHRIST CHURCH APOSTOLIC, INC., by Mary E. Solada, requests a rezoning of 61.86 acres, being in the SU-1, SU-34, D-2 and D-A Districts, to the D-3 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 118, 2001.

2001-ZON-061 (Amended)

2455 NORTH GRAHAM AVENUE AND 2452 NORTH BOLTON AVENUE (approximate addresses), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 10

PINECREST ASSOCIATES, by David Kingen, requests a rezoning of 2.41 (+) acres, being in the D-4 District, to the D-6II classification to legally establish a multi-family residential development.

REZONING ORDINANCE NO. 119, 2001.

2001-ZON-065

5402 - 5432 EAST 38TH STREET (approximate address), INDIANAPOLIS.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 14

INDIANAPOLIS MARION COUNTY PUBLIC LIBRARY, by David Kingen, requests a rezoning of 2.84 (+) acres, being in the C-3 District, to the SU-37 classification to provide for the construction of a branch public library.

REZONING ORDINANCE NO. 120, 2001.

2001-ZON-069

1142 WEST 38TH STREET (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 9.

INDIANAPOLIS MUSEUM OF ART, INC., by David R. Warshauer, requests a rezoning of 7.996 acres, being in the D-S District, to the SU-7 classification to provide for museum improvements and expansion.

REZONING ORDINANCE NO. 121, 2001.

2001-ZON-079

2101 WEST MICHIGAN STREET (approximate address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 16

INDIANAPOLIS MARION COUNTY PUBLIC LIBRARY, by David Kingen, requests a rezoning of 2.415 (+) acres, being in the I-3-U and SU-18 Districts, to the SU-37 classification to provide for the construction of a branch public library.

REZONING ORDINANCE NO. 122, 2001.

2001-ZON-821 (2001-DP-006)

8515 INDIAN CREEK ROAD (approximate address), INDIANAPOLIS.

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23.

BAY DEVELOPMENT CORPORATION, by David A. Retherford, requests a rezoning of 33.647 (+) acres, being in the D-A District, to the D-P classification, to provide for 29.147 acres of single-family residential development of 83 lots (2.84 units/acre), 2 acres of commercial development, and 4.5 acres for educational uses.

REZONING ORDINANCE NO. 123, 2001.

2001-ZON-823 (2001-DP-005)

6040 EAST THOMPSON ROAD (approximate address), INDIANAPOLIS.

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23

PROJECTS PLUS, INC., by Thomas Michael Quinn, requests a rezoning of 17.346 acres, being in the D-P District, to the D-P classification to provide for 41, two-family residential lots.

REZONING ORDINANCE NO. 124, 2001.

2001-ZON-825

4220 RUCKLE STREET (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 6.

ROMAN CATHOLIC ARCHDIOCESE OF INDIANAPOLIS PROPERTIES, INC., by James L. Tuohy, requests a rezoning of 0.178 acre, being in the D-4 (W-5) District, to the SU-1 (W-5) classification to provide for religious uses.

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REZONING ORDINANCE NO. 125, 2001.

2001-ZON-827

901 SOUTH SHELBY STREET, 1109, 1113, 1117, 1121, 1125 EAST PLEASANT STREET,
AND 1118 AND 1122 WOODLAWN AVENUE (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 21

SOUTHEAST NEIGHBORHOOD DEVELOPMENT, INC., by David Kingen, requests a rezoning
of 1.71 acres being in the C-5 and D-5 Districts, to the SU-38 classification to provide for the
expansion of a community center into a proposed three story, 30,000 square foot building.

PROPOSAL NO. 410, 2001. Councillor Smith reported that the Metropolitan Development
Committee heard Proposal No. 410, 2001 on July 30, 2001. The proposal is an extension of an
inducement resolution originally passed in January 2000, which project consists of the acquisition
of the existing structures, equipment and fixtures located on an 8.1 acre parcel of land at 4910
West 86th Street, construction and equipping of additional facilities thereon and the acquisition,
construction and equipping of facilities to be located on a 20-acre parcel of land located at 4535
West 86th Street (District 1). By 7 -0 vote, the Committee reported the proposal to the Council
with the recommendation that it do pass. Councillor Smith moved, seconded by Councillor
Bainbridge, for adoption. Proposal No. 410, 2001 was adopted on the following roll call vote;
viz:

*22 YEAS: Bainbridge, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod,
Coughenour, Douglas, Dowden, Horseman, Knox, Massie, McWhirter, Moriarty Adams,
Nytes, Schneider, SerVaas, Smith, Soards, Tilford*

0 NAYS:

6 NOT VOTING: Black, Gibson, Gray, Sanders, Short, Talley

1 ABSENT: Langsford

Proposal No. 410, 2001 was retitled SPECIAL RESOLUTION NO. 58, 2001, and reads as
follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 58, 2001

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to
certain proposed economic development Bonds.

WHEREAS, the City of Indianapolis, Indiana (the "Issuer"), is authorized by IC 36-7-12 (the "Act")
to issue its economic development and pollution control revenue bonds to assist in the financing of
certain economic development and pollution control facilities in the City of Indianapolis, Indiana (the
"City") for the benefit of Ecological Systems, Inc. (the "Company"); and

WHEREAS, Ecological Systems, Inc. (the "Applicant"), has advised the Indianapolis Economic
Development Commission and the Issuer that it proposes that the Issuer either acquire certain economic
development facilities and sell or lease the same to the Applicant or lend the proceeds of an economic
development financing to the Applicant for the same, said economic development and pollution control
facilities consist of the acquisition of the existing structures, equipment and fixtures located on an 8.1
acre parcel of land at 4910 West 86th Street, construction and equipping of additional facilities thereon
and the acquisition, construction and equipping of facilities to be located on a 20-acre parcel of land
located at 4535 West 86th Street, Indianapolis, Indiana (District 1) (the "Project") all for use by the
Company in its industrial wastewater and sewage treatment and solid waste disposal business;

WHEREAS, the Issuer passed an inducement resolution on January 31, 2000 for the benefit of the
Company which expired July 31, 2001 (the "Inducement Resolution"); and

WHEREAS, the Company desires to extend the Inducement Resolution for twelve (12) months to
allow for completion of the Project; and

WHEREAS, the diversifications of industry and the retention of opportunities for gainful employment
and the creation of business opportunities, the abatement and reduction in pollution and the removal of
materials that would otherwise cause pollution to be achieved by the construction, expansion and

equipping of the Project will serve a public purpose and be of benefit to the health or general welfare of the Issuer and its citizens; and

WHEREAS, the construction, expansion and equipping of the Project will not have an adverse competitive effect on similar facilities already constructed or operating within the jurisdiction of the Issuer; now, therefor:

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

SECTION 1. It finds, determines, ratifies and confirms that the diversification of industry and the retention opportunities for gainful employment within the jurisdiction of the Issuer, is desirable, serves a public purpose and is of benefit to the health or general welfare of the Issuer; and that it is in the public interest that the Issuer take such action as it lawfully may to encourage the diversification of industry, the creation of business opportunities and the retention of opportunities for gainful employment within the jurisdiction of the Issuer.

SECTION 2. It further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an amount not to exceed \$20,000,000 under the Act to be privately placed or publicly offered if permitted under Commission policy for the construction, expansion and equipping of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant for the construction, expansion and equipping of the Project will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the construction, expansion and equipping of the Project, it urges the City-County Council of the Issuer to (i) take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided (a) that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant, and (b) subject to the further caveat that the proposed inducement expires July 31, 2002, unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by the governing body of the Issuer prior to the aforesaid date or unless, upon a showing of good cause by the Applicant, the Issuer, by official action extends the term of this Inducement resolution; and (ii) it will adopt such resolution and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization issuance and sale of said economic development revenue bonds, provided that at the time of the proposed issuance of such bonds (a) this inducement resolution is still in effect and (b) if applicable, the aggregate amount of private activity bonds previously issued during that calendar year will not exceed the private activity bond limit for such calendar year, it being understood that the Issuer, by taking this action, is not making any representation nor any assurances that (1) any such allocable limit will be available, because inducement resolutions in an aggregate amount in excess of the private activity bond limit may and in all probability will be adopted; (2) the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions; and (3) no portion of such activity bond limit has been guaranteed for the proposed Project; and 9iii) it will use its best efforts at the request of the Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose [as defined in the Act] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

SECTION 4. All costs of the Project incurred after the date which is sixty (60) days prior to the date of adoption of this resolution, including reimbursement or repayment to the Applicant of monies expended by the Applicant for application fees, planning, engineering, underwriting expenses, attorney and bond counsel fees, and construction, expansion and equipping of the Project will be permitted to be included as part of the bond issue to finance the Project, and the Issuer will lend the proceeds from the sale of the bonds to the Applicant for the same purposes. Also certain indirect expenses incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance the Project in accordance with the Final Regulations (T-8476) on Arbitrage Restrictions on Tax-Exempt Bonds, in particular, Section 1.150-2.

SECTION 5. This special ordinance shall be in full force and effect upon adoption and compliance with Indiana Code Title 36, Article 3, Chapter 4, Section 14.

August 6, 2001

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 402, 2001. President SerVaas reported that Councillor Dowden moved to schedule Proposal No. 402, 2001 for a public hearing at the July 23rd full Council meeting. The proposal, sponsored by Councillor Smith, proposes to rezone 0.23 acre at 5235 East 64th Street in Washington Township, Councilmanic District 4, being in the C-S District to the C-3 classification to provide for an oil change business (2001-ZON-826).

Councillor Dowden made the following motion:

Mr. President:

The petitioners and remonstrators continue to negotiate a resolution of the rezoning case of 5235 East 64th Street, and petitioner has consented to a continuance of the hearing scheduled for this meeting.

I, therefore, move that the public hearing on Proposal No. 402, 2001 (Rezoning Docket No. 2001-ZON-826) be postponed and rescheduled for August 27, 2001.

Councillor Smith seconded the motion, and Proposal No. 402, 2001 was postponed until August 27, 2001 by a unanimous voice vote.

PROPOSAL NO. 314, 2001. The proposal, sponsored by Councillor Cockrum, authorizes the County to issue bonds not to exceed \$3,545,000 to finance improvements in the telephone infrastructure in the City-County Building. PROPOSAL NO. 315, 2001. The proposal, sponsored by Councillor Cockrum, approves the appropriation of the proceeds of the bond issue not to exceed \$3,545,000 to finance improvements in the telephone infrastructure in the City-County Building. Councillor Coonrod reported that the City and County have used other means to secure this funding and these proposals are therefore no longer necessary. He moved, seconded by Councillor Cockrum, to strike Proposal Nos. 314 and 315, 2001. Proposal Nos. 314 and 315, 2001 were stricken by a unanimous voice vote.

PROPOSAL NO. 329, 2001. Councillor Massie reported that the Rules and Public Policy Committee heard Proposal No. 329, 2001 on July 24, 2001. The proposal, sponsored by Councillors SerVaas, Borst, and Boyd, concerns the rules of the council. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 9:16 p.m. There being no one present to testify, Councillor Massie moved, seconded by Councillor Borst, for adoption. Proposal No. 329, 2001 was adopted on the following roll call vote; viz:

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

0 NAYS:

4 NOT VOTING: *Coonrod, Dowden, Schneider, Smith*

1 ABSENT: *Langsford*

Proposal No. 329, 2001 was retitled GENERAL ORDINANCE NO. 75, 2001, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 75, 2001

A GENERAL ORDINANCE amending Chapter 151 of the Revised Code concerning the Rules of the Council.

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

SECTION 1. The Rules of the City-County Council, specifically Secs. 151-98, 151-101, and 151-102 of the "Revised Code of the Consolidated City and County" be, and is hereby amended by deleting the stricken-through text and inserting the underlined text, to read as follows:

Sec. 151-98. Staff officers.

The city-county council shall consider for approval the recommendations of the committee on rules and public policy for appointments to the following staff officer positions:

- (1) Office manager;
- (2) Assistant clerks;
- (3) A general counsel;
- (4) Research directors;
- (5) Chief financial officer.
- ~~(6) Assistant attorneys.~~

The president of the council shall be the personnel administrator for salary and compensation of the staff.

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

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

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

(c) The general counsel shall also attend meetings of the majority and minority caucuses upon request of the respective caucus leaders, to discuss or advise as respects council business or procedures, unless the majority caucus requests other legal representation or if the general counsel determines that an ethical conflict requires withdrawal from such representation would arise from such request.

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

Sec. 151-102. ~~Assistant attorney~~ Caucus attorneys and consultants.

~~The assistant attorney shall be appointed by the council upon nomination by the minority leader and with the recommendation by the committee on rules and public policy. The assistant attorney shall serve at the pleasure of the minority council members. The assistant attorney shall be subject to the supervision of the general counsel. The assistant attorney shall be available to minority council members to render assistance and legal counsel to them and the minority caucus at the direction of the minority leader upon matters pertaining to council business. The assistant attorney shall also assist the general counsel in the preparation of proposals and other matters pertaining to the routine business of the council under the supervision and direction of the general counsel. The assistant attorney shall not be authorized to perform any function by statute delegated to the corporation counsel nor any function by these rules pertaining to the office of general counsel except with the permission of the general counsel, and shall not institute or represent any council member with respect to any litigation.~~

(a) Within the appropriations specified and available for such purposes, the majority leader and minority leader may recommend contracting for attorneys or consultants for their respective caucuses. Such recommendations shall be submitted to the general counsel for distribution to the members of the committee on committees. Upon approval of any such recommendation by another member of that committee, the clerk shall contract for such services.

(b) If an attorney is employed or retained to provide legal services to a caucus, the client shall be the caucus. Such attorney may appear on behalf of the respective caucus at committee meetings but shall not be entitled to appear before the full council, except by vote of the full council.

(c) No caucus consultant shall be compensated for time spent on partisan political activities.

(d) Statements for services of caucus consultants shall be verified by the respective caucus leader before being submitted to the clerk for payment.

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

PROPOSAL NO. 316, 2001. Councillor Coonrod reported that the Administration and Finance Committee heard Proposal No. 316, 2001 on July 31, 2001. The proposal, sponsored by Councillors SerVaas, Borst, and Boyd, approves an appropriation of \$336,000 in the 2001 Budget of the City-County Council (Consolidated County Fund) for redistricting expenses related to councilmanic districts and caucus consulting fees, financed by fund balances. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 9:17 p.m. There being no one present to testify, Councillor Coonrod moved, seconded by Councillor Borst, for adoption. Proposal No. 316, 2001 was adopted on the following roll call vote; viz:

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

Proposal No. 316, 2001 was retitled FISCAL ORDINANCE NO. 84, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 84, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) transferring and appropriating an additional Three Hundred Thirty-six Thousand Dollars (\$336,000) in the Consolidated County Fund for purposes of the City-County Council and reducing certain other appropriations in the Consolidated County Fund for that agency and reducing the unappropriated and unencumbered balance in the Consolidated County Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(c) of the City-County Annual Budget for 2001 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the City-County Council to pay the expenses related to redistricting councilmanic districts and caucus consultant fees.

SECTION 2. The sum of Three Hundred Thirty-six Thousand Dollars (\$336,000) be, and the same is hereby transferred and appropriated for the purposes as shown in Section 3 by reducing the accounts and the unappropriated balances as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>CITY-COUNTY COUNCIL</u>	<u>CONSOLIDATED COUNTY FUND</u>
3. Other Services and Charges	336,000
TOTAL INCREASE	336,000

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

<u>CITY-COUNTY COUNCIL</u>	<u>CONSOLIDATED COUNTY FUND</u>
I. Personal Services	<u>95,000</u>
TOTAL DECREASE	95,000
Unappropriated and Unencumbered	
Consolidated County Fund	<u>241,000</u>
TOTAL REDUCTION	241,000

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

PROPOSAL NO. 328, 2001. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 328, 2001 on July 19, 2001. The proposal, sponsored by Councillors Coughenour and Moriarty Adams, approves the issuance of sanitary district bonds in amount not to exceed \$95 million to finance various sewer projects. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 9:19 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 328, 2001 was adopted on the following roll call vote; viz:

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

Proposal No. 328, 2001 was retitled GENERAL RESOLUTION NO. 6, 2001, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 6, 2001

A PROPOSAL FOR A GENERAL RESOLUTION approving the issuance of one or more series of City of Indianapolis, Indiana Sanitary District Revenue Bonds and, if necessary, one or more series of bond anticipation notes in an aggregate principal amount not to exceed Ninety-Five Million Dollars (\$95,000,000) and approving and authorizing other actions in respect thereto.

WHEREAS, the Board of Asset Management and Public Works (the "Board") of the City of Indianapolis, Indiana (the "City"), being the governing body of the Sanitary District of the City (the "Sanitary District"), has adopted a bond resolution authorizing the issuance of revenue bonds of the Sanitary District to be issued in one or more series or issues and bond anticipation notes ("BANs") of the Sanitary District to be issued in one or more series, in the aggregate principal amount not to exceed Ninety-Five Million Dollars (\$95,000,000) for the purposes of procuring funds to apply to the costs of the projects specified in Exhibit A (the "Projects"); and

WHEREAS, IC 36-3-5-8 requires the City-County Council to approve the issuance of bonds or notes by any special taxing district of the City; and

WHEREAS, IC 5-1.4 provides that a "qualified entity", which term includes the Sanitary District, may issue and sell its bonds or notes to The Indianapolis Local Public Improvement Bond Bank (the "Bond Bank"); and

WHEREAS, the Executive Director of the Bond Bank has expressed a willingness to purchase the Bonds and BANs in a negotiated sale subject to approval by the Board of Directors of the Bond Bank; and

WHEREAS, the City-County Council has determined that the issuance of the Bonds and BANs by the Sanitary District should be approved; now, therefore:

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

SECTION 1. The City-County Council does hereby approve the issuance of revenue bonds of the Sanitary District, to be issued in one or more series and BANs to be issued in one or more series, in an aggregate principal amount not to exceed Ninety-Five Million Dollars (\$95,000,000) to apply on the costs of the Projects, and hereby approves the sale of the Bonds and the BANs to the Bond Bank.

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

EXHIBIT A

**THE BOARD OF ASSET MANAGEMENT AND PUBLIC WORKS
OF THE CITY OF INDIANAPOLIS, INDIANA**

SEWER REHABILITATION PROJECTS

1. **Kessler-Kingsley Phase I**
Rehabilitation or replacement of existing gravity sanitary sewer in Kingsley Drive from about 56th Street north to Kessler Boulevard.
2. **Kessler-Kingsley Phase II**
Rehabilitation or replacement of existing gravity sanitary sewers in Evanston, Crittenden, Norwaldo, Ralston, Primrose, Rossllyn, Indianola, and Haverford Avenues from about 56th Street north to Kessler Boulevard.
3. **Miscellaneous Small Diameter Sanitary Sewer Rehabilitation - A**
Rehabilitation or replacement of existing gravity sanitary sewers in a variety of locations throughout the County at the same location as, or adjacent to, the existing sewers and in the right-of-way or easement that the sewers where the sewers are currently located.
4. **Combined Sewer Improvements (Lg. Diameter)-2001**
Rehabilitation of a number of large combined sewer segments. Rehabilitation may include shotcreting, cast-in-place pipe (CIPP) liner, sliplining, spot repairs, or replacement in-kind.

BARRETT LAW AND OTHER SEWER EXTENSION PROJECTS

1. **56th & Grandview/57th & Grandview Barrett Law Sanitary Sewer and Sewer Extensions**
Construction of gravity sewers and two lift stations with force mains to serve the existing residences in the Project Area.
2. **46th St. & Emerson Ave. Barrett Law Sanitary Sewer (Devon Ph II)**
Extension of sewers to an area presently utilizing septic tanks.
3. **Kelly St. & Lynhurst Ave. Barrett Law Sanitary Sewer**
Eight-inch sewers on Manhattan Avenue, Lynhurst Drive, Kelly Street, and W. Bradbury Avenue. Homes on Raymond Ave. will be connected to the existing sewers.
4. **Thompson & Emerson Barrett Law Project**
Construction of gravity sanitary sewers on Bancroft Avenue, Thompson Road, Shelbyville Road, and Gray Road in south-central Indianapolis.
5. **Post & Rawles Barrett Law Sanitary Sewer Project**
Construction of 8" and 12" gravity sanitary sewers to serve the existing residences in the Project Area.
6. **Additional Barrel for Harding/White River Siphon**
Installation of a 36" sewer siphon barrel under White River between two existing siphon structures.
7. **Bangor & Delaware Barrett Law Sanitary Sewer Project**
Eight-inch sewers on Delaware Street, Bangor Road, Webb Drive, Waterbury Road, Bennington Road, Hickory Lane and U.S. 31, and a lift station and 4" force main.
8. **52nd and Buttonwood Crescent Barrett Law Sanitary Sewer Project**
Eight-inch sewers on Favre Road, Buttonwood Crescent, and 52nd Street to Lift Station 557.

COMBINED SEWER MITIGATION PROJECTS

1. **Modifications to Lift Station No. 507**
Lift Station 507 is located along White River west of the intersection of 56th Street and Westfield Boulevard. The wet well for the lift station has a capacity of over 1,000,000 gallons. Combined sewer flows in excess of the lift station capacity overflow to White River through CSO 155. Connection of other area outfalls will allow use of the wet well in the lift station to maximize storage of combined sewage flow through CSO 156.
The installation of a control weir in a manhole at the intersection of Westfield Boulevard and Graceland Avenue will allow CSOs to be diverted to Lift Station 507 and reduce overflows from CSO 205 and maximize capacity in Lift Station 507. Lift Station needs some miscellaneous repairs.

2. **Consolidation of CSO 034 and 035**
Construction of hydraulic structures to divert CSOs to consolidation conduit. Consolidation conduit would transport overflows to one of the barrels of Pogue's Run. The 8' high by 16' wide north barrel of Pogue's Run will also be extended about 640' in this project. A future project will involve the installation of an inflatable dam in the Pogue's Run barrel for storage of these flows until capacity becomes available in the City's sewer system.
3. **White River Overflow Storage and Primary Treatment 2002**
Installation of a 3 million gallon storage tank along the east bank of White River near the IUPUI stadium. The tank would also provide primary treatment before discharge for flows in excess of the storage tank capacity.
4. **West Bank CSO Overflow Storage Tank**
Construction of a combined sewage storage tank along the west bank of White River from St. Clair Street to Michigan Street. The structure will be built by the U.S. Army Corps of Engineers in conjunction with their White River Waterfront project. Indianapolis will reimburse the Corps for construction costs for the tank. The tank will receive flows from the 45"/48" collector sewer and 24" collector sewer along White River, the 78" combined sewer on St. Clair Street, and the 69" combined sewer on Michigan Street. Stored combined sewage will be returned to the collector sewers for transport to the AWT Plants with pumps installed in the tank.

PLANT PROJECTS

1. **Primary Effluent Storage Basin-North**
Construction of a lined basin to the north of the Headworks Building at the Belmont AWT Plant.
2. **Flow Equalization Basins, Southport Raw Sewage Pumping, Headworks Odor Control**
A number of separate but related improvements to the City's two AWT Plants, involving construction of a lined basin to the south of the Headworks Building at the Belmont AWT Plant, sludge removal, lagoon basin conversion, pumping station construction, piping installation, Raw Sewage Pump installation, odor filtration system installation.
3. **Sludge Incinerator Rehabilitation and Sludge Processing Improvements**
Rehabilitation of sludge incinerator at the Belmont AWT Plant; replacement of existing belt conveyors in the North Dewatering Building at Belmont AWT and replacement of four sludge cake pumps.
4. **Structural Repairs (2001) & Odor Control at Southport Bio-Roughing Towers and Structural Repairs at ONS**
Replacement of the media, distributor arms, and liner in the bio-roughing towers at the Belmont AWT Plant. The project also includes miscellaneous structural repairs. These repairs will be done to the bio-roughing tower foundations, the ONS deck curbing and mixer mounts.
5. **Belmont and Southport AWT Plants Transformer Switchgear & Electrical Repairs**
The Transformer Switchgear and Electrical Repairs projects at the Belmont AWT Plant and Southport AWT Plant sites include
New Medium Voltage Auto Transfer Scheme (Belmont Headworks & Southport Raw Wastewater Pumping)
New Low Voltage Switchgear (Belmont Headworks)
New Low Voltage Switchgear (Belmont Dewatering)
New Low Voltage Switchgear (Belmont Various)
New Low Voltage Switchgear (Southport Raw Wastewater Pumping)
New Low Voltage Switchgear (Southport Clarifiers)
New Low Voltage Switchgear (Southport Sludge Transfer Building)
Southport Primary Clarifier MCC Replacement (Southport Primary Clarifiers Control Building)
6. **Southport Cryogenic Oxygen Replacement/Belmont VSA Oxygen System Expansion, and Ozone Disinfection Systems Replacement**
The Southport Cryogenic Oxygen Replacement/Belmont VSA Oxygen System Expansion and Ozone Disinfection Systems Replacement Project increases the high-purity oxygen (HPO) production capacity at the Belmont and Southport AWT Plants. The increased HPO production capacity is needed to meet peak demands for HPO for the ONS systems and the change to the disinfection process at the Belmont AWT Plant from bleach to ozone. Replacement of ozonation system at the Belmont AWT Plant.
7. **Effluent Filters Rehabilitation-Belmont & Southport**
Replacement of filter media, rehabilitation of valves, and structural repairs on the filter structures; may also add air-water backwash systems, backwash surge tanks, routing of backwash water to a new location in the process and the installation of a tertiary water elevated storage tank at each plant site.

GENERAL PROJECTS

1. **PER No. 4 and 4A, Preliminary Eng. Report, 2000**
The PER No. 4 Project is the preparation of the City's next Preliminary Engineering Report for SRF financing of additional projects.

2. **CSO Outfall Flow Monitoring**
The CSO Outfall Flow Monitoring 2001 Project involves the temporary installation of flow monitors in existing combined sewer overflows in the City's sewer system. The information from this flow monitoring will be used in engineering studies to more accurately model the City's combined sewer system for the Long-Term CSO Control Plan.
3. **CSO Real Time Control Evaluation**
The CSO Real-Time Control Evaluation will involve engineering studies on the best methods to provide real-time control of the various combined sewer overflow control systems that the City is considering. The City will incorporate the results of this work into the Long-Term CSO Control Plan.
4. **Facility Planning for CSO, AWT, and Sanitary Projects 2001**
The Facility Planning work will include engineering and other studies to identify, categorize, and prioritize the City's continuing sewer system and treatment plant maintenance efforts. Planning work will include the identification, categorization, and prioritization of future maintenance, repair, and rehabilitation work at the City's combined sewer overflow, sanitary and combined sewer, and treatment facilities.
5. **Pogue's Run CSO Overflow Storage and Primary Treatment Study**
The Pogue's Run CSO Overflow Storage and Primary Treatment Facility Plan will include engineering and environmental work to create a plan for the reduction of combined sewer overflow volumes into Pogue's Run to facilitate the Pogue's Run Tunnel Conversion Project. The work will also include investigations into the feasibility of providing primary treatment at certain CSOs along Pogue's Run.
6. **Pogue's Run Tunnel Conversion Facility Planning**
The Pogue's Run Tunnel Conversion Facility Planning Project will involve engineering and planning efforts related to the conversion of one of the two barrels of the Pogue's Run Tunnel into a combined sewer overflow storage facility.
7. **Miscellaneous Lift Station Evaluations and Design**
Engineering investigation of lift stations that are experiencing capacity, mechanical, or other problems. The evaluations may lead to the preparation of project scoping reports for future SRF-funded lift station improvements. *Designs for locally-funded construction projects may also be included, but they will be done on a limited basis and only if the lift station requires immediate attention.*
8. **Miscellaneous Inflow/Infiltration Investigation and Design**
Evaluations under the Miscellaneous I/I Investigation and Design projects are area specific and will be determined prior to each individual evaluation. The size of the evaluation may range from small, local investigations to larger basin-wide studies. Service areas associated with SSO's 113, 105 and 124 will be the first areas evaluated. Typical tasks under this project are those associated with SSES's such as televising, smoke testing, dyed water testing, flow monitoring, *structural evaluations*, and modeling. Research regarding past City projects and their effectiveness may also be done.
9. **West Bank Tank (White River)**
The West Bank Tank project is a proposed combined sewer storage structure located on the south side of the White River just downstream of the 10th Street Bridge. Design of the West Bank Tank will be completed by the U.S. Army Corps of Engineers in conjunction with improvements they plan along the river. The City will reimburse the Corps for this design work.

PROPOSAL NO. 358, 2001. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 358, 2001 on July 25, 2001. The proposal approves an increase of \$42,020 in the 2001 Budget of the Marion County Superior Court (State and Federal Grant Fund) to provide treatment to Community Court defendants, funded by a state grant through Community Addiction Services of Indiana. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it be postponed. Councillor Dowden moved, seconded by Councillor Smith, to postpone. Proposal No. 358, 2001 was postponed until August 27, 2001 by a unanimous voice vote.

Councillor Dowden stated that the Public Safety and Criminal Justice Committee heard Proposal Nos. 359-362, 2001 on July 25, 2001. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 359, 2001. The proposal, sponsored by Councillors Dowden and Soards, approves an increase of \$20,021 in the 2001 Budgets of the County Auditor and the Marion

County Justice Agency (State and Federal Grants Fund) to continue the Arrestee Drug Abuse Monitoring Program (ADAM), funded by a federal grant. PROPOSAL NO. 360, 2001. The proposal, sponsored by Councillor Dowden, approves an increase of \$881,777 in the 2001 Budgets for the County Auditor and Community Corrections (State and Federal Grants Fund) to appropriate the Community Corrections Grant for 2001/2002 from the Indiana Department of Corrections. PROPOSAL NO. 361, 2001. The proposal, sponsored by Councillor Dowden, approves an increase of \$210,077 in the 2001 Budgets for the County Auditor and Community Corrections (State and Federal Grants Fund) to fund the Juvenile Court Intensive Probation Program for fiscal year 2001-2002, funded by a grant from the Department of Corrections. PROPOSAL NO. 362, 2001. The proposal, sponsored by Councillor Dowden, approves an increase of \$99,112 in the 2001 Budgets for the County Auditor and Community Corrections (Home Detention Fund) to fund personnel positions, home detention equipment and office supplies for the first half of fiscal year 2001-2002, financed by fund balances. By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President SerVaas called for public testimony at 9:23 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Talley, for adoption. Proposal Nos. 359-362, 2001 were adopted on the following roll call vote; viz:

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

0 NAYS:

4 NOT VOTING: Black, Borst, Sanders, Short

1 ABSENT: Langsford

Proposal No. 359, 2001 was retitled FISCAL ORDINANCE NO. 85, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 85, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) appropriating an additional Twenty Thousand Twenty-one Dollars (\$20,021) in the State and Federal Grants Fund for purposes of the County Auditor and Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(b, cc) of the City-County Annual Budget for 2001 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Auditor and Marion County Justice Agency to fund the continuation of the Arrestee Drug Abuse Monitoring Program (ADAM).

SECTION 2. The sum of Twenty Thousand Twenty-one Dollars (\$20,021) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services - Fringes	960
<u>MARION COUNTY JUSTICE AGENCY</u>	
1. Personal Services	6,003
3. Other Charges and Services	<u>13,058</u>
TOTAL INCREASE	20,021

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>20,021</u>
TOTAL REDUCTION	20,021

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

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

Proposal No. 360, 2001 was retitled FISCAL ORDINANCE NO. 86, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 86, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) appropriating an additional Eight Hundred Eighty-one Thousand Seven Hundred Seventy-seven Dollars (\$881,777) in the State and Federal Grants Fund for purposes of the County Auditor and Community Corrections and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(b,z) of the City-County Annual Budget for 2001 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Auditor and Community Corrections to appropriate the annual Community Correction Grant for fiscal year 2001/2002.

SECTION 2. The sum of Eight Hundred Eighty-one Thousand Seven Hundred Seventy-seven Dollars (\$881,777) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services - Fringes	37,326
<u>COUMMUNITY CORRECTIONS</u>	
1. Personal Services	105,629
2. Supplies	2,602
2. Other Services and Charges	699,220
4. Capital Outlay	<u>37,000</u>
TOTAL INCREASE	881,777

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>881,777</u>
TOTAL REDUCTION	881,777

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

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

Proposal No. 361, 2001 was retitled FISCAL ORDINANCE NO. 87, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 87, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) appropriating an additional Two Hundred Ten Thousand Seventy-seven Dollars (\$210,077) in the State and Federal Grants Fund for purposes of the County Auditor and Community Corrections and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(b,z) of the City-County Annual Budget for 2001 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Auditor and Community Corrections to fund the Juvenile Court Intensive Probation Program for fiscal year 2001-2002.

SECTION 2. The sum of Two Hundred Ten Thousand Seventy-seven Dollars (\$210,077) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
I. Personal Services - Fringes	39,968
 <u>COMMUNITY CORRECTIONS</u>	
I. Personal Services	159,873
3. Other Services and Charges	<u>10,236</u>
TOTAL INCREASE	210,077

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>210,077</u>
TOTAL REDUCTION	210,077

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

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

August 6, 2001

Proposal No. 362, 2001 was retitled FISCAL ORDINANCE NO. 88, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 88, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) appropriating an additional Two Hundred Ten Thousand Seventy-seven Dollars (\$210,077) in the State and Federal Grants Fund for purposes of the County Auditor and Community Corrections and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(b,z) of the City-County Annual Budget for 2001 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Auditor and Community Corrections to fund the Juvenile Court Intensive Probation Program for fiscal year 2001-2002.

SECTION 2. The sum of Two Hundred Ten Thousand Seventy-seven Dollars (\$210,077) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
I. Personal Services - Fringes	39,968
<u>COMMUNITY CORRECTIONS</u>	
I. Personal Services	159,873
3. Other Services and Charges	<u>10,236</u>
TOTAL INCREASE	210,077

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered State and Federal Grants Fund	<u>210,077</u>
TOTAL REDUCTION	210,077

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

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

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 313, 2001. Councillor Coonrod reported that the Administration and Finance Committee heard Proposal No. 313, 2001 on July 31, 2001. The proposal, sponsored by Councillor Massie, seeks renewal of authorization and approval for Marion County Treasurer and City Controller to invest public funds in money-market mutual funds. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Coonrod moved, seconded by Councillor Cockrum, for adoption. Proposal No. 313, 2001 was adopted on the following roll call vote; viz:

24 YEAS: Bainbridge, Black, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Massie, McWhirter, Moriarty Adams, Nyles, Sanders, Schneider, SerVaas, Smith, Soards, Tilford

0 NAYS:

4 NOT VOTING: Borst, Boyd, Short, Talley

1 ABSENT: Langsford

Proposal No. 313, 2001 was retitled COUNCIL RESOLUTION NO. 66, 2001, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 66, 2001

A COUNCIL RESOLUTION of the City-County Council of the City of Indianapolis and the County of Marion, Indiana, authorizing and approving the investment of public funds in money market mutual funds.

WHEREAS, IC 5-13-9-1 et seq. authorizes county treasurers and the fiscal officers of political subdivisions to invest public funds; and

WHEREAS, the City of Indianapolis and Marion County, Indiana ("the City" and "the County," respectively) have public funds which are eligible for investment pursuant to the provisions of IC 5-13 by the City Controller and the County Treasurer, respectively, and regularly exercise their powers to invest such funds pursuant to the provisions thereof; and

WHEREAS, IC 5-13-9-2.4 requires that any investment of public funds in money market mutual funds be approved and authorized annually by the fiscal body of such political subdivision; and

WHEREAS, the City-County Council of the City of Indianapolis and Marion County, Indiana (the "Council"), is the fiscal body of the City and the County and desires to authorize the City and the County to invest public funds in money-market mutual funds, subject to the limitations of IC 5-13-9-2.5; now, therefore:

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

SECTION 1. The Council does hereby authorize and approve the investment of public funds by the City and the County in investments commonly known as "money market mutual funds."

SECTION 2. Pursuant to IC 5-13-9-1, the County Treasurer is the investing officer of the County and the City Controller is the investing officer of the City.

SECTION 3. Investments authorized by this Resolution may not exceed fifty percent (50%) of the funds held by the investing officer and available for investment. This limitation does not apply to investments made by the County Treasurer between the date that is ten (10) days before each property tax installment is due, and the property tax settlement distribution date.

SECTION 4. The money market mutual funds must be in the form of securities of or interests in an open-end, no-load, management-type investment company or investment trust registered under the provisions of the federal Investment Company Act of 1940, as amended (i.e., 15 U.S.C. Sec. 80a et seq.).

SECTION 5. The portfolio of the investment company or investment trust described in Section 4 of this Resolution must be limited to the following: (1) direct obligations of the United States; (2) obligations issued by a federal agency, a federal instrumentality, or an enterprise sponsored by the federal government; or (3) repurchase agreements fully collateralized by obligations described in (1) or (2).

SECTION 6. The form of securities of or interests in an investment company or investment trust described in Section 4 of this Resolution must be rated as either: (1) AAAM, or its equivalent, by Standard and Poor's Corporation or its successor; or (2) Aaa, or its equivalent, by Moody's Investors Service, Inc., or its successor.

SECTION 7. Investments made pursuant to this Resolution shall be made through depositories designated by the Indiana Board of Finance as depositories for state deposits.

SECTION 8. This Resolution shall expire one (1) calendar year from its adoption.

SECTION 9. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 354, 2001. Councillor Cockrum reported that the Parks and Recreation Committee heard Proposal No. 354, 2001 on July 26, 2001. The proposal, sponsored by Councillors Cockrum, Douglas, and Massie, approves a transfer of \$60,000 in the 2001 Budget of the Department of Parks and Recreation (Park General Fund) to pay contractual services for operating the heating and cooling systems and the computerized fountain and humidifying systems at the Garfield Park Conservatory and Sunken Gardens facility, financed by a transfer between characters. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Cockrum moved, seconded by Councillor Douglas, for adoption. Proposal No. 354, 2001 was adopted on the following roll call vote; viz:

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

0 NAYS:

1 ABSENT: Langsford

Proposal No. 354, 2001 was retitled FISCAL ORDINANCE NO. 89, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 89, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance 105, 2000) transferring and appropriating Sixty Thousand Dollars (\$60,000) in the Park General Fund for purposes of the Department of Parks and Recreation and reducing certain other appropriations for that department.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(m) of the City-County Annual Budget for 2001 be, and is hereby amended by the increases and reductions hereinafter stated for the purposes of the Department of Parks and Recreation to fund contractual services for operating the heating and cooling systems, computerized fountain and humidifying systems at the Garfield Park Conservatory and Sunken Gardens facility.

SECTION 2. The sum of Sixty Thousand Dollars (\$60,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
3. Other Services and Charges	<u>60,000</u>
TOTAL INCREASE	60,000

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

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
2. Supplies and Materials	<u>60,000</u>
TOTAL DECREASE	60,000

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

PROPOSAL NO. 355, 2001. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 355, 2001 on July 25, 2001. The proposal, sponsored by Councillor Moriarty Adams, allows Indianapolis Police Department to retain retired sworn officers as reserves. By an 8-0 vote, the Committee reported the proposal to the Council with the

officers as reserves. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 355, 2001 was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: Conley

1 ABSENT: Langsford

Proposal No. 355, 2001 was retitled GENERAL ORDINANCE NO. 76, 2001, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 76, 2001

PROPOSAL FOR A GENERAL ORDINANCE to extend the age of appointment and mandatory retirement age for police reserves, and to increase the area within which police reserves must reside to include contiguous counties.

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

SECTION 1. Section 253-503 of the "Revised Code of the Consolidated City and County," regarding eligibility requirements of police reserves, hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 253-503. Eligibility requirements; application for membership.

Any citizen of the United States, who is a resident of Marion County, Indiana, or a county which is contiguous to Marion County, Indiana, or will be a resident of the such county no later than the date that the applicant begins the required course for training as a member of the reserves and who is between the ages of twenty-one (21) and ~~forty-five (45)~~ sixty-five (65) years shall be eligible to make application to become a member of the reserves. ~~Members of the existing reserve association transferring to the reserves may continue to live within Marion County or the surrounding area up to ten (10) miles beyond the Marion County line.~~ Applicants shall make application in the form and manner and undergo such physical and academic examinations and interviews as the merit board shall require.

SECTION 2. Section 253-506 of the "Revised Code of the Consolidated City and County," regarding mandatory retirement age of police reserves, hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 253-506. Mandatory retirement age; termination procedure when charges filed against member.

Members of the reserves may serve from their appointment until reaching the mandatory retirement age of ~~sixty-five (65)~~ seventy (70) years. Any member of the reserves may be terminated by the director of public safety after consultation with the merit board regarding the charges brought against the reserve member.

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

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

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

PROPOSAL NO. 357, 2001. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 357, 2001 on July 25, 2001. The proposal approves a transfer of \$240,932 in the 2001 Budget of the County Sheriff (Cumulative Capital Fund) to pay for the purchase of hand-held radios. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Borst, for adoption. Proposal No. 357, 2001 was adopted on the following roll call vote; viz:

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

0 NAYS:

1 NOT VOTING: Horseman

1 ABSENT: Langsford

Proposal No. 357, 2001 was retitled FISCAL ORDINANCE NO. 90, 2001, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 90, 2001

A FISCAL ORDINANCE amending the City-County Annual Budget for 2001 (City-County Fiscal Ordinance No. 105, 2000) transferring and appropriating an additional Two Hundred Forty Thousand Nine Hundred Thirty-two Dollars (\$240,932) in the Cumulative Capital Fund for purposes of the County Sheriff and reducing certain other appropriations from that agency.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(cc) of the City-County Annual Budget for 2001 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Sheriff to pay for hand held radios.

SECTION 2. The sum of Two Hundred Forty Thousand Nine Hundred Thirty-two Dollars (\$240,932) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>COUNTY SHERIFF</u>	<u>CUMULATIVE CAPITAL FUND</u>
4. Capital Outlay	<u>240,932</u>
TOTAL INCREASE	240,932

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

<u>COUNTY SHERIFF</u>	<u>CUMULATIVE CAPITAL FUND</u>
3. Other Services and Charges	<u>240,932</u>
TOTAL DECREASE	240,932

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

PROPOSAL NO. 403, 2001. Councillor Smith reported that the Metropolitan Development Committee heard Proposal No. 403, 2001 on July 30, 2001. The proposal, sponsored by Councillor SerVaas, requests the Department of Metropolitan Development to memorialize the 10th Street canal basin in memory of Shorridge High School graduate and W.W. II Pacific Theater leader Admiral Raymond A. Spruance. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Smith moved,

seconded by Councillor SerVaas, for adoption. Proposal No. 403, 2001 was adopted on the following roll call vote; viz:

22 YEAS: *Borst, Boyd, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Knox, Massie, McWhirter, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford*

0 NAYS:

6 NOT VOTING: *Bainbridge, Black, Bradford, Gray, Horseman, Moriarty Adams*

1 ABSENT: *Langsford*

Proposal No. 403, 2001 was retitled COUNCIL RESOLUTION NO. 67, 2001, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 67, 2001

A COUNCIL RESOLUTION requesting the Department of Metropolitan Development to memorialize the 10th Street canal basin in memory of Shortridge High School graduate and W.W. II Pacific Theater leader Admiral Raymond A. Spruance.

WHEREAS, on June 4, 1942, a powerful Japanese naval force was steaming toward Midway Island in the Central Pacific Ocean to seize the U.S. base and airstrip and to finish off the U.S. Pacific Fleet after the surprise attack on Pearl Harbor; and

WHEREAS, when the Battle of Midway was over, four Japanese carriers were blazing wrecks, and from that time forward the Japanese Navy was on the defensive for the remainder of the War; and

WHEREAS, the American commander at Midway was Raymond A. Spruance, who grew up in Indianapolis, graduated from Shortridge High School, and was appointed to the Naval Academy by Indiana Senator and later Vice President Charles W. Fairbanks; and

WHEREAS, beginning in the Spring of 1943, Admiral Spruance's Flagship in the Pacific Campaigns was the "USS Indianapolis"; and

WHEREAS, on the sixtieth anniversary of the Battle of Midway, the turning point of the Pacific Theater, it is fitting and appropriate that Indianapolis should recognize Admiral Spruance in some manner for future generations to appreciate Indianapolis' significant contributions to America's winning the Second World War; now, therefore:

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

SECTION 1. Admiral Raymond A. Spruance is regarded as one of the best naval commanders of W.W. II, and the Indianapolis City-County Council finds that this native son should be publicly recognized so that future generations can learn about and appreciate this outstanding naval combat commander.

SECTION 2. The Council asks that the city Department of Metropolitan Development name the new canal basin at 10th Street for Admiral Spruance, and to enlist other city and county agencies, veterans groups, interested citizens, and any other resources to properly and appropriately mark this designation.

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.

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.

August 6, 2001

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

- (1) Councillor Tilford in memory of Gale Whitis; and
- (2) Councillor Talley in memory of James Parks; and
- (3) Councillor Horseman in memory of Elsie Margaret Boswell and Marjorie E. Martin Petit.

Councillor Boyd moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Gale Whitis, James Parks, Elsie Margaret Boswell, and Marjorie E. Martin Petit. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:31 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 6th day of August, 2001.

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



President

ATTEST:



Clerk of the Council

(SEAL)