

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

**REGULAR MEETINGS
MONDAY, FEBRUARY 22, 1993**

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, February 22, 1993, with Councillor SerVaas presiding.

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

ROLL CALL

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

29 PRESENT: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor Hinkle recognized Peter Buschoff, a member of Boy Scout Troop 996, Wayne Township, and his mother.

Councillor Franklin acknowledged the presence of Jesse Moore, the new Executive Assistant of the Department of Parks and Recreation.

OFFICIAL COMMUNICATIONS

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

Journal of the City-County Council

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

Ladies and Gentlemen:

You are hereby notified that 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, February 22, 1993, 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
Beurt SerVaas, President
City-County Council

February 8, 1992

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL 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 a Public Notice of "Request for Proposals for Cable Television Franchise" in The Indianapolis Business Journal on Monday, February 15, and Monday February 22, 1993.

Respectfully,
s/Beverly S. Rippy
Beverly S. Rippy, City Clerk

February 9, 1992

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL 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 Indianapolis NEWS and The Indianapolis COMMERCIAL on Thursday, February 11, 1993, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 82 and 86, 1993, to be held on Monday, February 22, 1993, at 7:00 p.m., in the City-County Building.

Respectfully,
s/Beverly S. Rippy
Beverly S. Rippy, City Clerk

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have this day approved with my signature and delivered to the Clerk of the City-County Council, Beverly S. Rippy, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 7, 1993, amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) appropriating an additional Fourteen Thousand Two Hundred Thirty-eight Dollars (\$14,238) in the State and Federal Grants Fund for purposes of the Community Corrections and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

SPECIAL RESOLUTION NO. 4, 1993, recognizing Richard G. Patterson.

SPECIAL RESOLUTION NO. 5, 1993, recognizing the Roncalli City Basketball Champions.

SPECIAL RESOLUTION NO. 6, 1993, concerning Indianapolis, U.S.A., and Monza, Italy.

February 22, 1993

SPECIAL RESOLUTION NO. 7, 1993, urging the Department of Transportation to study improved signage.

GENERAL ORDINANCE NO. 7, 1993, amending the Code by authorizing a traffic signal at 82nd Street (3900E) and Clearwater Crossing (District 3).

GENERAL ORDINANCE NO. 8, 1993, amending the Code by authorizing a change in the speed limit on a segment of 62nd Street between Keystone and State Road 37 (District 7).

GENERAL ORDINANCE NO. 10, 1993, increases penalties for certain uncontested ordinance violations.

GENERAL RESOLUTION NO. 1, 1993, approving the issuance of the General Obligation Bonds of the Park District not to exceed \$25,885,000.

GENERAL RESOLUTION NO. 2, 1993, approving the issuance of the Refunding Bonds of the Park District not to exceed \$8,100,000.

GENERAL RESOLUTION NO. 3, 1993, approving the issuance of the General Obligation Bonds of the Metropolitan Thoroughfare District not to exceed \$60,385,000.

GENERAL RESOLUTION NO. 4, 1993, approving the issuance of the Refunding Bonds of the Metropolitan Thoroughfare District not to exceed \$24,500,000.

GENERAL RESOLUTION NO. 5, 1993, approving the issuance of the General Obligation Bonds of the Redevelopment District not to exceed \$22,710,000.

GENERAL RESOLUTION NO. 6, 1993, approving the issuance of the Refunding Bonds of the Redevelopment District not to exceed \$3,000,000.

GENERAL RESOLUTION NO. 7, 1993, approving the issuance of the General Obligation Bonds of the Sanitary District not to exceed \$70,000,000.

GENERAL RESOLUTION NO. 8, 1993, approving the issuance of Refunding Bonds of the Sanitary District not to exceed \$17,000,000.

GENERAL RESOLUTION NO. 9, 1993, approving the issuance of the General Obligation Bonds of the Flood Control District not to exceed \$14,000,000.

GENERAL RESOLUTION NO. 10, 1993, approving the issuance of the Refunding Bonds of the Flood Control District not to exceed \$8,000,000.

Respectfully,
s/Stephen Goldsmith
Stephen Goldsmith

ADOPTION OF THE AGENDA

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

APPROVAL OF JOURNALS

President SerVaas called for additions or corrections to the Journal of February 8, 1993. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS AND COUNCIL RESOLUTIONS

PROPOSAL NO. 131, 1993. This proposal, sponsored by Councillors Beadling and Giffin, recognizes Hal Fryar. Councillor Beadling read the resolution and presented a framed document to Mr. Fryar, who said that he is proud to live in Central Indiana and expressed appreciation for the recognition. Mr. Fryar's wife was also present. Councillor Beadling moved, seconded by Councillor Giffin, for adoption. Proposal No. 131, 1993 was adopted by unanimous voice vote.

Proposal No. 131, 1993 was retitled SPECIAL RESOLUTION NO. 8, 1993 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 8, 1993

A SPECIAL RESOLUTION recognizing Indianapolis entertainer Hal Fryar.

WHEREAS, this year marks the 47th year that Indianapolis native Hal Fryar has been a professional entertainer; and

WHEREAS, Mr. Fryar graduated from Arsenal Technical High School, served in the U.S. Navy, graduated from Indiana University and launched his radio and television career in Ohio; and

WHEREAS, in 1960 he returned to his home town, donned a striped coat that resembled a store awning, placed his distinctive battered straw hat on his head, and introduced Indianapolis to the fun loving celebrity Harlow Hickenlooper; and

WHEREAS, for over a decade Harlow Hickenlooper entertained the city's children on Channel 6 TV; and

WHEREAS, in 1964, he was invited to Hollywood to portray outlaw Johnny Ringo in the movie "The Outlaws Is Coming"--the last full length Three Stooges movie ever filmed; and

WHEREAS, in recent years he has worked in advertising and sales training roles for such companies as Sears, Eli Lilly, Archway Cookies, Wendy's, Indiana Bell, Kittle Furniture, and is the originator of the Indianapolis Water Company slogan, "Turn us on, and we'll come running," and currently hosts Kids Club on Channel 20 public TV; and

WHEREAS, this year he has worked with staff development for the Wayne Township school bus drivers, and is working with Junior Achievement at IPS School #110 on a pilot program to encourage kids to stay in school; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and thanks Hal Fryar for providing nearly a half-century of wholesome entertainment for young people.

SECTION 2. The Council wishes him the best of success and enjoyment in his future work of entertainment, inspiration, motivation and education.

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.

The President asked for consent to vote on the next four Council Resolutions together. Consent was given.

PROPOSAL NO. 658, 1992 and PROPOSAL NOS. 6, 40 and 41, 1993. The President stated that these board appointment proposals were heard by various committees. By unanimous votes, the Committees have recommended to the full Council that the proposals be adopted. PROPOSAL NO. 658, 1992. The proposal appoints Margaret Maxwell to the Marion County Commission on Youth. PROPOSAL NO. 6, 1993. The proposal reappoints Stephanie S. Prichard to the Marion County Commission on Youth. PROPOSAL NO. 40, 1993. The proposal reappoints Sue Shively to the Community Centers of Indianapolis Board. PROPOSAL NO. 41, 1993. This proposal reappoints Claudia Prosser to the Indianapolis City-Market Corporation. Proposal Nos. 658, 1992 and 6, 40 and 41, 1993 were adopted by unanimous voice vote.

Proposal No. 658, 1992 was retitled COUNCIL RESOLUTION NO. 34, 1993 and reads as follows:

February 22, 1993

CITY-COUNTY COUNCIL RESOLUTION NO. 34, 1993

A COUNCIL RESOLUTION appointing Margaret Maxwell to the Marion County Commission on Youth.

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

SECTION 1. As a member of the Marion County Commission on Youth, the Council appoints:

Margaret Maxwell

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1994. The person appointed by this resolution shall serve at the pleasure of the Council and until her respective successor is appointed and has qualified.

Proposal No. 6, 1993 was retitled COUNCIL RESOLUTION NO. 35, 1993 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 35, 1993

A COUNCIL RESOLUTION reappointing Stephanie S. Prichard to the Marion County Commission on Youth.

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

SECTION 1. As a member of the Marion County Commission on Youth, the Council appoints:

Stephanie S. Prichard

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1994. The person appointed by this resolution shall serve at the pleasure of the Council and until her respective successor is appointed and has qualified.

Proposal No. 40, 1993 was retitled COUNCIL RESOLUTION NO. 36, 1993 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 36, 1993

A COUNCIL RESOLUTION reappointing Sue Shively to the Community Centers of Indianapolis Board.

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

SECTION 1. As a member of the Community Centers of Indianapolis Board, the Council appoints:

Sue Shively

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1995. The person appointed by this resolution shall serve at the pleasure of the Council and until her respective successor is appointed and has qualified.

Proposal No. 41, 1993 was retitled COUNCIL RESOLUTION NO. 37, 1993 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 37, 1993

A COUNCIL RESOLUTION reappointing Claudia Prosser to the Indianapolis City-Market Corporation.

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

SECTION 1. As a member of the Indianapolis City-Market Corporation, the Council appoints:

Claudia Prosser

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1994. The person appointed by this resolution shall serve at the pleasure of the Council and until her respective successor is appointed and has qualified.

At this time the President called upon Councillor Coughenour who explained that Proposal No. 55, 1993 was passed by the Public Works Committee on January 28, 1993 contingent upon the amendment which is contained in Proposal No. 58, 1993. She asked that Proposal Nos. 55 and 58, 1993 be heard together because of a time constraint. Councillor Coughenour moved, seconded by Councillor Gilmer, to suspend the rules in order to hear Proposal Nos. 55 and 58, 1993 at this time. This motion passed by unanimous voice vote.

PROPOSAL NO. 55, 1993. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 55, 1993, on January 28, 1993. The proposal appropriates individual participant contributions into a fund under the Department of Public Works from which the revenue can be received and expenditures made for the benefit of the consortium. By a 6-0 vote the Committee reported the proposal to the Council with the recommendation that it do pass. PROPOSAL NO. 58, 1993. The proposal establishes a Department of Public Works special revenue fund for specific revenue sources restricted for specific purposes. The President called for public testimony at 8:03 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Gilmer, for adoption of these proposals.

Councillor Giffin said that he will abstain from voting as the water company is a participant in this proposal and he works for the water company.

Proposal Nos. 55 and 58, 1993 were adopted on the following roll call vote; viz:

26 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Franklin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams

0 NAYS:

3 NOT VOTING: Dowden, Giffin, Short

Proposal No. 55, 1993 was retitled FISCAL ORDINANCE NO. 11, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 11, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) appropriating an additional Four Hundred Sixty-five Thousand Dollars (\$465,000) in the IMAGIS Consortium Participant Contributions for purposes of the Department of Public Works and reducing the unappropriated and unencumbered balance in the Public Works Special Revenues 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 of the City-County Annual Budget for 1993, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works to increase productivity and reduce labor costs related to facility mapping and facility management through (IMAGIS), by the creation and maintenance of a computer based mapping system.

SECTION 2. The sum of Four Hundred Sixty-five Thousand Dollars (\$465,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

DEPARTMENT OF PUBLIC WORKS

PUBLIC WORKS SPECIAL REVENUES FUND

3. Other Services and Charges
TOTAL INCREASE

\$465,000
\$465,000

SECTION 4. The said additional appropriations are funded by the following reductions:

PUBLIC WORKS SPECIAL REVENUES FUND

Unappropriated and Unencumbered
Public Works Special Revenues Fund
TOTAL REDUCTION

\$465,000
\$465,000

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

Proposal No. 58, 1993 was retitled GENERAL ORDINANCE NO. 12, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 12, 1993

A GENERAL ORDINANCE establishing a Department of Public Works special revenue fund for specific revenue sources restricted for specific purposes.

SECTION 1. The Revised Code of the Consolidated City and County is hereby amended by a new Article III in Chapter 135 to read as follows:

CHAPTER 135. FUNDS

ARTICLE III. NON REVERTING CITY FUNDS

Sec. 135-601. IMAGIS Special Revenue Fund. There is hereby established a special non-reverting fund for the Department of Public Works, to be designated the "IMAGIS Special Projects Fund." The controller shall deposit in such fund specific revenue sources that are intended for the IMAGIS Consortium.

Sec. 135-602. Non-Reverting Fund. This fund shall be a continuing, non-reverting fund, with all balances remaining therein at the end of the year and no such balances shall lapse into the city general fund or be diverted directly or indirectly in any manner for any purpose other than that for which such revenues were received. Provided, however, if the revenues are in excess of the expenditures for the purposes intended, the excess shall be returned pro-rata to the sources from which such revenues originated.

Sec. 135-603. Appropriations. Amounts shall be paid from such fund only pursuant to appropriations authorized by the city-county council in the normal budgeting processes.

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

INTRODUCTION OF PROPOSALS

[Clerk's Note: PROPOSAL NO. 58, 1993 was adopted by a 26-0 vote.]

PROPOSAL NO. 102, 1993. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE amending S.W.C.S.S.D.F.O. No. 1, 1992 (Solid Waste Collection Special Service District Annual Budget for 1993) by establishing salary increases for bargaining unit employees for calendar year 1993"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 103, 1993. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE amending F.O. No. 57, 1992 (City-County Annual Budget for 1993) by establishing salary increases for bargaining unit employees for calendar year 1993"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 104, 1993. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code concerning sick leave

pay out for certain laid-off employees"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 105, 1993. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION authorizing the lease of office space for the Pike Township Assessor"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 106, 1993. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$46,930 for the Information Services Agency to cover expenses associated with assuming the operation of the Department of Public Works Digital Equipment Corporation computers"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 107, 1993. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$149,393 for the County Coroner to cover salary and supply expenses associated with performing pathology services in-house"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 108, 1993. Introduced by Councillor Franklin. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$27,677 for the Superior Court, Criminal Division, Room Five, to cover overtime expenses and the salary of an additional clerk"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 109, 1993. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$86,265 for the Superior Court, Juvenile Division/Detention Center, to cover 1993 salary expenses"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 110, 1993. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code to allow Monument Circle to be included in parade routes for certain events"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 111, 1993. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by establishing a supplemental repair charge in addition to the regular sewer user charge for the area in Perry Township previously served by Southside Utilities, Inc."; and the President referred it to the Public Works Committee.

PROPOSAL NO. 112, 1993. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE approving annexation into the Indianapolis Sanitary District an area in Perry Township previously served by Southside Utilities, Inc."; and the President referred it to the Public Works Committee.

PROPOSAL NO. 113, 1993. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE reestablishing the Indianapolis Cumulative Capital Development Fund for the years 1994, 1995 and 1996"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 114, 1993. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE reestablishing the Marion County Cumulative Capital Development Fund for the years 1994, 1995 and 1996"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 115, 1993. Introduced by Councillors Curry, Beadling, Coughenour, Franklin, Giffin, Gilmer, Ruhmkorff, Schneider and Smith. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by establishing oversight review processes for the 1993-1995 Capital Improvement Program"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 116, 1993. Introduced by Councillor Smith. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing stop signs at various intersections in the Big Run subdivision (District 23)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 117, 1993. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing stop signs at various locations in The Islands subdivision (District 1)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 118, 1993. Introduced by Councillors Borst and Mullin. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing stop signs at Rahke Road and South Creek Drive North, and at Webb Street and LeGrande Avenue (Districts 20, 25)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 119, 1993. Introduced by Councillor SerVaas. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by changing the intersection controls at Central Avenue and 82nd Street and at Central Avenue and 84th Street from a two-way stop to a multi-way stop (District 2)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 120, 1993. Introduced by Councillor Beadling. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing multi-way stops at Admirals Point Drive and Old Stone Drive, and at Admirals Bay Drive and Old Stone Drive (District 5)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 121, 1993. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a multi-way stop at Cross Key Drive and Middleton Court and Bridger Court (District 1)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 122, 1993. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a multi-way stop at Dapple Trace and 58th Street (District 9)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 123, 1993. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by changing the intersection controls at Illinois Street and 32nd Street from a traffic signal to stop signs (District 9)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 124, 1993. Introduced by Councillor Williams. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by changing the parking restrictions on a segment of Brookside Avenue (District 22)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 125, 1993. Introduced by Councillor Williams. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by changing the parking restrictions on College Avenue between 27th Street and Fall Creek Parkway, North Drive (District 22)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 126, 1993. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by deleting the parking restrictions on Dr. Martin Luther King Jr. Street on the west side from 10th Street to 11th Street (Districts 9, 16)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 127, 1993. Introduced by Councillor Moriarty. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a "No Parking Here to Corner" zone at the intersection of Michigan Street and Gray Street (District 15)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 128, 1993. Introduced by Councillors Black and Rhodes. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a "No Parking Here to Corner" zone at the intersection of Crestview Avenue and 54th Street (Districts 6, 7)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 129, 1993. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a bus stop zone at 1635 West Michigan Street in front of the Goodwill Industries (District 16)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 130, 1993. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a bus stop zone on a segment of Michigan Street in the vicinity of University Blvd. (District 16)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 133, 1993. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Jack H. Hall, M.D. to the Metropolitan Development Commission"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 134, 1993. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Michael Rodman to the Metropolitan Development Commission"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 135, 1993. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION reappointing Randolph L. Snyder to the Metropolitan Development Commission"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 136, 1993. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Nelson S. Hart to the Beech Grove Public Library Board"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 137, 1993. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Charles E. Kendall to the Board of Parks and Recreation"; and the President referred it to the Parks and Recreation Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 132, 1993. Councillor Giffin reported that the Economic Development Committee heard Proposal No. 132, 1993 on February 18, 1993. The proposal approves and authorizes certain actions and notifies the trustee of the Wabash Valley Power Association, Inc.'s desire to redeem certain economic development revenue bonds. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Giffin moved, seconded by Councillor Ruhmkorff, for adoption. Proposal No. 132, 1993 was adopted on the following roll call vote; viz:

28 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Smith, West, Williams

0 NAYS:

1 NOT VOTING: Short

Proposal No. 132, 1993 was retitled SPECIAL RESOLUTION NO. 9, 1993 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 9, 1993

A SPECIAL RESOLUTION approving and authorizing certain actions and notifying the trustee of the Company's desire to redeem certain economic development revenue bonds.

WHEREAS, the City of Indianapolis, Indiana (the "Issuer"), was authorized by Indiana Code 18-6-4.5 (now Indiana Code 36-7-11.9 and I2) to issue revenue bonds for the financing of economic development facilities; and

WHEREAS, the Issuer did issue its National Rural Utilities Cooperative Finance Corporation Guaranteed Economic Development Revenue Bonds (Wabash Valley Power Association, Inc. Project) Series 1980A (the "Bonds") in the total principal amount of \$2,750,000; and

WHEREAS, the Issuer loaned the proceeds of the Bonds to Wabash Valley Power Association, Inc. (the "Company") which did construct, acquire and equip certain economic development facilities using the Bond proceeds; and

WHEREAS, the Issuer and National City Bank, Indiana (the "Trustee"), have received the Notice of the Company (the "Notice") of its intent, pursuant to Section 7.4 of the Financing Agreement dated as of May 15, 1980 (the "Agreement") between the Issuer and the Company and Section 3.1 of the Indenture of Trust dated as of May 15, 1980 (the "Indenture") between the Issuer and the Trustee to call the Bonds for optional redemption on May 17, 1993, the first business date following the May 15, 1993 interest payment date at which time, the Company will cause a corresponding payment to be made under the Agreement, on or prior to May 17, 1993, sufficient to pay the applicable optional redemption price of the Bonds to be so called for redemption; and

WHEREAS, any Default (as defined in the Indenture), or event which with notice or lapse of time or both would become a Default, has been waived or cured; and

WHEREAS, the Issuer, pursuant to Section 7.4 of the Financing Agreement and Section 3.1 of the Indenture, upon receiving notice of the Company's intent to redeem, is required to call the Bonds for redemption by resolution or ordinance adopted at least sixty days before the redemption date; 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 finds, determines, ratifies and confirms that the Issuer is the Issuer of the Bonds in the total principal amount of \$2,750,000.

SECTION 2. The City-County Council further finds, determines, ratifies and confirms that the City of Indianapolis, Indiana did receive, on February 17, 1993, the Notice.

SECTION 3. The Issuer, by this resolution hereby notifies and directs the Trustee under the Indenture, to redeem all outstanding Bonds at the redemption price of 101.5% of the original principal amount on May 17, 1993, pursuant to the terms of the Indenture.

SECTION 4. The Issuer acknowledges that if the Company instructs it and the Trustee to not give notice of redemption to the Bondholders at any time prior to April 13, 1993, this Resolution shall be void and of no effect.

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

PROPOSAL NO. 648, 1992. Councillor Giffin reported that the Economic Development Committee heard Proposal No. 648, 1992, on December 9, 1992 and February 18, 1993. The proposal approves the Amendment of documents executed in connection with the issuance of the City of Indianapolis Economic Development Revenue Bonds (Indianapolis Historic Partners Project) which were originally issued in 1985. The petitioner does not intend to pursue this proposal further so the Committee moved to strike this proposal on February 18, 1993. Councillor Giffin moved, seconded by Councillor Williams, to strike Proposal No. 648, 1992. This motion passed by unanimous voice vote.

PROPOSAL NOS. 138-145, 1993. Introduced by Councillor Borst. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on February 19, 1993". The Council did not schedule Proposal Nos. 138-145, 1993 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 138-145, 1993 were retitled REZONING ORDINANCE NOS. 25-32, 1993 and are identified as follows:

REZONING ORDINANCE NO. 25, 1993. 92-Z-122 (Amended) WAYNE TOWNSHIP.
COUNCILMANIC DISTRICT #18.

6802 WEST 21ST STREET (approximate address), INDIANAPOLIS.

J & M DEVELOPMENT COMPANY, INC., by Robert G. Evans and James B. Burroughs, requests the rezoning of 35.663 acres, being in the D-A District, to the D-4 classification to provide for multi-family residential development.

REZONING ORDINANCE NO. 26, 1993. 92-Z-124 (Amended) WAYNE TOWNSHIP.
COUNCILMANIC DISTRICT #18.

6804 WEST 21ST STREET (approximate address), INDIANAPOLIS.

J & M DEVELOPMENT COMPANY, INC., by Robert G. Evans and James B. Burroughs, requests the rezoning of 19.673 acres, being in the D-A District, to the D-4 classification to provide for residential development.

REZONING ORDINANCE NO. 27, 1993. 93-Z-5 PERRY TOWNSHIP.
COUNCILMANIC DISTRICT #24.

2424 EAST SOUTH COUNTY LINE ROAD (approximate address), INDIANAPOLIS.

SANDOR KOVACS, EDWARD P. WOJTOWICZ, GERALDINE B. WOJTOWICZ & KINDER-CARE LEARNING CENTERS, INC., by Michael J. Kias, request the rezoning of 13.414 acres, being in the C-3 and C-4 Districts, to the C-4 classification to provide for commercial development.

REZONING ORDINANCE NO. 28, 1993. 93-Z-6 WARREN TOWNSHIP.
COUNCILMANIC DISTRICT #13.

11210 EAST 10TH STREET (approximate address), INDIANAPOLIS.
GREGORY D. AND HELEN M. WHITE request the rezoning of 4.2 acres, being in the SU-1 District, to the D-S classification to provide for the construction of a single-family residence.

REZONING ORDINANCE NO. 29, 1993. 93-Z-7 PERRY TOWNSHIP.
COUNCILMANIC DISTRICT #20.

5023 MADISON AVENUE (approximate address), INDIANAPOLIS.
RICHARD E. BEAMAN, by Michael J. Kias, requests the rezoning of 0.468 acre, being in the C-3 and C-5 Districts, to the C-5 classification to provide for commercial use.

REZONING ORDINANCE NO. 30, 1993. 93-Z-8 WAYNE TOWNSHIP.
COUNCILMANIC DISTRICT #17.

2635 KENTUCKY AVENUE (approximate address), INDIANAPOLIS.
CENTRAL INDIANA FARM BUREAU CO-OP, INC. requests the rezoning of 1.087 acres, being in the I-4-S District, to the C-7 classification to provide for retail sales of gasoline & diesel fuels.

REZONING ORDINANCE NO. 31, 1993. 93-Z-11 PERRY TOWNSHIP.
COUNCILMANIC DISTRICT #23.

2850 SOUTH EMERSON AVENUE (approximate address), INDIANAPOLIS.
EMERSON AVENUE PROPERTIES, INC. by Thomas Michael Quinn, requests the rezoning of 35.62 acres, being in the I-3-U District, to the SU-3 classification to provide for a golf driving range and related accessory uses.

REZONING ORDINANCE NO. 32, 1993. 93-Z-12 WARREN TOWNSHIP.
COUNCILMANIC DISTRICT #13.

8401 EAST RAYMOND STREET (approximate address), INDIANAPOLIS.
METROPOLITAN SCHOOL DISTRICT OF WARREN TOWNSHIP by Dennis A. Johnson, requests the rezoning of 46.0 acres, being in the PK-1 District, to the SU-2 classification to provide for construction of a middle school.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 82, 1993. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 82, 1993 on February 16, 1993. The proposal appropriates \$6,053,811 for the Department of Administration, Central Equipment Management Division, to purchase/lease vehicles for 1993. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Black stated that in his opinion every vehicle that the City of Indianapolis purchases should be made in America.

The President called for public testimony at 7:51 p.m. There being no one present to testify, Councillor Rhodes moved, seconded by Councillor Coughenour, for adoption. Proposal No. 82, 1993 was adopted on the following roll call vote; viz:

26 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Smith, West, Williams

1 NAY: Curry

2 NOT VOTING: Jones, Short

Proposal No. 82, 1993 was retitled FISCAL ORDINANCE NO. 12, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 12, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) appropriating an additional Six Million Fifty-three Thousand Eight Hundred Eleven Dollars (\$6,053,811) in the Consolidated County Fund for purposes of the Department of Administration, Central

Equipment Management Division, 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 of the City-County Annual Budget for 1993, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Administration, Central Equipment Management Division to purchase/lease vehicles for 1993, for city agencies.

SECTION 2. The sum of Six Million Fifty-three Thousand Eight Hundred Eleven Dollars (\$6,053,811) 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 appropriations are hereby approved:

DEPARTMENT OF ADMINISTRATION	
<u>CENTRAL EQUIPMENT MANAGEMENT DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
4. Capital Outlay	<u>\$6,053,811</u>
TOTAL INCREASE	\$6,053,811

SECTION 4. The said additional appropriations are funded by the following reductions:

	<u>CONSOLIDATED COUNTY FUND</u>
Unappropriated and Unencumbered	
Consolidated County Fund	<u>\$6,053,811</u>
TOTAL REDUCTION	\$6,053,811

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

PROPOSAL NO. 86, 1993. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 86, 1993 on February 17, 1993. The proposal appropriates \$117,000 for the Presiding Judge of the Municipal Court, Probation Department, to continue the Treatment Alternatives to Street Crimes program. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 7:57 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Franklin, for adoption. Proposal No. 86, 1993 was adopted on the following roll call vote; viz:

24 YEAS: *Beadling, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Smith*
1 NAY: *Schneider*
4 NOT VOTING: *Black, Short, West, Williams*

Proposal No. 86, 1993 was retitled FISCAL ORDINANCE NO. 13, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 13, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) appropriating an additional One Hundred Seventeen Thousand Dollars (\$117,000) in the State and Federal Grants Fund for purposes of the Presiding Judge of the Municipal Court, Probation Department, 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 (cc) of the City-County Annual Budget for 1993, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Presiding Judge of the Municipal Court, Probation Department, to continue funding TASC (Treatment Alternatives to Street Crimes), for the fourth year.

SECTION 2. The sum of One Hundred Seventeen Thousand Dollars (\$117,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

<u>PRESIDING JUDGE OF THE MUNICIPAL COURT/PROBATION DEPARTMENT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
I. Personal Services	\$ 65,676
3. Other Services and Charges	35,890
 <u>COUNTY AUDITOR</u>	
I. Personal Services (fringes)	<u>15,434</u>
TOTAL INCREASE	\$ 117,000

SECTION 4. The said additional appropriations are funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>\$117,000</u>
TOTAL REDUCTION	\$117,000

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

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 39, 1993. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 39, 1993 on February 16, 1993. The proposal approves a public purpose grant in the amount of \$25,000 for the purpose of Central Indiana Radio Reading Inc. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor McClamroch moved, seconded by Councillor Curry, for adoption. Proposal No. 39, 1993 was adopted on the following roll call vote; viz:

27 YEAS: *Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Smith, West*

0 NAYS:

2 NOT VOTING: *Short, Williams*

Proposal No. 39, 1993 was retitled SPECIAL RESOLUTION NO. 10, 1993 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 10, 1993

A SPECIAL RESOLUTION approving a public purpose grant to Central Indiana Radio Reading Inc. (CIRRI) in the amount of \$25,000.

WHEREAS, the City-County Council for the City of Indianapolis and Marion County proposes to authorize a public purpose grant in the amount of \$25,000 to Central Indiana Radio Reading Inc. to provide radio reading programs for the blind.

WHEREAS, Section 4.01(c) of City-County Fiscal Ordinance No. 57, 1992 Annual Budget and Tax Levies for the Consolidated City of Indianapolis and for Marion County, Indiana, requires that sums appropriated therein for public purpose grants shall not be spent until the City-County Council of the City of Indianapolis and of Marion County, Indiana approves the amount and identity of the recipient of each grant; and

WHEREAS, the Council now finds that the Grant 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 Grant in the amount of \$25,000 to Central Indiana Radio Reading Inc. is hereby approved. No grant funds shall be used in whole or in part to fund any program which endorses a political candidate or which attempts to promote or influence legislation.

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

President SerVaas, sponsor of the next proposal, passed the gavel to Acting President West.

PROPOSAL NO. 54, 1993. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 54, 1993, on February 17, 1993. The proposal amends the Revised Code and makes certain changes in the Public Defender Board and Agency. By a 4-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor SerVaas said that Indiana is the only state in which a patronage system exists in the courts where the judges appoint public defenders who practice in front of the judges that appoint them. It is the position of the Indianapolis Bar Association that this is an archaic method of doing business and that there should be a public defender agency which could set certain rules to achieve an impartiality. The judiciary did not welcome this idea; however, this public defender agency was voted upon and passed by the Council last year.

Councillor SerVaas said that many drafts were made of the ordinance and a great deal of controversy had arisen. Three members of the board were to be appointed by the judges, three by the mayor and three by this Council. Some members of the Council were not pleased with the way this was handled administratively. A lawsuit was filed by the Democrat members of the Council against the Republican members of the Council. After many months the litigation was resolved. The Council has appointed three members to the agency; however, the judges and the mayor have not appointed their members.

Councillor SerVaas reported that Judge Gifford had requested that another public defender agency meeting be held because the judges were not happy with the present ordinance. Councillor SerVaas said that he was assured that the public defender agency had been discussed with Judge Goodman and that he had no objections. Later he was informed that Judge Goodman has two objections: the amount of money that would need to be spent in the future and, the powers and duties that this proposal gives to the Board. During a recent meeting with the judges, Councillors SerVaas and West, and Robert Elrod, General Counsel to the City-County Council, the jurists requested that the Council appoint four board members instead of three, that the mayor appoint one board member instead of three and that the judges appoint four board members instead of three. They also asked that the appointments be bi-partisan. The Council asked the jurists that a system be established on what constitutes a legal indigent. The judges agreed that the public defender agency could establish criteria that constitutes a legal indigent and the degrees of indigency.

Councillor Gray proposed the following amendment to Proposal No. 54, 1993.

Mr. President:

I move that Proposal No. 54, 1993 be amended by the addition of the following to Section 286-3 (9) (1):
... to be named by the respective political caucus."

Councillor Gray moved, second by Councillor Williams, to amend Proposal No. 54, 1993.

Chairman West said that it is his impression that in legislative matters the Council body itself must make appointments and not individual groups within the Council; he deferred this question to the parliamentarian, Robert Elrod. Mr. Elrod said that it is his opinion that the Council can not legally bind itself to allow a part of the group to make appointments that are said to be appointed by the Council.

He pointed out that there is an error in the motion paragraph that was typed; there is no subsection (9) in that section; therefore, the motion is incorrect.

Councillor Gray said that the full intent of the amendment refers to the board members appointed by the Council to the public defenders agency. He believes that the two republican members should be recommended by the republican caucus and the two democrat members should be recommended by the democrat caucus.

Councillor Curry requested a ruling on this proposal.

Chairman West said that this motion is out of order per the parliamentarian.

Councillor Williams said that in order to reword this amendment to reflect the parliamentarian's ruling, that it be reworded to say, "to be recommended by the respective political caucuses."

Councillor Jimison offered an amendment. Councillor Jimison moved, seconded by Councillor Mullin, to add in Sec. 286-7, Retention of existing public defenders "and staff" and ... as a public defender "or staff member" in the Marion ... She said that she believes that it is important that the Council acknowledge not only that there are public defenders who are presently employed in the legal representation of indigents in Marion County, but that there are also staff members who are employed and who are participating in supportive roles in the legal representation of indigents in Marion County and that they should be given the same representation.

Councillor Borst called for a Point of Order and stated that this motion is out of order because it is not a written motion.

Councillor Jimison hand wrote the amendment and presented it to Acting Chairman West.

Councillor McClamroch moved the previous question on Councillor Jimison's amendment, seconded by Councillor Schneider.

The amendment on Proposal No. 54, 1993 was defeated on the following roll call vote; viz:

12 YEAS: Black, Boyd, Brents, Golc, Gray, Jimison, Jones, Moriarty, Mullin, Short, West, Williams

16 NAYS: Beadling, Borst, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Hinkle, McClamroch, O'Dell, Ruhmkorff, Schneider, SerVaas, Shambaugh, Smith

1 NOT VOTING: Rhodes

Councillor Dowden moved, seconded by Councillor Gilmer, for adoption. Proposal No. 54, 1993 was adopted on the following roll call vote; viz:

18 YEAS: Beadling, Borst, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Hinkle, McClamroch, O'Dell, Ruhmkorff, Schneider, SerVaas, Shambaugh, Smith, West

10 NAYS: Black, Boyd, Golc, Gray, Jimison, Jones, Moriarty, Mullin, Short, Williams
1 NOT VOTING: Rhodes

Councillor Williams asked for consent to explain her vote. Consent was given. Councillor Williams explained her vote by saying, "being reasonable works both ways."

Councillor Jimison asked for consent to explain her vote. Consent was given. Councillor Jimison explained her vote by saying that the motion to cut off debate was made before she was able to make a motion to postpone and send the proposal back to Committee to give the judges time to review this amendment.

Councillor Golc asked for consent to explain his vote. Consent was given. Councillor Golc explained his vote by saying that he believes this proposal will be back before the Council again in a different format.

Proposal No. 54, 1993 was retitled GENERAL ORDINANCE NO. 9, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 9, 1993

A GENERAL ORDINANCE amending Chapter 286 of the Revised Code of the Consolidated City and County and making certain changes in the Marion County Public Defender Board and Agency.

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

SECTION 1. Chapter 286 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:

CHAPTER 286
MARION COUNTY PUBLIC DEFENDER BOARD AND AGENCY

Sec. 286-1. Agency and Board Established.

This ordinance establishes the Marion County Public Defender Agency and the Marion County Public Defender Board for the purpose of providing legal representation to indigent defendants/respondents in criminal, juvenile, probation violation, extradition, child support, civil commitments and other proceedings where the right to counsel has been established by law.

Sec. 286-2. Definitions.

When used in this Chapter the following words and terms shall be defined as follows:

- (1) *Agency* means the Marion County Public Defender Agency created by this Chapter.
- (2) *Board* means the Marion County Public Defender Board created by this Chapter.
- (3) *Indigent defendant/respondent* means a person who requests legal representation and ~~demonstrates by verifiable information submitted under penalty of perjury and communicated outside of the attorney-client relationship that he does not have sufficient available assets or income to pay for the legal representation requested without substantial hardship either to the person or the person's family is initially determined by the court to be constitutionally entitled to legal representation at public expense.~~
- (4) *Legal representation* means the services of an attorney provided to a defendant/respondent in a matter originating in a state court in Marion County involving
 - (1)a. a person charged with a crime as defined in IC 35-41-1-6,
 - (2)b. an act of delinquency as defined in IC 31-6-4-1,

- ~~(3)~~c. a violation of a condition of probation established as a part of a sentence in a juvenile or criminal matter,
- (4)d. detention of a person subject to extradition to another jurisdiction, or
- ~~(5)~~e. proceedings to collect unpaid child support pursuant to IC 31-2,
- f. civil commitment and contempt proceedings, or
- g. other proceedings where the right to counsel at public expense has been established by law.

The term includes services in connection with all pre-trial, and trial and appellate proceedings in which an indigent defendant/respondent has a right to counsel at public expense.

Sec. 286-3. Public Defender Board membership and appointment.

(a) The ~~Public Defender Agency~~ Board shall consist of nine (9) members:

(1) ~~Three (3)~~ Four (4) members appointed by the City-County Council, ~~who may be members of the City-County Council; one of whom shall be designated as chairperson~~ no more than two (2) of whom shall be members of the same political party.

(2) ~~Three (3) members (who may be judges) appointed by majority vote of the superior court criminal division judges, the superior court juvenile division and the presiding judge of the municipal court.~~ Four (4) members appointed by the judiciary as follows:

a. two (2) members appointed by majority vote of the Judges of the Marion Superior Court, who shall not be members of the same political party; and

b. two (2) members appointed by the Presiding Judge of the Marion County Municipal Court, who shall not be members of the same political party.

(3) ~~Three (3)~~ One (1) members appointed by the mayor.

(b) The initial term of ~~two (2)~~ one (1) members appointed by ~~each of the appointing authorities~~ the City-County Council, one (1) member appointed by the Criminal Division of the Marion Superior Court, and one (1) member appointed by the Presiding Judge of the Marion County Municipal Court shall expire on December 31, 1993. The initial term of one (1) member appointed by the City-County Council, one (1) member appointed by the Presiding Judge of the Marion County Municipal Court, and the member appointed by the Mayor shall expire on December 31, 1994. The initial term of the other members shall expire on December 31, ~~1992~~ 1995.

(c) After the initial term of each member ~~as stated in section (b) above,~~ appointments shall be for ~~two (2)~~ three (3) year terms. Members of the Board shall serve until their successor is duly appointed and qualifies. An appointment to fill a vacancy shall be made by the authority appointing the member vacating the position and shall be for the remainder of the unexpired term. Whenever a vacancy occurs in the office of a Board member other than by reason of the expiration of the term of the member, the chairperson of the Board shall promptly give written notice to the appointing authority responsible for making the appointments described in section (a) of this section of such fact, specifying the name of such former member.

(d) ~~The Prosecuting Attorney and deputy prosecuting attorneys, law enforcement officers and public defenders are ineligible to serve as members of the Board. The Deputy Prosecuting Attorneys and law enforcement officers and members of the judiciary are ineligible to serve as members of the Board. No member of the Board shall be an elected official or employed by an elected official or an appointing agency.~~

(e) All members of the Board must be residents of Marion County, and if a member ceases to be a resident of Marion County he or she shall be considered to have resigned from the Board.

(~~e~~f) Board members shall serve without pay but may receive reimbursement for expenses if approved by the Board.

(~~f~~g) Five members of the Board shall constitute a quorum for the purpose of conducting the business of the Board. Decisions of the Board shall be approved by a majority of the members present. Votes shall be in person only and not by proxy.

(~~g~~h) The Board shall meet at least quarterly or upon call of its chairperson or any three members of the Board.

(i) The Board shall elect its chairperson by a majority vote of the Board at its first organizational meeting and at the first meeting of each calendar year thereafter.

Sec. 286-4. Powers and duties of the Board.

The Board shall have the following powers and duties:

- (1) To provide competent legal representation for indigent defendants/respondents in criminal, juvenile, probation violation, extradition, and child support, civil commitment and other matters pursuant to the plan adopted pursuant to Sec. 286-6.
- (2) To establish policy guidelines and procedures for the identification of an "indigent defendant" consistent with the definition set out in this Chapter determination of legal indigency and for appropriate reimbursement for public defender legal representation.
- (3) To establish policies and procedure for the efficient operation of the Agency and the achievement of the objective of providing competent and independent legal representation for indigent defendants/respondents.
- (4) To employ a chief public defender subject to confirmation by the City-County Council, who shall be an attorney admitted to the practice of law in the state of Indiana to serve as the chief administrative officer of the Agency having at least two (2) years experience in criminal defense.
- (5) To authorize the chief public defender to employ or contract with attorneys, investigators, paralegals and clerical employees based on merit as necessary and consistent with the budget approved by the City-County Council, based on merit without consideration of political affiliation.
- (6) To recommend an annual operating budget for the Agency and thereafter to monitor expenditures of funds by the Agency.
- (7) To receive and apply funds from grants, gifts, bequests and payments from persons served to the purposes of the Agency.
- (8) To prepare and submit to the Council and the general public appointing authorities as described in subsection (a) of Sec. 286-3 of this Chapter an annual report on the operation of the Agency.
- (9) To elect a chairperson and other appropriate officers from the membership of the Board.

Sec. 286-5. Chief public defender.

- (a) The chief public defender shall:
 - (1) be the chief administrator of the public defender Agency and devote full time and employment to such position.
 - ~~(2) decline to authorize the legal representation of defendants who are not indigent.~~
 - ~~(3) review a determination of indigency and eligibility for legal representation by the Agency staff when requested to do so by an affected person a defendant/respondent.~~
 - ~~(4) employ counsel to represent the Board, or a Board member or agent in any action to compel representation of a defendant determined by the Board to be not indigent.~~
 - (3) maintain offices for the Agency as approved by the Board.
 - (4) establish within the Agency such trial divisions of public defenders to represent indigent defendants/respondents as necessary.
 - (5) hire without consideration of political affiliation staff necessary to perform the services of the Agency and supervise and discipline such staff.

- (6) keep and maintain records of all cases handled by the Agency and report at least annually to the Board concerning the operation of the Agency, its costs and projected needs.
- (7) ensure adequate, appropriate and consistent assignment of cases to public defenders.
- (8) provide/establish a method of merit evaluation for public defenders, not less than yearly.

(b) Pending appointment of a chief public defender, the president of the City-County Council shall appoint a member of the Indiana Bar to serve as interim administrator of the Public Defender Agency. Such interim administrator shall assist in organizing the Board and Agency, ~~and may contract for additional public defender services to the extent of appropriations by the council for such purposes.~~

Sec. 286-6. On or before ~~July 1, 1992~~ June 15, 1993, the Board shall prepare and submit to the City-County Council for approval a comprehensive plan for the provision of legal representation to indigent defendants/respondents in Marion County. The comprehensive plan shall, at a minimum, provide for:

- (1) Provision of legal representation to an indigent defendant/respondent at the earliest possible point in time.
- (2) The legal representation of an indigent defendant/respondent by the same attorney or attorneys through the pendency of a matter to the greatest extent possible.
- (3) The use of qualified attorneys who will volunteer to provide legal representation to one or more indigent defendants/respondents without charge to the greatest extent possible.
- (4) ~~Agency staff p~~Professional development, and continuing legal education, and malpractice coverage for public defenders.
- (5) Formal or informal agreements with the Marion County Prosecutor and law enforcement agencies establishing simplified procedures for expediting discovery and other communications with respect to pending cases, consistent with applicable court rules.
- (6) Utilization of all available sources of governmental and non-governmental funding including but not limited to payment or repayment for services rendered from persons served in accordance with IC 33-9-11.5.
- (7) Periodic reevaluation of the operation of the Agency and the accomplishment of its purpose.
- (8) Recommendation of a system for providing appellate counsel which is independent of the control of the chief public defender.

Such plan may be amended by the Board with approval of the Council.

Sec. 286-7. Retention of existing public defenders.

Upon review, The Board Agency shall initially offer employment or a contract for the provision of legal representation to each attorney acting as a public defender in the Marion County Municipal Court ~~Criminal Division~~ and the Marion County Superior Court Criminal, ~~and Juvenile and Title IV-D Divisions on the effective date of this ordinance.~~ The chief public defender shall not unreasonably change the terms of employment or contract from the same basis as existed prior to the implementation of the Agency.

Sec. 286-8. Restriction on the law practice of public defenders.

(a) Attorneys employed by the ~~Board~~ Agency on a full-time basis shall have as a condition of their employment or continued employment that they do not provide legal representation for private clients on matters defined in Sec. 286-2(4) practice law except as an employee of the Board, if such representation creates a conflict of interest with such attorneys' responsibilities with the agency.

(b) ~~Attorneys employed by the Board on a part-time basis or on a contract for personal services and assigned to the Marion County Superior Court Criminal, Juvenile or Title IVD Divisions shall have as a material provision of their contract for the provision of legal representation or as a condition of their continued employment that they will not practice before the Judge of a Court to which they are regularly assigned by the Board except as assigned by the Board.~~

~~(c) Attorneys employed by the Board on a part-time basis or on a contract for personal services in the Marion County Municipal Court Criminal Division shall have as a material provision of their contract for the provision of legal representation or as a condition of their continued employment that they will not practice before the Judge of a Court or Courts to which they are regularly assigned by the Board except as assigned by Board.~~

Sec. 286-9. Authority of Judges. Nothing contained herein shall be deemed to abridge the authority of any judge of a state court of this county from appointing counsel for any person entitled thereto under the Constitution of the United States or the Constitution of the State of Indiana. ~~If the Public Defender Agency fails or refuses to provide such counsel, the Judge making the appointment shall request the Council to appropriate funds for payment of such counsel.~~

SECTION 2. Construction. Any term defined in this Chapter by reference to a state statute shall have the same meaning whenever used in this Chapter unless clearly inapplicable by the context in which it is used. Any reference to a state statute shall mean the statute as amended from time to time, or any similar statutory provision that may supercede it relating to the same or similar subject matter.

SECTION 3. Severability. Should any 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 provisions shall not be effected, 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 4. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14, provided that the amendments by this ordinance shall not affect any rights or liabilities accrued or proceedings begun prior to the effective date of this ordinance.

Chairman West relinquished the gavel to President SerVaas.

PROPOSAL NO. 83, 1993. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 83, 1993, on February 16, 1993. The proposal transfers and appropriates \$4,700 for the Washington Township Assessor to comply with new purchasing procedures. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Rhodes moved, seconded by Councillor Gilmer, for adoption. Proposal No. 83, 1993 was adopted on the following roll call vote; viz:

27 YEAS: Beadling, Black, Borst, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams

0 NAYS:

2 NOT VOTING: Boyd, Golc

Proposal No. 83, 1993 was retitled FISCAL ORDINANCE NO. 14, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 14, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) transferring and appropriating an additional Four Thousand Seven Hundred Dollars (\$4,700) in the Property Reassessment Fund for purposes of the Washington Township Assessor and reducing certain other appropriations for that office.

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

SECTION I. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (u) of the City-County Annual Budget for 1993, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Washington Township Assessor to transfer money in order to comply with new purchasing procedures and be able to charge items to the appropriate character.

SECTION 2. The sum of Four Thousand Seven Hundred Dollars (\$4,700) 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>WASHINGTON TOWNSHIP ASSESSOR</u>	<u>PROPERTY REASSESSMENT FUND</u>
2. Supplies	<u>\$4,700</u>
TOTAL INCREASE	\$4,700

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

<u>WASHINGTON TOWNSHIP ASSESSOR</u>	<u>PROPERTY REASSESSMENT FUND</u>
4. Capital Outlay	<u>\$4,700</u>
TOTAL REDUCTION	\$4,700

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

PROPOSAL NO. 87, 1993. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 87, 1993, on February 17, 1993. The proposal amends the Code by updating the county corrections fund. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Curry, for adoption. Proposal No. 87, 1993 was adopted on the following roll call vote; viz:

25 YEAS: Beadling, Borst, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Gray, Hinkle, Jones, McClamroch, Moriarty, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams

0 NAYS:

4 NOT VOTING: Black, Boyd, Golc, Jimison

Proposal No. 87, 1993 was retitled GENERAL ORDINANCE NO. 11, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 11, 1993

A GENERAL ORDINANCE amending the Code of Indianapolis and Marion County by amending Section 2-358, of Article IX, Chapter 2.

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

SECTION 1. Sec. 2-358 of Article IX, Chapter 2 of the Code of Indianapolis and Marion County is hereby amended by inserting the words underlined and deleting the words stricken-through as follows:

Sec. 2-358. County corrections fund.

(a) The city-county council hereby elects to receive deposits from the department of corrections in accordance with IC 11-12-6.

(b) The city-county council hereby elects to receive such deposits at level 3 funding. Level 3 funding shall be equal to \$3,500 times 84 (Marion County base integer) or \$294,000 for the year ending April 30, ~~1993~~ 1994.

(c) There is hereby created a "county corrections fund", to be administered by the city-county council. The fund shall consist of deposits received from the department of corrections in accordance with IC 11-12-6-13.

(d) The county corrections fund may be used only for funding the operation of the county jail, jail programs, or other local correctional facilities. Any money remaining in a county corrections fund at the end of the year does not revert to any other fund but remains in the county corrections fund.

SECTION 2. (a) 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.

(b) An offense committed before the effective date of this ordinance, under any ordinance expressly or impliedly repealed or amended by this ordinance shall be prosecuted and remains punishable under the repealed or amended ordinance as if this ordinance has not been adopted.

SECTION 3. 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 provisions can, without the invalid provision or provision, be given the effect intended by the council in adopting this ordinance. To this end the provisions of this ordinance are severable.

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

OLD BUSINESS

PROPOSAL NO. 449, 1992. This proposal appoints Irene Heffley to the Equal Opportunity Advisory Board. Councillor Rhodes moved, seconded by Councillor Beadling, to strike. Proposal No. 449, 1992 was stricken by unanimous voice vote.

PROPOSAL NO. 45, 1993. This proposal reappoints Jesse Moore to the Board of Parks and Recreation. Councillor West moved, seconded by Councillor Beadling, to strike. Proposal No. 45, 1993 was stricken by unanimous voice vote.

ANNOUNCEMENTS AND ADJOURNMENT

President SerVaas pointed out that there are some items in the State Legislature that might interest the Council such as a bill that sets up an appointed body of nine members whose job it will be to set the tax rate before the budget. This will affect the City as the Welfare Department wants to borrow \$19 million for 1993.

He explained that there is a digest in the Council office which shows the exact status of all bills of interest to the Council, to Indianapolis or to Marion County. Councillor McClamroch asked if the lobbyist that the Council pays has been asked to take a position on behalf of the Council on any of the bills before the legislature. President SerVaas suggested that if there was a subject that Councillor McClamroch was interested in that he contact this person.

Councillor Short asked how much money the Council pays the lobbyist. President SerVaas replied that he would not call this person a lobbyist because the Council could not afford to pay a lobbyist's salary and said that this person is being paid \$10,000 for the session. Councillor Short asked who made the decision to hire this person and President SerVaas said that he made the decision to hire this person. Her name is Karen Little Arland and she is available to any Councillor for consultation.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:12 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-County Council of Indianapolis-Marion

February 22, 1993

County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 22nd day of February, 1993.

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

Burt SerVaas

President

ATTEST:

David J. Kappas
Clerk of the Council

(SEAL)