

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

**REGULAR MEETINGS  
MONDAY, NOVEMBER 29, 1999**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:15 p.m. on Monday, November 29, 1999, with Councillor SerVaas presiding.

Councillor Bradford 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:

*26 PRESENT: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Hinkle, Jones, Massie, McClamroch, Moores, O'Dell, Schneider, SerVaas, Short, Smith, Talley, Tilford, Williams*  
*3 ABSENT: Gray, Moriarty Adams, Shambaugh*

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

**INTRODUCTION OF GUESTS AND VISITORS**

Councillor Cockrum recognized the park rangers in attendance and the park ranger narcotics dog, Storm. Councillor Black introduced friends Reverend Thorton, Reverend Davis, and Mr. and Mrs. Taylor. Councillor Dowden recognized the new Director of the Character Council of Indiana, Stephen Becker. Councillor Schneider recognized Boy Scout Troop 68 from Crestview Christian Church. Councillor Brents introduced friends and constituents, Marilyn Hill, Linda Lasley, and Evelyn Rusthoven. Councillor Talley recognized the Council staff and thanked them for all they have done over the past four years to serve this Council body.

**OFFICIAL COMMUNICATIONS**

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

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

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, November 29, 1999, 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

November 9, 1999

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:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, November 12, 1999, a copy of a Notice of Public Hearing on Proposal Nos. 663-665, 667, 668, 671, and 675-677, 1999, said hearing to be held on Monday, November 29, 1999, at 7:00 p.m. in the City-County Building.

Respectfully,  
Suellen Hart  
Clerk of the City-County Council

November 9, 1999

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:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, November 12, 1999, a copy of a Notice of Public Hearing, said hearing to be held on Tuesday, November 23, 1999, at 5:30 p.m. in Room 260 of the City-County Building at the Rules and Public Policy Committee.

Respectfully,  
Suellen Hart  
Clerk of the City-County Council

November 12, 1999

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

FISCAL ORDINANCE NO. 125, 1999 - approves an increase of \$1,500,000 in the 1999 Budget of the County Sheriff (State and Federal Grants Fund) for the purpose of updating the Automated Fingerprinting Identification System (AFIS), funded by a grant from the Community Oriented Policing Services (COPS)

FISCAL ORDINANCE NO. 126, 1999 - approves an increase of \$22,294 in the 1999 Budgets of the County Auditor and County Sheriff (County Grants Fund) to provide a uniformed deputy with arrest powers for the security of runaways and the Youth Emergency Services (YES) employees, funded by a Youth Emergency Services grant

FISCAL ORDINANCE NO. 127, 1999 - approves an increase of \$250,000 in the 1999 Budgets of the County Auditor and Prosecuting Attorney (State and Federal Grants Fund) for the creation of a comprehensive seat belt program, funded by a federal grant administered by the National Highway Traffic Safety Administration

November 29, 1999

FISCAL ORDINANCE NO. 128, 1999 - approves an increase of \$492,116 in the 1999 Budgets of the County Auditor, Prosecuting Attorney, County Sheriff, Marion County Public Defender Agency, and the Marion County Superior Court (State and Federal Grants Fund) to continue the expedited court project for an additional year, funded by a grant from the Indiana Criminal Justice Institute

FISCAL ORDINANCE NO. 129, 1999 - approves an increase of \$168,000 in the 1999 Budget of the Department of Public Works, Contract Compliance Division (Consolidated County Fund) to cover increased costs of the abandoned vehicle program, funded by higher than anticipated revenues by the contractor administering the program

FISCAL ORDINANCE NO. 130, 1999 - approves a transfer of \$20,000 in the 1999 Budget of the Department of Public Works, Maintenance Operations Division (Parking Meter Fund) to purchase additional supplies and materials used in the maintenance of parking meters

FISCAL ORDINANCE NO. 131, 1999 - approves a transfer of \$22,000 in the 1999 Budget of the Department of Public Works, Environmental Resources Management Division (Sanitation Liquid Waste Fund) to contract for services related to environmental compliance, remediation and permitting functions

FISCAL ORDINANCE NO. 132, 1999 - approves a transfer of \$19,300 in the 1999 Budget of the Department of Public Works, Contract Compliance Division, to cover salary costs for the division through the end of 1999, financed by a transfer to the Flood General Fund from the Transportation General Fund

SPECIAL RESOLUTION NO. 79, 1999 - approves a public purpose grant in the amount of \$20,000 to Indiana University for the purpose of providing educational access cable television programming in Marion County

SPECIAL RESOLUTION NO. 80, 1999 - approves a public purpose grant in the amount of \$80,000 to Indiana University for the purpose of purchasing equipment to be used to automate playback of programming on educational access channels of the franchised cable systems in Marion County

SPECIAL RESOLUTION NO. 81, 1999 - approves a public purpose grant in the amount of \$25,000 to Central Indiana Radio Reading, Inc. for the purpose of providing radio reading programs for the blind and print-disabled in Marion County

POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 5, 1999 - approves a transfer of \$250,000 in the 1999 Budget of the Department of Public Safety, Police Division (Police Service District Fund) to cover additional printing and binding costs and to pay various prior year invoices which were not budgeted in the current fiscal year

FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 2, 1999 - approves a transfer of \$423,433 in the 1999 Budget of the Department of Public Safety, Fire Division (Fire Service District Fund) to cover Fleet Services charges through the end of 1999

Respectfully,  
s/Stephen Goldsmith, Mayor

November 17, 1999

Honorable Suellen Hart  
City Clerk

RE: License No. 051925 granted to Capital Improvements Board for 100 Virginia Avenue  
Notice of Appeal to the City County Council (Our File: L153)

Dear Ms. Hart:

I represent LaRosa Family Partnership. On October 12, 1999 the Controller's Office, Licensing Section received an Application For Encroachment License for the property described to be located at 100 Virginia Avenue, Indianapolis, Indiana. It is my understanding that on October 19, 1999 License No. 051925 was issued to the Applicant.

Without waiving any objections to the encroachment, the propriety on the improvement covered by the license for the encroachment, the authority for the license and/or the legality of the encroachment and/or the license, or any other objections, I hereby notify you that on behalf of my client I appeal the action of the granting of the license. This appeal is brought pursuant to Section 645-578 of the Revised Code of the Consolidated City and County. Pursuant to said section, this appeal is to the city-county council where the petition shall be heard de novo.

Please advise as to when the appeal to the city council will be heard. Thank you for this and past courtesies.

Respectfully submitted,  
s/S. Gregory Zubek, attorney for  
LaRosa Family Partnership

The President asked Councillor Schneider, chairman of the Administration and Finance Committee, if he would address this appeal within his committee. Councillor Schneider agreed to do so.

### **ADOPTION OF THE AGENDA**

The President proposed the adoption of the agenda as distributed.

Councillor Gilmer asked for consent to move Proposal No. 631, 1999 forward on the agenda after the Introduction of Proposals because of the number of park rangers present. Consent was given.

Councillor Boyd asked for consent to make a motion at this time to strike several far-reaching policy items on tonight's agenda. He stated that these proposals should not be acted on this evening because of a new administration taking office at the first of the year. He added that new policy issues should not be embarked upon until the new administration takes office. The President stated that Councillor Boyd can make his motion at the point in the agenda where these proposals are heard.

Councillor Talley stated that he is opposed to the agenda as presented because of these far-reaching policy proposals referred to by Councillor Boyd.

The agenda was adopted, as amended, by a consent vote.

### **APPROVAL OF THE JOURNAL**

The President called for additions or corrections to the Journal of November 8, 1999. There being no additions or corrections, the minutes were approved as distributed.

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

**PROPOSAL NO. 727, 1999.** The proposal, sponsored by Councillor Talley, recognizes Pastor Joy L. Thorton of the Greater St. Mark Baptist Church. Councillor Talley read the proposal and presented Pastor Thorton with a copy of the document and a Council pin. Pastor Thorton thanked the Council for the recognition. Councillor Talley moved, seconded by Councillor Jones, for adoption. Proposal No. 727, 1999 was adopted by a unanimous voice vote.

Proposal No. 727, 1999 was retitled **SPECIAL RESOLUTION NO. 82, 1999**, and reads as follows:

#### **CITY-COUNTY SPECIAL RESOLUTION NO. 82, 1999**

A SPECIAL RESOLUTION recognizing Pastor Joy L. Thorton of the Greater St. Mark Baptist Church.

WHEREAS, Greater St. Mark Baptist Church was founded as a mission church in 1927 at a time when headlines of Charles Lindbergh, Model T Fords, and Madame C. J. Walker were in the news; and

WHEREAS, in 1983, the Church moved from Yandes Street to its present home on East 38th Street, and promptly paid off the mortgage in only nine years; and

WHEREAS, On October 1, 1999, Greater St. Mark invited Pastor Joy L. Thorton to be the new spiritual leader of the congregation; and

WHEREAS, Pastor Thorton is a native of Arkansas, served for 14 years as a chaplain in the U.S. Navy and Air Force, and later was called to pastor civilian churches; and

WHEREAS, Pastor Thorton is placing special emphasis upon the need for prayer, a Christ-centered ministry, for families, outreach in the greater Indianapolis community--and church membership has already increased significantly; 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 joins with Greater St. Mark Baptist Church in welcoming Pastor Joy L. Thorton and his wife Dianne and their children to Indianapolis.

SECTION 2. May his words and work here be Divinely inspired and very fruitful, and may he stimulate the members and friends of Greater St. Mark to an even higher level of worship, understanding, energy, and service.

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.

Councillor Short stated that he would like to introduce incumbent Councillors Joanne Sanders, Karen Horseman, Ron Gibson, Harvey Knox, Scott Schneider, Jackie Nytes, and Bill Douglas. The President asked the incumbent members to address the current body and be recognized. Incumbent Councillors Sanders, Horseman, Gibson, Knox, Schneider, Nytes, and Douglas thanked the Council for the recognition and stated that they are looking forward to serving on this body.

PROPOSAL NO. 666, 1999. Councillor McClamroch reported that the Metropolitan Development Committee heard Proposal No. 666, 1999 on November 15, 1999. The proposal reappoints Lance L. Bundles to the Metropolitan Development Commission. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor McClamroch moved, seconded by Councillor Hinkle, for adoption. Proposal No. 666, 1999 was adopted by a unanimous voice vote.

Proposal No. 666, 1999 was retitled COUNCIL RESOLUTION NO. 69, 1999, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 69, 1999

A COUNCIL RESOLUTION reappointing Lance L. Bundles to the Metropolitan Development Commission.

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 Metropolitan Development Commission, the Council reappoints:

Lance L. Bundles

SECTION 2. The appointment made by this resolution is for the 1999 term ending December 31, 1999. 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

Councillor Boyd stated that the proposals he referred to earlier which he would like to have stricken are being introduced this evening. He asked for consent to make his motion at this time.

Councillor McClamroch stated that moving to strike a proposal that is being introduced is out of order. He added that from a policy standpoint such a motion would be in poor taste, a bad example, and would set an inappropriate precedent. He added that setting such a precedent is like saying that those who are currently in office were only elected to serve three years and 10 months, not a full four years.

The President stated that such a motion has never been presented in his tenure on the Council. He added that it would set a precedent that any time a Council member did not like a proposal being introduced, he could move to strike before it is even introduced. He said that he does not believe this motion is in order.

Councillor Talley stated that he is surprised that some outgoing Councillors are using introduction of proposals to reverse the outcome of the November elections. He added that one proposal in particular, concerning ethics, he tried to introduce earlier in his four-year tenure, and it was not supported by the same people that are now introducing the proposal.

Councillor Short stated that this is not an attempt to strike proposals put forward by any one Councillor, outgoing or otherwise, but that these proposals deal with substantive issues in administrative changes and should be allowed more time for sufficient debate.

Councillor McClamroch stated that the proposal regarding ethics that he is introducing is a proposal he has been working on for over a year. He added that he expected that he might have another term to discuss the proposal, but because he was not successful in the election, it is still something he believes should be addressed. To say he cannot introduce a proposal because he is soon leaving office is simply poor taste. He stated that he does not understand Councillor Talley's opposition to the introduction of an issue he was interested in introducing himself years earlier.

Councillor Moores stated that the motion to strike these proposals is an end-run for the minority party to try and halt the effectiveness of the current body.

Councillor Boyd stated that he would like to move that seven proposals be stricken in consideration of their contents until the seating of the next Council.

Councillor Schneider stated that he also believes such a motion is in poor taste and asked why the motion to strike cannot be made during the normal hearing process. He stated that, legally, these proposals must be afforded a hearing.

Councillor Dowden stated that the Council should uphold the procedure which has been maintained for as long as he has been on the Council and not allow a motion to strike on a proposal which is simply being introduced.

The President asked General Counsel Robert Elrod for a ruling as to whether or not such a motion is out of order. Mr. Elrod said that the rules of the Council state that if a proposal is in proper form and submitted in the appropriate manner, it is then placed on the agenda for introduction.

He stated that those proposals listed on the agenda under introductions are then referred to a Committee. He added that he believes a motion to strike is out of order at this time.

Councillor McClamroch asked if it is Councillor Boyd's intent to deny him the opportunity for a hearing on a proposal he is introducing this evening. Councillor Boyd stated that it is not his intent to deny a public hearing, but he simply feels that far-reaching policy issues should be introduced after the new council is seated.

Councillor Coonrod stated that counsel has already ruled that the motion to strike is out of order. He added that he believes further discussion on the issue is also out of order.

Councillor Boyd asked if a motion to table these proposals is also out of order. Mr. Elrod stated that the motion to table would also be out of order during the introductions.

Councillor Boyd stated for the record that if his motion had not been ruled out of order, he would have moved to strike Proposal Nos. 706, 713, 722, 729, 730, 751, and 752, 1999.

Councillor Brents stated that she will be out of town during the next Rules and Public Policy Committee meeting, and an item on this agenda is of a great concern to herself and her constituents. She asked if one of her constituents can address the body at this time. The President stated that he will allow time for a brief testimony under New Business.

Councillor Boyd stated that this Rules and Public Policy Committee hearing was not on the original schedule and asked if it could be postponed. The President stated that meetings are often scheduled as needed, and if one particular Councillor has a conflict with a meeting date, the meeting cannot be cancelled.

PROPOSAL NO. 706, 1999. Introduced by Councillor Cockrum. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which allows more hiring flexibility for City departments"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 707, 1999. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which establishes a non-reverting, cash change fund for the Marion County Treasurer in the amount of \$4,000"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 708, 1999. Introduced by Councillor Cockrum. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which determines the need to lease office space at 5410 South High School Road for the Decatur Township Assessor"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 709, 1999. Introduced by Councillor Franklin. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$4,500,000 in the 1999 Budget of the Marion County Office of Family and Children (Family and Children Fund) to finance the expenditures for December 1999; funding contingent upon a loan from the County General Fund"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 710, 1999. Introduced by Councillors Shambaugh and Cockrum. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$143,000 in the 1999 Budget of the Department of Parks and Recreation (State Grants Fund) for

the purchase of land to expand Carson Park, funded by a Build Indiana Grant"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 711, 1999. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Revised Code relating to sick leave benefits for certain sworn police officers"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 712, 1999. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves certain public purpose grants totaling \$701,000 from the Marion County Drug Free Community Fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 713, 1999. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Revised Code concerning the Marion County Justice Agency Board and director"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 714, 1999. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$45,000 in the 1999 Budgets of the County Auditor and the County Sheriff (State and Federal Grants Fund) to decrease violent and drug related crimes, to eliminate drug trafficking and repeat offenders, and to reduce gang related violence by increasing law enforcement, funded by a grant from the U.S. Department of Justice"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 715, 1999. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$18,447 in the 1999 Budget of the Marion County Justice Agency (State and Federal Grants Fund) to provide individual and group counseling for adults to work through victimization issues, funded by a Crime Victim Assistance Grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 716, 1999. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$1,300,000 in the 1999 Budget of the Department of Public Works, Contract Compliance Division (Sanitation Liquid General Fund) to pay the White River Environmental Partnership for treating alum sludge during the period of June 1998 through September 1999, paid from fund balance using sewer fees collected by the Indianapolis Water Company"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 717, 1999. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal at 59th Street and Georgetown Road (Districts 1, 9)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 718, 1999. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 86th Street and Moore Road (District 1)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 719, 1999. Introduced by Councillor O'Dell. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Audubon Road and Julian Avenue (District 13)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 720, 1999. Introduced by Councillor Shambaugh. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for the Eagledale area (District 8)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 721, 1999. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes changes in the one-way restrictions on East Street from South Street to Washington Street (District 16)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 722, 1999. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Revised Code by establishing standards of ethical conduct for officers and employees of the City and County and by establishing the Ethical Standards Board"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 723, 1999. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Steve Ajamie to the County Property Tax Assessment Board of Appeals"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 724, 1999. Introduced by Councillor McClamroch. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Mary Gillum to the County Property Tax Assessment Board of Appeals"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 725, 1999. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Paul Ricketts to the City-County Administrative Board"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 726, 1999. Introduced by Councillor SerVaas. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves a schedule of regular council meetings for the year 2000"; and the President referred it to the Committee of the Whole Council.

PROPOSAL NO. 728, 1999. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a weight limit restriction on Epler Avenue between Bluff Road and State Road 37, and also authorizes a reduction in the speed limit"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 729, 1999. Introduced by Councillors Curry and Short. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which approves and confirms an agreement for a franchise for a health care transportation system granted by the City to Clarian Health Partners, Inc."; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 730, 1999. Introduced by Councillor Coonrod. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends Sec. 293-104 of the Revised Code concerning the board of ethics"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 751, 1999. Introduced by Councillor Coonrod. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code relating to the duties of the City-County Council's General Counsel and the Office of Corporation Counsel"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 752, 1999. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$150,000 and a transfer of \$150,000 in the 1999 Budget of the City-County Council (Consolidated County Fund) to continue contractual consulting and legal services, funded by transfers and a reduction of fund balances"; and the President referred it to the Administration and Finance Committee.

### SPECIAL ORDERS – FINAL ADOPTION

PROPOSAL NO. 631, 1999. In the absence of Councillor Shambaugh, Councillor Cockrum reported that the Parks and Recreation Committee heard Proposal No. 631, 1999 on November 10, 1999. The proposal, sponsored by Councillors Golc and Shambaugh, provides merit status for city employees serving as park rangers. 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 Golc, for adoption. Proposal No. 631, 1999 was adopted on the following roll call vote; viz:

*26 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Hinkle, Jones, Massie, McClamroch, Moores, O'Dell, Schneider, SerVaas, Short, Smith, Talley, Tilford, Williams*

*0 NAYS:*

*3 ABSENT: Gray, Moriarty Adams, Shambaugh*

Proposal No. 631, 1999 was retitled GENERAL ORDINANCE NO. 143, 1999, and reads as follows:

#### CITY-COUNTY GENERAL ORDINANCE NO. 143, 1999

A PROPOSAL FOR A GENERAL ORDINANCE adding a new Section 241-901 of the "Revised Code of the Consolidated City and County" concerning employment status of park rangers.

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

SECTION 1. A new section 241-901 to read as follows is hereby added to the Revised Code of Indianapolis and Marion County:

#### **Sec. 241-901. Park Rangers.**

Employees of the department who are park rangers in the Division of Support Services shall serve a one year probationary period. During this period, rangers shall be subject to termination with or without cause and without right to a hearing. This probationary period shall consist of time actually worked and any periods of time during which a ranger is absent from work beyond paid leave shall not be counted toward the completion of the one year period.

After completion of the one year probationary period, rangers shall be merit employees and subject to discipline or termination only pursuant to rules adopted by the department director.

The ranks of corporal, sergeant, lieutenant, captain, and major shall be appointed ranks. Rangers appointed to serve in these ranks shall serve at the pleasure of the department director and may be reassigned to the rank of ranger without cause.

SECTION 2. 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 proceeds are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had 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 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 4. This ordinance shall be in effect from and after its passage by the Council and compliance with IC 36-3-4-14.

### SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 705, 1999. Councillor Borst reported that the Economic Development Committee heard Proposal No. 705, 1999 on November 18, 1999. The proposal is an inducement resolution for J Squared, Inc. d/b/a University Loft Company in an amount not to exceed \$3 million to be used for the acquisition and renovation of an existing 514,000 square foot building located at 2222 Hillside (University Loft Company Project) (District 10). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillors Jones and Boyd voiced their support of this proposal. Councillor Borst moved, seconded by Councillor Jones, for adoption. Proposal No. 705, 1999 was adopted on the following roll call vote; viz:

*26 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Hinkle, Jones, Massie, McClamroch, Moores, O'Dell, Schneider, SerVaas, Short, Smith, Talley, Tilford, Williams*

*0 NAYS:*

*3 ABSENT: Gray, Moriarty Adams, Shambaugh*

Proposal No. 705, 1999 was retitled SPECIAL RESOLUTION NO. 83, 1999, and reads as follows:

#### CITY-COUNTY SPECIAL RESOLUTION NO. 83, 1999

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

WHEREAS, the City of Indianapolis, Indiana acting pursuant to and in accordance with the provisions of Indiana Code 36-7-12, *et seq.*, as amended (the "Act"), is authorized to issue its economic development revenue bonds to assist J Squared, Inc. d/b/a University Loft Company (the "Company") in the financing of the acquisition and rehabilitation of certain land, buildings, structures, machinery and equipment in the City of Indianapolis, Indiana (the "City") for the benefit of the Company; and

WHEREAS, the Indianapolis Economic Development Commission (the "Commission") has been informed by officials of the Company that they propose to proceed with the financing, acquisition and renovation of an existing 514,000 square foot building and the acquisition of machinery, equipment and other fixtures to be used in the Company's manufacture of commercial wood-based furniture to be located at 2222 Hillside, Indianapolis, Indiana (the "Project"). It is also anticipated that unneeded space would be leased to various tenants for short periods of time until needed in the Applicant's business; and

WHEREAS, the Commission has found and determined that the diversity of industry and the retention and increase of opportunities for gainful employment (400 jobs to be created) plus the creation of an annual job payroll (estimated at \$1,105,040 at the end of one year, \$4,361,040 at the end of two years; and \$8,719,080 at the end of three years) will be achieved by the acquisition and renovation of an existing 514,000 square foot building and the acquisition of machinery, equipment and other fixtures, and the carrying out of the Project will serve a public purpose and be of benefit to the health and general welfare of the City and its citizens; and

WHEREAS, the Commission has found and determined that the acquisition, renovation and carrying out of the Project will not have an adverse competitive effect on similar facilities already constructed or operating within the jurisdiction of the City; and

WHEREAS, it is the conclusion of the Commission, with which conclusion the City concurs, that assisting with the financing of the proposed Project will be of benefit to the health and general welfare of the City, complies with the purposes and provisions of the Act, and is in furtherance of the public purposes pursuant to the Act and for which the Commission was created; and

WHEREAS, after careful study and investigation of the nature of the proposed Project as aforesaid, the Commission has determined that the proposed Project constitutes facilities which will be of benefit to the health and general welfare of the City and Marion County; and

WHEREAS, the most feasible method of financing the acquisition, renovation and carrying out of the proposed Project is for the City to issue its revenue bonds for that purpose and for it to lend the proceeds from the sale of said revenue bonds to the Developer to enable it to acquire and renovate the proposed Project and to repay the loan in installments which will be sufficient and timely to pay the principal of, premium (if any) and interest on said revenue bonds; and

WHEREAS, the Developer and the Company have requested that the City indicate its willingness to issue its revenue bonds to finance the proposed Project, and its official intent to reimburse expenditures heretofore or hereafter made by or on behalf of the Company in connection with the Project (to the extent permitted by Section 1.150-2 of the Income Tax Regulations) so that said acquisition and renovation of the proposed Project may move forward; and

WHEREAS, the Commission has determined that it is in the best interest of its residents that the acquisition, renovation, equipping and carrying out of the proposed Project move forward without delay; now, therefore:

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

SECTION 1. It is the conclusion of the Indianapolis Economic Development Commission (the "Commission"), with which conclusion the City concurs, that assisting with the financing of the proposed Project will be of benefit to the health and general welfare of the City, complies with the purposes and provisions of Title 36, Article 7, Chapter 12 of the Indiana Code, as amended (the "Act") and is in furtherance of the public purposes for which the Commission was created.

SECTION 2. Accordingly, in order to assist the Developer with the financing of the proposed Project and to induce the Company to proceed with the Project and in order thereby to carry out the public purposes set forth by in the Act, WE HEREBY RESOLVE as follows:

(a) The City will use its best efforts to issue its revenue bonds (the "Bonds") under the Act in a principal amount currently estimated not to exceed \$3,000,000 for the purpose of paying a portion of the costs of the financing, acquisition, renovation, and acquisition of machinery, equipment and other fixtures to be used in furtherance of the Company's proposed Project.

(b) Simultaneously with the delivery of the Bonds, the City may lend the proceeds of the sale of the bonds to the Company to enable it to finance, acquire, renovate, acquire certain machinery and other fixtures and equip the proposed Project, and the terms and provisions of such loan agreement shall be substantially in the form generally utilized in connection with such financial undertakings, as agreed upon by the City and the Company.

(c) The basic security document or other document or documents satisfactory to the parties shall contain agreements providing for the indemnification of the Commission and the City and the individual members, directors and officers thereof for all expenses incurred by them and for any claim of loss suffered or damage to property or any injury or death of any person occurring in connection with the

acquisition, renovation, acquisition of machinery, equipment and other fixtures, equipping and carrying out of the proposed Project.

SECTION 3. The City may enter into a trust indenture with a corporate trustee. The trust indenture may pledge such loan agreement and the amounts derived or derivable by or on behalf of the City pursuant thereto, to said corporate trustee for the benefit of the owners of the bonds, and the terms of such trust indenture shall be agreed upon by the City, the Company and said corporate trustee.

SECTION 4. Subject to and in accordance with the provisions of the Act, the City will assist in the prompt preparation of the basic security document, the trust indenture, and any security agreement.

SECTION 5. If for any reason the City has not issued bonds hereunder by May 31, 2000, the provisions of this Resolution shall, at the option of the City, be cancelled.

SECTION 6. The Mayor and Clerk of the City are further authorized to take any and all further action and execute and deliver any and all other documents as may be necessary to issue and deliver the bonds and to effect the undertaking for which the bonds are proposed to be issued.

SECTION 7. Based upon representations of the Company to the effect that they intend to apply all or a portion of the proceeds of the bonds to reimburse themselves for all or a portion of the costs of the Project paid prior to the date of issuance of the bonds, the City hereby declares its official intent to apply all or a portion of the proceeds of the bonds to reimburse such expenditures, to the extent permitted by Section 1.150-2 of the Income Tax Regulations. This Resolution shall be in full force and effect from and after its passage by the City-County Council and approved by the Mayor.

PROPOSAL NO. 731, 1999, PROPOSAL NO. 732, 1999, PROPOSAL NOS. 733-741, 1999, PROPOSAL NO. 742, 1999, and PROPOSAL NOS. 743-750, 1999. Introduced by Councillor Hinkle. Proposal No. 731, 1999, Proposal No. 732, 1999, Proposal Nos. 733-741, 1999, Proposal No. 742, 1999, and Proposal Nos. 743-750, 1999 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on November 22, 1999. 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. 172-191, 1999, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 172, 1999.

99-Z-115

9999 EAST 56<sup>TH</sup> STREET (approximate address), CITY OF LAWRENCE.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 5

D.B. MANN DEVELOPMENT COMPANY, by Stephen D. Mears, requests a rezoning of 14.71 acres, being in the D-A District, to the C-S classification to provide for a flex business center, with C-3 and I-2-S uses.

REZONING ORDINANCE NO. 173, 1999.

99-Z-127 (99-DP-25)

6650 GEORGETOWN ROAD (approximate address), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 1

NATIONAL CHURCH RESIDENCES, by Stephen D. Mears, requests a rezoning of 4.07 acres, being in the D-P District, to the D-P classification to provide for a retirement apartment community.

REZONING ORDINANCE NO. 174, 1999.

99-Z-118

820 WEST SUMNER AVENUE (approximate address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 25

W.R. BEACH DEMOLITION, by Michael J. Kias, requests a rezoning of 1.5 acres, being in the D-A (FF) District, to the I-2-S (FF) classification to provide for the expansion of a demolition contracting operation.

REZONING ORDINANCE NO. 175, 1999.

99-Z-135

2402 – 2428 DR. ANDREW J. BROWN AVENUE (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22

METROPOLITAN DEVELOPMENT COMMISSION requests a rezoning of 0.60 acre, being in the D-5 District, to the SU-1 classification to conform zoning to the Martindale-Brightwood Neighborhood Plan.

REZONING ORDINANCE NO. 176, 1999.

99-Z-141

321-325, 335-337 EAST MORRIS STREET (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 25

METROPOLITAN DEVELOPMENT COMMISSION requests a rezoning of 0.3 acre, being in the D-5 District, to the SU-1 classification to provide for an existing church.

REZONING ORDINANCE NO. 177, 1999.

99-Z-142

121, 127 SOUTH EAST STREET (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 16

JOHN MAVRIS requests a rezoning of 0.3619 acre, being in the I-4-U (RC) District, to the CBD-2 (RC) classification to provide for a restaurant, an art studio, a nightclub, and apartments.

REZONING ORDINANCE NO. 178, 1999.

99-Z-143

1002 – 1006 EAST GARFIELD DRIVE (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 20

METROPOLITAN DEVELOPMENT COMMISSION requests a rezoning of 0.35 acre, being in the D-5 District, to the SU-1 classification to provide for an existing church facility.

REZONING ORDINANCE NO. 179, 1999.

99-Z-145

602 MADISON AVENUE (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 16

KITE MCCARTY II, LLC, by Joseph M. Scimia, requests a rezoning of 2.75 acres, being in the I-3-U (RC) District, to the CBD-2 (RC) classification to provide for redevelopment associated with the Vasa / Brougher Building.

REZONING ORDINANCE NO. 180, 1999.

99-Z-146

8120 WEST WASHINGTON STREET (approximate address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 19

IBRAHIM TAI, by Edward Williams, requests a REZONING of 1.813 acres, being in the D-5 District, to the C-6 classification to provide for an existing motel use.

REZONING ORDINANCE NO. 181, 1999.

99-CP-35Z

5402 EAST 62<sup>ND</sup> STREET (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 4

THE CHURCH OF THE SAVIOUR UNITED METHODIST CHURCH requests a rezoning of 1.347 acres, being in the SU-1 District, to the D-2 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 182, 1999.

99-CP-37Z

2169-2197 NORTH GALE STREET; 2161, 2171, 2181-2198 AVONDALE PLACE; 2162-2190,

2194 STATION STREET; and 2164-2172 NORTH SHERMAN DRIVE (approximate addresses),

INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 10

MARTIN UNIVERSITY, INC., requests a REZONING of 3.6 acres, being in the D-5, I-3-U Districts, to the UQ-1 classification to legally establish and provide for construction associated with a university.

REZONING ORDINANCE NO. 183, 1999.

99-Z-140 (99-DP-16)

720 NORTH PARK AVENUE (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 16

KEVIN W. FOSTER requests a rezoning of 0.33 acres, being in the C-S, Districts, to the C-S classification.

REZONING ORDINANCE NO. 184, 1999.

99-Z-101 (99-DP-16)

7441 NORTH MICHIGAN ROAD (approximate address), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 2

M/I SCHOTTENSTEIN HOMES, INC., by Thomas Michael Quinn, request a rezoning of 10.90 acres, being in the C-3, D-5, and D-A Districts, to the D-P classification to provide for a single-family residential community.

REZONING ORDINANCE NO. 185, 1999.

99-Z-129

1610 EAST 19<sup>TH</sup> STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22

JEFFREY L. THOMAS requests a rezoning of 2.1 acres, being in the D-8, C-1, and C-3 Districts, to the SU-1 classification to provide for a building addition and parking for an existing church.

REZONING ORDINANCE NO. 186, 1999.

99-Z-144

1065 NORTH POST ROAD (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 13

THOMAS E. AND CINDY L. CLARK request a rezoning of 2.0 ( $\pm$ ) acres, being in the D-3 District, to the C-3 classification to provide for a dental office and other office uses.

REZONING ORDINANCE NO. 187, 1999.

99-Z-147

4445, 4501, 4503 - 4507 POST ROAD (approximate addresses), INDIANAPOLIS.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 14

TIMOTHY HARRIS requests a rezoning of 10.13 acres, being in the D-A District, to the SU-1 classification to provide for church uses.

REZONING ORDINANCE NO. 188, 1999.

99-Z-149

2640 NORTH MERIDIAN STREET; 2720 - 2722, 2735 NORTH ILLINOIS STREET; 115, 122 - 124, 125 WEST 28<sup>TH</sup> STREET; 2601 - 2609, 2631, 2701, 2705 NORTH CAPITOL AVENUE; 140 - 148 WEST 26<sup>TH</sup> STREET; 2813 - 2817 NORTH KENWOOD (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22

IVY TECH STATE COLLEGE requests a rezoning of 1.7 acres, being in the C-1, C-2, D-8, D-9 Districts, to the SU-2 classification to provide for future school use and expansion.

REZONING ORDINANCE NO. 189, 1999.

99-Z-151 (99-DP-27)

7901 SHELBYVILLE ROAD (approximate address), INDIANAPOLIS.

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23

COMMUNITY DEVELOPMENT, INC., III, by Ray Good requests a rezoning of 36.77 acres, being in the D-A District, to the D-P classification to provide for single-family and two-family residential development.

REZONING ORDINANCE NO. 190, 1999.

99-Z-153

1702 NORTH SHADELAND AVENUE (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 12

BLOSSOM REALTY, by Thomas Michael Quinn, requests the rezoning of 8.631 acres, being in the D-4 District, to the C-5 classification to provide for commercial use.

REZONING ORDINANCE NO. 191, 1999.

99-CP-38Z

2005 - 2039 NORTH MERIDIAN STREET (approximate addresses), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 22

THE JULIAN CENTER, INC., by Thomas H. Engle, requests a rezoning of 1.58 acres, being in the C-4 District, to the C-S classification to provide for a day care center and dwelling units.

### SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 663, 1999. Councillor Schneider reported that the Administration and Finance Committee heard Proposal No. 663, 1999 on November 9, 1999. The proposal authorizes tax anticipation borrowing for the City for the Consolidated City Police Force Account, the Police Pension Fund, the Consolidated City Fire Force Account, the Firemen's Pension Fund, and the Park General Fund during the period from January 1, 2000, through December 31, 2000. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:20 p.m. There being no one present to testify, Councillor Schneider moved, seconded by Councillor Coonrod, for adoption. Proposal No. 603, 1999 was adopted on the following roll call vote; viz:

*23 YEAS: Black, Boyd, Bradford, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Hinkle, Jones, Massie, McClamroch, O'Dell, Schneider, SerVaas, Short, Smith, Talley, Tilford, Williams*

*0 NAYS:*

*3 NOT VOTING: Borst, Brents, Moores*

*3 ABSENT: Gray, Moriarty Adams, Shambaugh*

Proposal No. 663, 1999 was retitled FISCAL ORDINANCE NO. 134, 1999, and reads as follows:

#### CITY-COUNTY FISCAL ORDINANCE NO. 134, 1999

A PROPOSAL FOR A FISCAL ORDINANCE approving temporary tax anticipation borrowing, authorizing the City of Indianapolis ("City") to make temporary loans for the use of the Consolidated City Police Force Account, the Police Pension Fund, the Consolidated City Fire Force Account, the Firemen's Pension Fund and the Park General Fund during the period January 1, 2000, through December 31, 2000, in anticipation of current taxes levied in the year 1999 and collectible in the year 2000 ("Taxes"), authorizing the issuance of tax anticipation time warrants ("Warrants") to evidence such loans; pledging and appropriating the Taxes to be received in such Funds to the payment of such Warrants, including the interest thereon; and fixing a time when this ordinance shall take effect.

WHEREAS, the Controller has represented and the City-County Council now finds:

A. that there will be insufficient funds in the Consolidated City Police Force Account to meet the current expenses payable from such Account prior to the June and December 2000 distributions of Taxes levied for such Account, and the June and December 2000 distributions of Taxes to be collected for the Consolidated City Police Force Account will collectively amount to more than Thirty-Nine Million Four Hundred Eight Thousand Nine Hundred Seventy-Seven Dollars (\$39,408,977) and the interest cost of making temporary loans for the Consolidated City Police Force Account;

B. that there will be insufficient funds in the Police Pension Fund to meet the current expenses for the payment of pensions and benefits to retired members and dependents of deceased members and other death benefits payable from such Fund prior to the June and December 2000 distributions of Taxes levied for such Fund, and the June and December 2000 distributions of Taxes collected for the Police Pension Fund will collectively amount to more than Five Million Six Hundred Forty-One Thousand Two Hundred Four Dollars (\$5,641,204) and the interest cost of making temporary loans for the Police Pension Fund;

C. that there will be insufficient funds in the Consolidated City Fire Force Account to meet the current expenses payable from such Account prior to the June and December 2000 distributions of Taxes levied for such Account, and the June and December 2000 distributions of Taxes to be collected for the Consolidated City Fire Force Account will collectively amount to more than Thirty Million Seven Hundred Sixty-Seven Thousand Nine Hundred Forty-Six Dollars (\$30,767,946) and the interest cost of making temporary loans for the Consolidated City Fire Force Account; and

D. that there will be insufficient funds in the Firemen's Pension Fund to meet the current expenses for the payment of pensions and benefits to retired members and dependents of deceased members and other death benefits payable from such Fund prior to the June and December 2000 distributions of Taxes levied for such Fund, and the June and December 2000 distributions of Taxes to be collected for the Firemen's Pension Fund will collectively amount to more than Four Million Nine Hundred Thirty-Seven Thousand Eight Hundred Ninety-Four Dollars (\$4,937,894) and the interest cost of making temporary loans for the Firemen's Pension Fund; and

E. that there will be insufficient funds in the Park General Fund to meet the current expenses for the payment of current expenses payable from such Fund prior to the June and December 2000 distributions of Taxes levied for such Fund, and the June and December 2000 distributions of Taxes to be collected for the Park General Fund will collectively amount to more than Fifteen Million Eight Hundred Sixty-One Thousand Thirty-Three Dollars (\$15,861,033) and the interest cost of making temporary loans for the Park General Fund; and

WHEREAS, a necessity exists for the making of temporary loans for these Funds and Accounts in anticipation of Taxes for these Funds and Accounts actually levied for the year 1999 and in the course of collection for the year 2000; now, therefore:

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

SECTION 1. The City is authorized to borrow on temporary loans for the use and benefit of the Consolidated City Police Force Account of the City in the maximum principal amount of Thirty-Nine Million Four Hundred Eight Thousand Nine Hundred Seventy-Seven Dollars (\$39,408,977) in anticipation of Taxes for the Account for the year 2000, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the Consolidated City Police Force Account and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the Consolidated City Police Force Account from the June and December 2000 distributions of Taxes for the Consolidated City Police Force Account, to the Consolidated City Police Force Account, the 2000 Budget Payments of Loans (hereby created) for the payment of the principal of the Warrants evidencing such temporary loan, and the Consolidated City Police Force Account, 2000 Budget Fund No. 160, Character 03, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on such principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 2. The City is authorized to borrow on temporary loans for the use and benefit of the Police Pension Fund of the City in the maximum principal amount of Five Million Six Hundred Forty-One Thousand Two Hundred Four Dollars (\$5,641,204) in anticipation of Taxes for the Fund for the year 2000, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the Police Pension Fund and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the Police Pension Fund from the June and December 2000 distributions of Taxes for the Police Pension Fund, to the Police Pension Fund, the 2000 Budget Payments of Loans (hereby created) for the payment of the principal of the Warrants evidencing such temporary loans, and the Police Fund, 2000 Budget Fund No. 810, Character 03, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 3. The City is authorized to borrow on temporary loans for the use and benefit of the Consolidated City Fire Force Account of the City in the maximum principal amount of Thirty Million Seven Hundred Sixty-Seven Thousand Nine Hundred Forty-Six Dollars (\$30,767,946) in anticipation of Taxes for the Account for the year 2000, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the Consolidated City Fire Force Account and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the Consolidated City Fire Force Account from the June and December 2000 distributions of Taxes for the Consolidated City Fire Force Account to the payment of the principal of the Consolidated City Fire Force Account, the 2000 Budget Payments of Temporary Loans (hereby created) for the payment of the principal of the Warrants evidencing such temporary loan, and to the 2000 Budget Fund No. 161, Character 03, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 4. The City is authorized to borrow on temporary loans for the use and benefit of the Firemen's Pension Fund of the City in the maximum principal amount of Four Million Nine Hundred Thirty-Seven Thousand Eight Hundred Ninety-Four Dollars (\$4,937,894) in anticipation of Taxes for the Fund for the year 2000, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the Firemen's Pension Fund, and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the Firemen's Pension Fund from the June and December 2000 distributions of Taxes for the Firemen's Pension Fund to the Firemen's Pension Fund, the 2000 Budget Payments of Temporary Loans (hereby created) for the payment of the principal of the Firemen's Pension Fund 2000 Budget Fund No. 811, Character 03, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 5. The City is authorized to borrow on temporary loans for the use and benefit of the Park General Fund of the City in the maximum principal amount of Fifteen Million Eight Hundred Sixty-One Thousand Thirty-Three Dollars (\$15,861,033) in anticipation of Taxes for the Fund for the year 2000, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the Park General Fund and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the Park General Fund from the June and December 2000 distributions of Taxes for the Park General Fund to the payment of the principal of the Park General Fund, the 2000 Budget Payments of Temporary Loans (hereby created) for the payment of the principal of the Warrants evidencing such temporary loan, and to the 2000 Budget Fund No. 170, Character 03, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 6. (a) All Warrants issued pursuant to this ordinance shall bear interest at the rate or rates, not to exceed a maximum rate of eight percent per annum, to be determined as provided in Section 7. The Warrants for each Fund or Account may be issued in one series, designated Series 2000 Warrants ("Series 2000 Warrants") or in two series, designated Series 2000A and Series 2000B ("Series A Warrants" and "Series B Warrants", respectively). The Series 2000 Warrants for each Fund or Account may be issued in an amount not to exceed the respective amounts set forth herein with interest thereon. The Series A Warrants for each Fund or Account may be issued in an amount not to exceed the amount of the distribution of Taxes scheduled for June 2000 for that Fund or Account. The Series B Warrants for each Fund or Account may be issued in amount not to exceed the amount of the December 2000 distribution of Taxes for that Fund or Account. All Series A Warrants shall mature and be payable not later than June 30, 2000. All Series B Warrants and Series 2000 Warrants shall mature and be payable not later than December 31, 2000. The Warrants shall be dated as of the date or dates of actual delivery of the respective Warrants.

(b) The interest rate on the Warrants will be determined as provided in Section 7. The Warrants are not subject to redemption prior to their respective maturity dates if sold at public sale and may be redeemed as set forth in the purchase agreement with The Indianapolis Local Public Improvement Bond Bank ("Bond Bank") if sold to it.

SECTION 7. (a) The Controller may sell the Warrants in one or more Series as set forth in Section 6 pursuant to either subsection (b) or (c) of this section. The Controller is hereby authorized and directed to have the Warrants prepared, and the Mayor, Controller and Clerk are hereby authorized and directed to execute and attest the Warrants in the manner substantially set out in the form provided below.

(b) The Controller may sell any or all the Warrants to the Bond Bank pursuant to IC 5-1.4 on such terms and conditions as are consistent with this ordinance and mutually agreed to between the Controller and the Bond Bank. In the event of a sale of such Warrants to the Bond Bank, the Mayor, Controller and Clerk are authorized to execute a purchase agreement with the Bond Bank in an acceptable form and to do such other actions and execute such documents as may be required by the Bond Bank as a condition to the purchase of such Warrants.

(c) The Controller may sell any or all the Warrants at public sale. Prior to the sale of the Warrants at public sale, the Controller shall cause a notice of sale to be published twice, with the first publication at least fifteen days before the date of sale and the second publication at least three days before the sale date, in two newspapers of general circulation, printed in the English language and published in the City, as provided by IC 5-3-1. All bids at public sale for the Warrants shall be sealed and shall be presented to the Controller at his office, and all bids shall name the rate or rates of interest for the Warrants or portion thereof. If sold at public sale, the Warrants, or portion thereof bid for, shall be awarded to the bidder or bidders offering the lowest net interest cost to the City determined by computing the total interest on all Warrants and deducting any premium. Any premium shall be used solely for the repayment of the principal of and interest on the Warrants. No bid at public sale for less than par shall be considered, and the Controller shall have the right to reject any and all bids at public sale. The proper officers of the City are authorized to deliver the time

Warrants to the purchaser or purchasers of the Warrants at public sale in one or more series in exchange for the agreed purchase price in immediately available funds. The Warrants may be delivered in one or more Series at one time or in parcels from time to time, pursuant to any agreements or understandings with respect to such delivery by and between the Controller and the purchaser of the Warrants at public sale.

SECTION 8. The Warrants shall be issued in substantially the following form (all blanks, including the appropriate amounts, date, statutory citations, and other data, to be properly completed prior to the execution and delivery thereof):

No. \_\_\_\_\_ Principal \$ \_\_\_\_\_

CITY OF INDIANAPOLIS  
TAX ANTICIPATION TIME WARRANT, SERIES 2000  
(\_\_\_\_\_ [FUND] [ACCOUNT])

On the \_\_\_\_ day of \_\_\_\_\_, 2000, the City of Indianapolis ("City") in Marion County, Indiana promises to pay to [bearer] [The Indianapolis Local Public Improvement Bond Bank], at the office of the Marion County Treasurer, ex officio Treasurer of the City, the sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_), or so much of the principal amount of this Warrant (set forth below) as shall have been advanced as shown in Exhibit A plus interest at the rate of \_\_\_\_% per annum on the amount advanced for the period of the advance, except that any advance in excess of the Maximum Cumulative Monthly Advance as shown on Exhibit B shall bear as a rate of \_\_\_\_% per annum. This Warrant shall be payable solely out of and from ad valorem property taxes levied in the year of 1999, and payable in the [first installment] [second installment] for the year 2000 ("Taxes"), which Taxes are now in course of collection for the \_\_\_\_\_ of the City, with which to pay general, current, operating expenses.

This Warrant is in the principal amount of \$ \_\_\_\_\_ evidencing a temporary loan in anticipation of the Taxes for the \_\_\_\_\_.

The temporary loan was authorized by an ordinance duly adopted by the City-County Council at a meeting thereof duly and legally convened and held on the \_\_\_\_ day of \_\_\_\_\_, 1999, for the purpose of providing funds for the \_\_\_\_\_ of the City, in compliance with IC 36-3-4-22.

The consideration for this Warrant is a loan made to the City in anticipation of Taxes levied for the \_\_\_\_\_ of the City for the year of 1999, payable in the [first installment] [second installment] for the year 2000, and the Taxes so levied are hereby specifically appropriated and pledged to the payment of this Tax Anticipation Time Warrant.

It is hereby certified and recited that all acts, conditions, and things required to be done precedent to the authorization, preparation, complete execution and delivery of the warrants have been done and performed as provided by law.

IN WITNESS WHEREOF, the City of Indianapolis has caused the warrant to be signed in its corporate name by the manual or facsimile signature of the Mayor, and countersigned by the Controller of the City of Indianapolis, the corporate seal of the City to be hereunto affixed, and attested by the Clerk of the City of Indianapolis.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2000.

CITY OF INDIANAPOLIS

By: \_\_\_\_\_  
Mayor, City of Indianapolis

COUNTERSIGNED:

By: \_\_\_\_\_  
Controller, City of Indianapolis

ATTEST:

By: \_\_\_\_\_  
Clerk, City of Indianapolis

EXHIBIT A  
(Advances)  
[End of Warrant Form]

SECTION 9. The Warrants shall be executed in the name of the City by the manual or facsimile signature of the Mayor of the City, countersigned by the Controller of the City, the corporate seal of the City to be affixed thereto and attested by the Clerk of the City. The Warrants shall be payable at the office of the Marion County Treasurer, the ex officio City Treasurer, or the paying agent of the City. The Controller may pay costs of issuance of the Warrants from the proceeds thereof.

SECTION 10. In order to preserve the exclusion of interest on the Warrants from gross income for federal tax purposes under Section 103 of the Internal Revenue Code of 1986 as amended and in existence on the date of issuance of the Warrants ("Code") and as an inducement to purchasers of the Warrants, the City represents, covenants and agrees that:

(a) No person or entity other than the City or another state or local governmental unit will use proceeds of the Warrants other than as a member of the general public. Warrant proceeds shall be used exclusively for the purposes of the respective Funds or Accounts.

(b) No portion of the payment of the principal of or interest on the Warrants will (under the terms of the Warrant, this ordinance or any underlying arrangement), directly or indirectly, be (i) secured by an interest in property used or to be used for a private business use or payments in respect of such property or (ii) derived from payments in respect of such property or borrowed money used or to be used for a private business use.

(c) No Warrant proceeds will be loaned to any person or entity other than another state or local governmental unit. No Warrant proceeds will be transferred, directly or indirectly, or deemed transferred to a nongovernmental person in any manner that would in substance constitute a loan of the Warrant proceeds.

(d) The City will not take any action nor fail to take any action with respect to the Warrants that would result in the loss of the exclusion from gross income for federal tax purposes on the Warrants pursuant to Section 103 of the Code, nor will the City act in any other manner which would adversely affect such exclusion.

(e) The City represents that it intends to qualify for the exception to the rebate requirement of Section 148(f) of the Code set forth in Section 148(f)(4)(B) of the Code. However, if the City does not qualify for such exception with regard to any of the Warrants the City will comply with the rebate requirement of Section 148(f) of the Code to the extent necessary to preserve the exclusion from gross income of interest on the Warrants and the Bond Bank obligations issued to purchase the Warrants for federal tax purposes.

(f) It shall not be an event of default under this ordinance, including without limitation subsections (a) through (e) of this Section, if the interest on any Warrants is not excludable from gross income for federal tax purposes or otherwise pursuant to any provision of the Code which is not currently in effect and in existence on the date of issuance of the Warrants.

SECTION 11. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 664, 1999. Councillor Schneider reported that the Administration and Finance Committee heard Proposal No. 664, 1999 on November 9, 1999. The proposal authorizes tax anticipation borrowing for the County for the County General Fund and the County Family and Children Fund during the period from January 1, 2000, through December 31, 2000. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:21 p.m. There being no one present to testify, Councillor Schneider moved, seconded by Councillor Tilford, for adoption. Proposal No. 664, 1999 was adopted on the following roll call vote; viz:

23 YEAS: *Black, Boyd, Bradford, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Hinkle, Jones, Massie, McClamroch, O'Dell, Schneider, SerVaas, Short, Smith, Talley, Tilford, Williams*

0 NAYS:

3 NOT VOTING: *Borst, Brents, Moores*

3 ABSENT: *Gray, Moriarty Adams, Shambaugh*

Proposal No. 664, 1999 was retitled FISCAL ORDINANCE NO. 135, 1999, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 135, 1999

A PROPOSAL FOR A FISCAL ORDINANCE approving temporary tax anticipation borrowing, authorizing Marion County, Indiana ("County") to make temporary loans for the use of the County General Fund and the County Family and Children's Fund ("Funds") during the period from January 1, 2000, through December 31, 2000, in anticipation of current taxes levied in the year 1999 and collectible in the year 2000 ("Taxes"), authorizing the issuance of tax anticipation time warrants ("Warrants") to evidence such loans; pledging and appropriating the Taxes to be received in the Funds to the payment of such Warrants, including the interest thereon; and fixing a time when this ordinance shall take effect.

WHEREAS, the Auditor of the County has filed with the Mayor of the City of Indianapolis ("City") an estimate and statement showing the amount of money needed to pay current expenses from the County General Fund and the County Family and Children's Fund pending the receipt of Taxes actually levied in 1999 and in the process of collection in 2000, and the Mayor did make and enter of record a finding and the Auditor and the Mayor have requested the City-County Council of Indianapolis and of Marion County ("City-County Council") to authorize temporary borrowing to procure funds necessary for use by the Funds to pay the incidental expenses necessary to be incurred in connection with the issuance and sale of the Warrants;

WHEREAS, the City-County Council now finds that the request should be granted and:

A. that there will be insufficient funds in the County General Fund to meet the current expenses payable from the County General Fund prior to the distributions of Taxes levied for such Fund, and the distributions of Taxes to be collected for the County General Fund will collectively amount to more than Eighty-Eight Million Five Hundred Sixty Thousand Five Hundred Forty-Three Dollars (\$88,560,543) and the interest cost of making temporary loans for the County General Fund; and

B. that there will be insufficient funds in the County Family and Children's Fund to meet the current expenses payable from such Fund prior to the distributions of Taxes levied for such Fund, and the distributions of Taxes to be collected for the County Family and Children's Fund will collectively amount to more than Thirty Million One Hundred Eighty-Two Thousand Six Hundred Twelve Dollars (\$30,182,612) and the interest cost of making temporary loans for the County Family and Children's Fund; and

WHEREAS, a necessity exists for the making of temporary loans for these Funds in anticipation of Taxes for these Funds actually levied for the year 1999 and in the course of collection for the year 2000; now therefore:

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

SECTION 1. The Auditor of the County and the Mayor of the City are authorized to borrow in the name of the County on temporary loans for the use and benefit of the County General Fund of the County in the maximum principal amount of Eighty-Eight Million Five Hundred Sixty Thousand Five Hundred Forty-Three Dollars (\$88,560,543) in anticipation of Taxes for the Fund for the year 2000, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the County General Fund and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the County General Fund from the June and December 2000 distributions of Taxes for the County General Fund, for the payment of the principal of the Warrants evidencing such temporary loan and the amount of interest on such principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 2. The Auditor of the County and the Mayor of the City are authorized to borrow on temporary loans for the use and benefit of the County Family and Children's Fund of the County in the

maximum principal amount of Thirty Million One Hundred Eighty-Two Thousand Six Hundred Twelve Dollars (\$30,182,612) in anticipation of Taxes for the Fund for the year 2000, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the County Family and Children's Fund and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the County Family and Children's Fund from the June and December 2000 distributions of Taxes for the County Family and Children's Fund, to the County Family and Children's Fund for the payment of the principal of the Warrants evidencing such temporary loans and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 3. (a) All Warrants issued pursuant to this ordinance shall bear interest at the rate or rates, not to exceed a maximum rate of 8 percent per annum, to be determined as provided in Section 4 and subsection (b). The Warrants for each Fund may be issued in one series, designated Series 2000 Warrants ("Series 2000 Warrants") or in two series, designated Series 2000A and Series 2000B ("Series A Warrants" and "Series B Warrants", respectively). The Series 2000 Warrants for each Fund may be issued in an amount not to exceed the respective amounts set forth herein with interest thereon. The Series A Warrants for each Fund may be issued in an amount not to exceed the amount of the distribution of Taxes scheduled for June 2000 for that Fund. The Series B Warrants for each Fund may be issued in amount not to exceed the amount of the December 2000 distribution of Taxes for that Fund. All Series A Warrants shall mature and be payable not later than on June 30, 2000. All Series B Warrants and Series 2000 Warrants shall mature and be payable not later than December 31, 2000. The Warrants shall be dated as of the date or dates of actual delivery of the respective Warrants.

(b) The interest rate on the Warrants will be determined as provided in Section 4. The Warrants are not subject to redemption prior to their respective maturity dates if sold at public sale and may be redeemed as set forth in the purchase agreement with The Indianapolis Local Public Improvement Bond Bank ("Bond Bank") if sold to it.

SECTION 4. (a) The Auditor may sell the Warrants in one or more series as set forth in Section 3 pursuant to either subsection (b) or (c) of this section. The Auditor is hereby authorized and directed to have the Warrants prepared, and The Board of Commissioners of the County ("Commissioners"), Mayor and Auditor are hereby authorized and directed to execute and attest the Warrants in the manner substantially set out in the form provided below.

(b) terms and conditions as are consistent with this ordinance and mutually agreed to between the Auditor and the Bond Bank. In the event of a sale of such Warrants to the Bond Bank, the Commissioners, the Mayor and Auditor are authorized to execute a purchase agreement with the Bond Bank in an acceptable form and to do such other actions and execute such documents as may be required by the Bond Bank as a condition to the purchase of such Warrants.

(c) The Auditor may sell any or all the Warrants at public sale. Prior to the sale of the Warrants at public sale, the Auditor shall cause a notice of sale to be published twice, with the first publication at least fifteen days before the date of sale and the second publication at least three days before the sale date, in two newspapers of general circulation, printed in the English language and published in the County, as provided by IC 5-3-1. All bids at public sale for the Warrants shall be sealed and shall be presented to the Auditor at his office, and all bids shall name the rate or rates of interest for the Warrants or portion thereof. If sold at public sale, the Warrants, or portion thereof bid for, shall be awarded to the bidder or bidders offering the lowest net interest cost to the County determined by computing the total interest on all Warrants and deducting any premium. Any premium shall be used solely for the repayment of the principal of and interest on the Warrants. No bid at public sale for less than par shall be considered, and the Auditor shall have the right to reject any and all bids at public sale. The proper officers of the County are authorized to deliver the time Warrants to the purchaser or purchasers of the Warrants at public sale in one or more series in exchange for the agreed purchase price in immediately available funds. The Warrants may be delivered in one or more series at one time or in parcels from time to time, pursuant to any agreements or understandings with respect to such delivery by and between the Auditor and the purchaser of the Warrants at public sale.

SECTION 5. The Warrants shall be issued in substantially the following form (all blanks, including the appropriate amounts, date, statutory citations, and other data, to be properly completed prior to the execution and delivery thereof):

No. \_\_\_\_\_

Principal \$ \_\_\_\_\_

MARION COUNTY  
TAX ANTICIPATION TIME WARRANT, SERIES 2000  
(\_\_\_\_\_ FUND)

On the \_\_\_\_ day of \_\_\_\_\_, 2000, the Board of Commissioners of Marion County, Indiana ("County") promises to pay to [bearer] [The Indianapolis Local Public Improvement Bond Bank], at the office of the Marion County Treasurer the sum of \_\_\_\_\_ Dollars (\$\_\_\_\_\_), or so much of the principal amount of this Warrant (set forth below) as shall have been advanced as shown in Exhibit A plus interest at the rate of \_\_\_\_% per annum on the amount advanced for the period of the advance, except that any advance in excess of the Maximum Cumulative Monthly Advance as shown on Exhibit B shall bear interest at the rate of \_\_\_\_% per annum. This Warrant shall be payable solely out of and from ad valorem property taxes levied in the year 1999, and payable from the [first installment] [second installment] for the year 2000 ("Taxes"), which Taxes are now in course of collection for the County \_\_\_\_\_ Fund, with which to pay general, current, operating expenses.

This Warrant is in the principal amount of \_\_\_\_\_ Dollars (\$\_\_\_\_\_), evidencing a temporary loan in anticipation of the Taxes for the County \_\_\_\_\_ Fund.

The temporary loan was authorized by an ordinance duly adopted by the City-County Council at a meeting thereof duly and legally convened and held on the \_\_\_\_ day of \_\_\_\_\_, 1999, for the purpose of providing funds for the County \_\_\_\_\_ Fund, in compliance with IC 36-2-6.

The consideration for this Warrant is a loan made to the County in anticipation of Taxes levied for the County \_\_\_\_\_ Fund for the year of 1999, payable in the [first installment] [second installment] for the year 2000, and the Taxes so levied are hereby specifically appropriated and pledged to the payment of this Tax Anticipation Time Warrant.

It is hereby certified and recited that all acts, conditions, and things required to be done precedent to the authorization, preparation, complete execution and delivery of the warrants have been done and performed as provided by law.

IN WITNESS WHEREOF, The Board of Commissioners of Marion County, Indiana has caused the warrant to be signed in the corporate name of the County by the manual or facsimile signatures of the Commissioners, countersigned by the Mayor and attested by the Auditor and the corporate seal of The Board of Commissioners to be hereunto affixed.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2000.

THE BOARD OF COMMISSIONERS OF  
MARION COUNTY, INDIANA

By: \_\_\_\_\_  
Commissioner

By: \_\_\_\_\_  
Commissioner

By: \_\_\_\_\_  
Commissioner

COUNTERSIGNED:

By: \_\_\_\_\_  
Mayor, City of Indianapolis

ATTEST:

By: \_\_\_\_\_  
Auditor, Marion County

EXHIBIT A  
(Advances)  
[End of Warrant Form]

SECTION 6. The Warrants shall be executed in the name of the County by the manual or facsimile signatures of the Commissioners, countersigned by the Mayor of the City, the corporate seal of the County to be affixed thereto and attested by the Auditor of the County. The Warrants shall be payable at the office of the Marion County Treasurer, or the paying agent of the City. The Auditor may pay costs of issuance of the Warrants from the proceeds thereof.

SECTION 7. In order to preserve the exclusion of interest on the Warrants from gross income for federal tax purposes under Section 103 of the Internal Revenue Code of 1986 as amended and in existence on the date of issuance of the Warrants ("Code") and as an inducement to purchasers of the Warrants, the County represents, covenants and agrees that:

(a) No person or entity other than the County or another state or local governmental unit will use proceeds of the Warrants other than as a member of the general public. Warrant proceeds shall be used exclusively for the purposes of the respective Funds.

(b) No portion of the principal of or interest on the Warrant proceeds will (under the terms of the Warrant, this ordinance or any underlying arrangement), directly or indirectly, be (i) secured by an interest property used or to be used for a private business use or payments in respect of such property or (ii) derived from payments in respect of such property or borrowed money used or to be used for a private business use.

(c) No Warrant proceeds will be loaned to any person or entity other than another state or local governmental unit. No Warrant proceeds will be transferred, directly or indirectly, or deemed transferred to a non-governmental person in any manner that would in substance constitute a loan of the Warrant proceeds.

(d) The County will not take any action nor fail to take any action with respect to the Warrants that would result in the loss of the exclusion from gross income for federal tax purposes on the Warrants pursuant to Section 103 of the Code, nor will the County act in any other manner which would adversely affect such exclusion.

(e) The County represents that it intends to qualify for the exception to the rebate requirement of Section 148(f) of the Code set forth in Section 148(f)(4)(B) of the Code. However, if the County does not qualify for such exception with regard to any of the Warrants, the County will comply with the rebate requirement of Section 148(f) of the Code to the extent necessary to preserve the exclusion from gross income of interest on the Warrants and the Bond Bank obligations issued to purchase the Warrants for federal tax purposes.

(f) It shall not be an event of default under this ordinance, including without limitation subsections (a) through (e) of this Section, if the interest on any Warrants is not excludable from gross income for federal tax purposes or otherwise pursuant to any provision of the Code which is not currently in effect and in existence on the date of issuance of the Warrants.

SECTION 8. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 665, 1999. Councillor Franklin reported that the Community Affairs Committee heard Proposal No. 665, 1999 on November 17, 1999. The proposal, sponsored by Councillor Dowden, approves an increase of \$37,000 in the 1999 Budgets of the County Auditor and the Cooperative Extension Service to launch the program "Integrity Is..." funded by a grant from the Marion County 4-H Clubs. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:22 p.m. There being no one present to testify, Councillor Franklin moved, seconded by Councillor Dowden, for adoption. Proposal No. 665, 1999 was adopted on the following roll call vote; viz:

24 YEAS: Black, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Hinkle, Jones, Massie, McClamroch, O'Dell, Schneider, SerVaas, Short, Smith, Talley, Tilford, Williams

0 NAYS:

2 NOT VOTING: Borst, Moores

3 ABSENT: Gray, Moriarty Adams, Shambaugh

Proposal No. 665, 1999 was retitled FISCAL ORDINANCE NO. 136, 1999, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 136, 1999

A FISCAL ORDINANCE amending the City-County Annual Budget for 1999 (City-County Fiscal Ordinance No. 124, 1998) appropriating an additional Thirty-seven Thousand (\$37,000) in the County Grants Fund for purposes of the Cooperative Extension Service and the County Auditor and reducing the unappropriated and unencumbered balance in the County 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,dd) of the City-County Annual Budget for 1999 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Cooperative Extension Service and the County Auditor to launch the "Integrity Is....." program.

SECTION 2. The sum of Thirty-seven Thousand (\$37,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>COUNTY GRANTS FUND</u>
1. Personal Services-fringe	6,350
 <u>COOPERATIVE EXTENSION SERVICE</u>	
1. Personal Services	25,350
2. Supplies	200
3. Other Services and Charges	3,000
4. Capital Outlay	<u>2,100</u>
TOTAL INCREASE	37,000

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

	<u>COUNTY GRANTS FUND</u>
Unappropriated and Unencumbered	
County Grants Fund	<u>37,000</u>
TOTAL REDUCTION	37,000

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. 667, 1999. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 667, 1999 on November 15, 1999. The proposal approves an increase of \$145,000 and a transfer of \$280,000 in the 1999 Budget of the Department of Metropolitan Development, Division of Permits (Consolidated County Fund) to make technology improvements in the permitting process, funded by a transfer and a reduction in fund balances.

By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:24 p.m. There being no one present to testify, Councillor Hinkle moved, seconded by Councillor Moores, for adoption. Proposal No. 667, 1999 was adopted on the following roll call vote; viz:

23 YEAS: Black, Borst, Boyd, Brens, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Hinkle, Jones, Massie, McClamroch, O'Dell, Schneider, Short, Smith, Talley, Tilford, Williams  
0 NAYS:  
3 NOT VOTING: Bradford, Moores, SerVaas  
3 ABSENT: Gray, Moriarty Adams, Shambaugh

Proposal No. 667, 1999 was retitled FISCAL ORDINANCE NO. 137, 1999, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 137, 1999

A FISCAL ORDINANCE amending the City-County Annual Budget for 1999 (City-County Fiscal Ordinance No. 124, 1998) transferring and appropriating an additional Four Hundred Twenty-five Thousand Dollars (\$425,000) in the Consolidated County Fund for purposes of the Department Metropolitan Development, Division of Permits of and reducing certain other appropriations for.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(j) of the City-County Annual Budget for 1999 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development, Division of Permits, to make technology improvements in the permitting process.

SECTION 2. The sum of Four Hundred Twenty-five Thousand Dollars (\$425,000) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

DEPARTMENT OF METROPOLITAN DEVELOPMENT DIVISION OF PERMITS	CONSOLIDATED COUNTY FUND
3. Other Services and Charges	425,000
TOTAL INCREASE	425,000

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

DEPARTMENT OF METROPOLITAN DEVELOPMENT DIVISION OF PERMITS	CONSOLIDATED COUNTY FUND
1. Personal Services	180,000
4. Capital Outlay	100,000
TOTAL DECREASE	280,000

Unappropriated and Unencumbered Consolidated County Fund	145,000
TOTAL REDUCTION	145,000

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

PROPOSAL NO. 668, 1999. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 668, 1999 on November 15, 1999. The proposal approves an increase of \$5,000 in the 1999 Budget of the Department of Metropolitan Development, Division

of Community Development and Financial Services (State Grants Fund) to make improvements to the Lafayette Square area, financed by a Build Indiana Grant. By a 6-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Gilmer stated that he opposed the proposal in Committee as a protest to the paltry sum of Build Indiana Grant monies the City is receiving. He stated that since the Committee meeting, he has received a letter informing him that there will be another \$145,000 of Build Indiana Grant money going toward the Lafayette Square area.

The President called for public testimony at 8:27 p.m. There being no one present to testify, Councillor Hinkle moved, seconded by Councillor Coughenour, for adoption. Proposal No. 668, 1999 was adopted on the following roll call vote; viz:

- 23 YEAS: *Borst, Boyd, Bradford, Brents, Cockrum, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Hinkle, Jones, Massie, McClamroch, O'Dell, Schneider, SerVaas, Short, Smith, Talley, Tilford, Williams*
- 0 NAYS:
- 3 NOT VOTING: *Black, Coonrod, Moores*
- 3 ABSENT: *Gray, Moriarty Adams, Shambaugh*

Proposal No. 668, 1999 was retitled FISCAL ORDINANCE NO. 138, 1999, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 138, 1999

A FISCAL ORDINANCE amending the City-County Annual Budget for 1999 (City-County Fiscal Ordinance No. 124, 1998) appropriating an additional Five Thousand Dollars (\$5,000) in the State Grants Fund for purposes of the Department of Metropolitan Development, Division of Community Development and Financial Services and reducing the unappropriated and unencumbered balance in the State 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 1.01(j) of the City-County Annual Budget for 1999 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development, Division of Community Development and Financial Services, to make improvements to the Lafayette Square area.

SECTION 2. The sum of Five Thousand Dollars (\$5,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

DEPARTMENT OF METROPOLITAN DEVELOPMENT DIVISION OF COMMUNITY DEVELOPMENT AND FINANCIAL SERVICES	<u>STATE GRANTS FUND</u>
3. Other Services and Charges	<u>5,000</u>
TOTAL INCREASE	5,000

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

	<u>STATE GRANTS FUND</u>
Unappropriated and Unencumbered State Grants Fund	<u>5,000</u>
TOTAL REDUCTION	5,000

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

PROPOSAL NO. 671, 1999. In Councillor Shambaugh's absence, Councillor Cockrum reported that the Parks and Recreation Committee heard Proposal No. 671, 1999 on November 10, 1999. The proposal approves an increase of \$192,522 and a transfer of \$167,478 in the 1999 Budget of the Department of Parks and Recreation (Park General Fund) to cover salary costs for additional recreation and leisure services and maintenance through the end of the year, funded by transfers and a reduction of fund balances. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:29 p.m. There being no one present to testify, Councillor Cockrum moved, seconded by Councillor Massie, for adoption. Proposal No. 671, 1999 was adopted on the following roll call vote; viz:

*22 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Hinkle, Massie, Moores, O'Dell, SerVaas, Short, Smith, Talley, Tilford, Williams*

*2 NAYS: McClamroch, Schneider*

*2 NOT VOTING: Coonrod, Jones*

*3 ABSENT: Gray, Moriarty Adams, Shambaugh*

Proposal No. 671, 1999 was retitled FISCAL ORDINANCE NO. 139, 1999, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 139, 1999

A FISCAL ORDINANCE amending the City-County Annual Budget for 1999 (City-County Fiscal Ordinance No. 124, 1998) transferring and appropriating an additional Three Hundred Sixty Thousand Dollars (\$360,000) in the Park General Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Park General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(n) of the City-County Annual Budget for 1999 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to cover payroll costs through the end of 1999.

SECTION 2. The sum of Three Hundred Sixty Thousand Dollars (\$360,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

The following appropriations are hereby increased:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>PARK GENERAL FUND</u>
1. Personal Services	<u>360,000</u>
TOTAL INCREASE	360,000

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	84,340
3. Other Services and Charges	75,000
4. Capital Outlay	<u>8,138</u>
TOTAL DECREASE	167,478
 Unappropriated and Unencumbered Park General Fund	 <u>192,522</u>
TOTAL REDUCTION	360,000

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

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 675-677, 1999 on November 10, 1999. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 675, 1999. The proposal approves an increase of \$49,661 in the 1999 Budgets of the County Auditor and County Sheriff (State and Federal Grants Fund) to fund salaries and fringes for the Victim Assistance Program and the Child Abuse Intervention and Prevention Program for 1999-2000, funded by a grant from the Indiana Criminal Justice Institute. PROPOSAL NO. 676, 1999. The proposal approves an increase of \$36,800 in the 1999 Budget of the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) for the Restorative Justice Project, funded by a grant from the Indiana Criminal Justice Institute. PROPOSAL NO. 677, 1999. The proposal approves an increase of \$454,968 in the 1999 Budgets of the County Auditor and Community Corrections (Home Detention User Fee Fund) to fund salaries, home detention equipment, and office supplies for the second half of fiscal year 1999-2000, funded by home detention user fees. By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

The President called for public testimony at 8:33 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Smith, for adoption. Proposal Nos. 675-677, 1999 were adopted on the following roll call vote; viz:

- 22 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Golc, Hinkle, Massie, McClamroch, Moores, O'Dell, Schneider, SerVaas, Short, Smith, Talley, Tilford
- 0 NAYS:
- 4 NOT VOTING: Franklin, Gilmer, Jones, Williams
- 3 ABSENT: Gray, Moriarty Adams, Shambaugh

Proposal No. 675, 1999 was retitled FISCAL ORDINANCE NO. 140, 1999, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 140, 1999

A FISCAL ORDINANCE amending the City-County Annual Budget for 1999 (City-County Fiscal Ordinance No. 124, 1998) appropriating an additional Forty-nine Thousand Six Hundred Sixty-one Dollars (\$49,661) in the State and Federal Grants Fund for purposes of the County Sheriff and County Auditor 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 (b,y) of the City-County Annual Budget for 1999 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the County Sheriff and County Auditor to pay salaries and fringes for the Victim Assistance Program and the Child Abuse Intervention and Prevention Program.

SECTION 2. The sum of Forty-nine Thousand Six Hundred Sixty-one Dollars (\$49,661) 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	9,312
<u>COUNTY SHERIFF</u>	
I. Personal Services	<u>40,349</u>
TOTAL INCREASE	49,661

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>49,661</u>
TOTAL REDUCTION	49,661

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. 676, 1999 was retitled FISCAL ORDINANCE NO. 141, 1999, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 141, 1999

A FISCAL ORDINANCE amending the City-County Annual Budget for 1999 (City-County Fiscal Ordinance No. 124, 1998) appropriating an additional Thirty-six Thousand Eight Hundred (\$36,800) in the County Grants Fund for purposes of the Marion County Superior Court, Juvenile Division, 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 I.02(cc) of the City-County Annual Budget for 1999 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court, Juvenile Division, for the Restorative Justice Project.

SECTION 2. The sum of Thirty-six Thousand Eight Hundred (\$36,800) 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>MARION COUNTY SUPERIOR COURT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
<u>JUVENILE DIVISION</u>	
3. Other Services and Charges	<u>36,800</u>
TOTAL INCREASE	36,800

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>36,800</u>
TOTAL REDUCTION	36,800

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. 677, 1999 was retitled FISCAL ORDINANCE NO. 142, 1999, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 142, 1999

A FISCAL ORDINANCE amending the City-County Annual Budget for 1999 (City-County Fiscal Ordinance No. 124, 1998) appropriating an additional Four Hundred Fifty-four Thousand Nine Hundred Sixty-eight Dollars (\$454,968) in the Home Detention User Fee Fund for purposes of Community Corrections and the County Auditor and reducing the unappropriated and unencumbered balance in the Home Detention User Fee 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 1999 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of Community Corrections and the County Auditor to fund the Community Corrections Agency for the second half of FY 99-00.

SECTION 2. The sum of Four Hundred Fifty-four Thousand Nine Hundred Sixty-eight Dollars (\$454,968) 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>HOME DETENTION USER FEE FUND</u>
1. Personal Services-fringes	67,018
 <u>COMMUNITY CORRECTIONS</u>	
1. Personal Services	203,339
2. Supplies	12,500
3. Other Services and Charges	154,611
4. Capital Outlay	<u>17,500</u>
TOTAL INCREASE	454,968

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

	<u>HOME DETENTION USER FEE FUND</u>
Unappropriated and Unencumbered	
Home Detention User Fee Fund	<u>454,968</u>
TOTAL REDUCTION	454,968

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

**SPECIAL ORDERS - UNFINISHED BUSINESS**

RESOLUTION NO. 127, 1999, adopted by the Board of Capital Asset Management and Public Works, establishing vehicle loading zones in the Regional Center, which resolutions were certified to the Council on October 18, 1999, pursuant to Sec. 621-423 of the Revised Code of the Consolidated City and County. Mr. Elrod reported that by a unanimous vote, the Committee recommends adoption. Loading Zone Resolution No. 127, 1999 was ratified by the following roll call vote; viz:

*20 YEAS: Borst, Boyd, Bradford, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Golc, Hinkle, Massie, McClamroch, Moores, O'Dell, Schneider, Short, Smith, Talley, Tilford*

*0 NAYS:*

*6 NOT VOTING: Black, Brents, Gilmer, Jones, SerVaas, Williams*

*3 ABSENT: Gray, Moriarty Adams, Shambaugh*

**SPECIAL ORDERS - FINAL ADOPTION**

PROPOSAL NO. 476, 1999. Councillor Schneider reported that the Administration and Finance Committee heard Proposal No. 476, 1999 on October 12, 1999. On October 18, 1999, the proposal was returned to the Committee by the full Council. The Committee again heard Proposal No. 476, 1999 on November 9, 1999. The proposal, sponsored by Councillor Cockrum, increases the salary schedule for county employees. By a 5-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Schneider moved, seconded by Councillor Cockrum, for adoption. Proposal No. 476, 1999, as amended, was adopted on the following roll call vote; viz:

*21 YEAS: Borst, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Hinkle, Jones, Massie, McClamroch, Moores, O'Dell, Schneider, Short, Talley, Tilford*

*2 NAYS: Black, Boyd*

*3 NOT VOTING: SerVaas, Smith, Williams*

*3 ABSENT: Gray, Moriarty Adams, Shambaugh*

Proposal No. 476, 1999 was retitled **GENERAL RESOLUTION NO. 18, 1999**, and reads as follows:

**CITY-COUNTY GENERAL RESOLUTION NO. 18, 1999**

A GENERAL RESOLUTION to increase the salary schedule for Marion County employees.

WHEREAS, pursuant to Sec. 291-502(6) of the "Revised Code of the Consolidated City and County," the Marion County Job Classification Board has the responsibility of reviewing the schedule of compensation as often as considered necessary and making recommendations for a new schedule of compensation; and

WHEREAS, the current schedule of compensation has not been revised since January 1999; and

WHEREAS, it is the recommendation of the Job Classification Board, based upon a statistical analysis, that the salary schedule be revised by increasing the schedule by two and one half percent (2½%) cost of living, now therefore:

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

SECTION I. The City-County Council, as the legislative and fiscal body of Marion County hereby adopts the following schedule of compensation for all Marion County employees, as defined by Sec. 291-101 of the Code of Indianapolis and Marion County, effective January 1, 2000.

Marion County Schedule of Compensation			
DBM Rating	(2.5% Increase)		
	Minimum	Midpoint	Maximum
A12	11,844	14,213	16,582
A13	13,370	16,044	18,717
B21	14,566	17,842	21,120
B22	15,952	19,541	23,132
B23	17,472	21,404	25,335
B24	19,137	23,441	27,747
B31	21,934	26,869	31,804
B32	25,584	31,341	37,097
C41	27,526	33,996	40,465
C42	29,374	36,277	43,179
C43	31,345	38,711	46,077
C51	33,592	41,990	50,389
C52	37,033	46,291	55,549
D61	37,310	47,570	57,830
D62	38,929	49,634	60,339
D63	41,541	52,964	64,387
D71	42,686	55,493	68,298
D72	47,059	61,176	75,294
E81	51,046	66,359	81,673
E81	(Chief PD = 90% total salary Co. Pros.)		
E82	54,470	70,812	87,153
E83	58,125	75,563	93,002
Proposed by Job Classification Board Effective 01/01/2000			

SECTION 2. 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 shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining 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 4. This resolution shall be in effect from and after its passage by the council and compliance with IC 36-3-4-14.

PROPOSAL NO. 576, 1999. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 576, 1999 on October 19, 1999 and again on November 9, 1999. The proposal, sponsored by Councillor Boyd, reviews the Council's policies, practices, and criteria for censuring its own members and, where needed, to recommend specific changes toward the achievement of consistency and equity of application. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Boyd stated that this proposal serves two purposes: to review the censure process which is full of inconsistencies and to assign censure procedures to a particular committee. He said that he supports the proposal, but would encourage members to review and look at the "Whereas" statements of the current ordinance.

Councillor Curry moved, seconded by Councillor Boyd, for adoption. Proposal No. 576, 1999, as amended, was adopted on the following roll call vote; viz:

*22 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Jones, Massie, McClamroch, Moores, O'Dell, Schneider, Short, Smith, Tilford*

*0 NAYS:*

*4 NOT VOTING: Hinkle, SerVaas, Talley, Williams*

*3 ABSENT: Gray, Moriarty Adams, Shambaugh*

Proposal No. 576, 1999, as amended, was retitled COUNCIL RESOLUTION NO. 70, 1999, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 70, 1999

A COUNCIL RESOLUTION instructing that a standing or permanent committee of the Council be designated by the President to be given the task of reviewing the Council's policies, practices and criteria for censuring its own members, and, where needed, to recommend specific changes toward the achievement of consistency and equity of application.

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

SECTION 1. A standing or permanent committee of the Council be designated by the President to be given the task of reviewing the Council's policies, practices and criteria for censuring its own members, and where needed, to recommend specific changes toward the achievement of consistency and equity of application.

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

PROPOSAL NO. 577, 1999. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 577, 1999 on October 19, 1999 and again on November 9, 1999. The proposal, sponsored by Councillors Williams and McClamroch, repeals Sec. 291-106 concerning deductions for political contributions. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Boyd clarified that this proposal does not prohibit support of a political party and although he supports the proposal, he still encourages political contributions.

Councillor Bradford stated that he opposes this proposal because he feels that it is a freedom of speech issue and political contributions should be allowed. Councillor Gilmer agreed with Councillor Bradford.

Councillor Curry moved, seconded by Councillor Williams, for adoption. Proposal No. 577, 1999 was adopted on the following roll call vote; viz:

*19 YEAS: Black, Borst, Boyd, Brents, Cockrum, Coonrod, Coughenour, Curry, Golc, Hinkle, Jones, Massie, McClamroch, Moores, SerVaas, Short, Talley, Tilford, Williams*

*7 NAYS: Bradford, Dowden, Franklin, Gilmer, O'Dell, Schneider, Smith*

*3 ABSENT: Gray, Moriarty Adams, Shambaugh*

Proposal No. 577, 1999 was retitled GENERAL ORDINANCE NO. 144, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 144, 1999

A GENERAL ORDINANCE repealing Sec. 291-106 concerning deductions for political contributions.

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

SECTION 1. Chapter 291, Article I, of the "Revised Code of the Consolidated City and County" be, and is hereby amended by repealing Sec. 291-106.

~~Sec. 291-106. Deductions for political contributions.~~

~~Any employee of the city or county may assign a fixed amount or percentage of his gross compensation to the county committee of a political party established pursuant to IC 3-1-2-1 and operating under the General Election Laws of the State of Indiana (Indiana Code Title 3). The auditor of Marion County with respect to county employees and the controller of the City of Indianapolis with respect to city employees shall deduct the amount or percentage so specified by an employee from the compensation due such employee each payroll period. The deduction shall be entirely voluntary as to the employee, revocable at any time by the employee, and shall only be made after receipt by the appropriate official preparing the payroll of a signed authorization by the employee specifically stating the deduction to be made and the county committee to which such amount is assigned. The official deducting such amount shall pay the total accumulated deductions to the appropriate specified county committee at intervals of not less than thirty (30) days.~~

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

PROPOSAL NO. 595, 1999. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 595, 1999 on September 29, 1999 and again on November 10, 1999. The proposal reduces the number of false burglar alarm dispatches and the regulatory burden on citizens, businesses, and city government. By a 4-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Dowden moved, seconded by Councillor Smith, for adoption. Proposal No. 595, 1999, as amended, was adopted on the following roll call vote; viz:

- 23 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Gilmer, Hinkle, Jones, Massie, McClamroch, Moores, Schneider, SerVaas, Short, Smith, Talley, Tilford, Williams
- 0 NAYS:
- 3 NOT VOTING: Franklin, Golc, O'Dell
- 3 ABSENT: Gray, Moriarty Adams, Shambaugh

Proposal No. 595, 1999, as amended, was retitled GENERAL ORDINANCE NO. 145, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 145, 1999

PROPOSAL FOR A GENERAL ORDINANCE to amend Chapter 811 of the Revised Code regarding alarm systems.

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

SECTION 1. Article I of Chapter 811 of the "Revised Code of the Consolidated City and County," regarding purpose and definitions, 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:

ARTICLE I. PURPOSE AND DEFINITIONS

Sec. 811-~~101~~111. Purpose.

(a) It is hereby declared to be the purpose of this chapter to reduce the number of false alarms activated by private emergency alarm systems and thereby reduce the city's commitment of law enforcement resources required to answer these false alarms.

(b) In furtherance of this purpose and in addition to the other duties and responsibilities listed in this chapter, the alarm administrator from time to time shall consult with representatives of the community, the alarm industry, and law enforcement agencies to evaluate and improve the effectiveness of false alarm reduction efforts.

Sec. 811-~~102~~112. Definitions.

As used in this chapter, the following terms shall have the meanings ascribed to them in this section:

Alarm administrator means the person designated by the director of the department of public safety to discharge the duties and responsibilities as prescribed in this chapter. The alarm administrator shall be an employee of the department.

~~Alarm agent means any person who is employed by an alarm business either directly or indirectly, whose duties include selling, maintaining, leasing, servicing, repairing, altering, replacing, moving or installing on or in any building, structure, facility or grounds any alarm system.~~

*Alarm business* means any individual, partnership, corporation or other entity which does any of the following: monitors, leases, maintains, services, repairs, alters, replaces, moves or installs any alarm system or causes to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure, facility or grounds.

*Alarm system* means any device used for the detection of an unauthorized entry or attempted entry into a building, structure, facility or grounds, or for alerting others of the commission of an unlawful act within a building, structure, facility or grounds, which when activated causes notification to be made directly or indirectly to the Indianapolis Police Department or the Marion County Sheriff's Department.

For the purposes of this chapter, alarm system shall not include:

- (1) An alarm installed on a motor vehicle;
- (2) An alarm designed so that the Indianapolis Police Department or the Marion County Sheriff's Department are not notified until after the occupants, an agent of the owner or lessee, or an agent of an alarm system business has checked the alarm site and determined that the alarm was the result of criminal activity of the kind for which the alarm system was designed to give notice;
- (3) An alarm which signals or alerts only the occupants of the premises protected by the alarm system, including an alarm located on a private residence if the only response on activation of the alarm system is ~~an external~~ a sounding alarm that automatically stops within fifteen (15) minutes after activation; or
- (4) An alarm installed upon premises occupied by the United States of America, the State of Indiana, or any political subdivision thereof.

~~Automatic telephone dialing device means any device connected to an alarm system which automatically sends a prerecorded message or coded signal to a law enforcement agency indicating the activation of the alarm system.~~

*False alarm* means an alarm eliciting a police response when the situation does not require police services. For the purposes of this chapter, this does not include alarms triggered by severe atmospheric conditions or other circumstances not reasonably under the control of the alarm user, installer or maintainer.

*Monitor* or *monitoring* means the detection from a remote location of the activation of an alarm system subject to this chapter.

*Permit holder* means the individual, corporation, partnership or other legal entity who is required by this chapter to apply for an alarm system permit.

SECTION 2. Article II of Chapter 811 of the "Revised Code of the Consolidated City and County," which provides the requirement of alarm system permits for each property on which an alarm system is installed or operating, hereby is REPEALED.

SECTION 3. Article III of Chapter 811 of the "Revised Code of the Consolidated City and County," regarding alarm business licenses, 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:

#### ARTICLE ~~III~~ II. ALARM BUSINESS LICENSES

##### Sec. 811-~~141~~211. ~~Licensing of alarm business and alarm monitoring business~~ License required.

(a) ~~Prior to doing business, including monitoring an alarm located within the Consolidated City of Indianapolis, It shall be unlawful for an alarm business to operate in the city by engaging in any activity described in the definition of alarm business in Section 811-112 of the Code, shall obtain without first having obtained a license therefor from the city controller's office alarm administrator.~~

(b) ~~An alarm business doing business at the time this amended chapter becomes effective shall have thirty (30) days to apply for a license as required above.~~

##### Sec. 811-~~142~~212. Application for license.

(a) All applications for a license required by this article shall be made on forms designed by the ~~city controller~~ alarm administrator and shall include the following information:

- (1) The full name and address of the alarm business;
- (2) The full name, business address and home address of the owner or manager; and,
- (3) A telephone number at which the Indianapolis Police Department or Marion County Sheriff's Department can notify personnel of the alarm business of a need for assistance at any time; ~~and~~
- (4) ~~The names, addresses and dates of birth of all alarm agents employed by the alarm business.~~

(b) An alarm business shall promptly notify the ~~controller~~ alarm administrator in writing of any change in the information contained in the application form.

##### Sec. 811-~~143~~213. License fee and term.

(a) An alarm business license shall be valid for one (1) year and shall be renewable on the first day of January of each year.

(b) The annual license fee for each alarm business shall be two hundred fifty dollars (\$250.00).

(c) An alarm business license shall be personal to the holder and is not transferable.

##### ~~Sec. 811-144. Identification cards required.~~

~~Every alarm agent shall carry on his person at all times while engaged in the alarm business an identification card which shall be displayed to any law enforcement officer upon request.~~

##### Sec. 811-~~145~~214. Installation Monitoring of alarm systems; reporting requirements.

(a) Any alarm business which ~~installs~~ monitors an alarm system located within the Consolidated City of Indianapolis shall provide the following information ~~on a form designated by the city with respect to each such alarm system it currently monitors:~~

- (1) The address of each property where such system is ~~installed~~ located; and,

- (2) The name, and mailing address and telephone number of the person having control over the property; ~~and~~
- (3) ~~The type of alarm system.~~

(b) ~~Such form information shall be submitted to the Indianapolis Police Department not earlier than twenty (20) days prior to the installation of such system and not later than forty eight (48) hours after such system is installed alarm administrator on a form designated by such person, within ninety (90) days after the effective date of this ordinance, and thereafter within seven (7) days after the alarm business first monitors an alarm system, ceases to monitor an alarm system, or there is any change in the information previously submitted.~~ Such information and forms required by this section shall be protected as confidential information and its their use shall be restricted to legitimate law enforcement purposes and to enforcement of this chapter.

(c) It is a violation of this Code for an alarm business to fail to submit information as required by this section. Such violation shall be punishable as provided in Chapter 103, Article III of the Code.

**Sec. 811-215. Verification of alarm required before notification.**

(a) An alarm business which monitors an alarm system located within the city shall not notify the Indianapolis Police Department or the Marion County Sheriff's Department that an alarm has been activated, until first attempting to verify the activation by reaching the person having control over the property by telephone, or by other means available to the alarm business. Once a law enforcement agency has been notified, the alarm business shall immediately attempt to contact any other person who the alarm business knows may be able to verify the activation of the alarm. The alarm business shall immediately notify the law enforcement agency if it is able to contact such other person.

(b) Failure to comply with the provisions of this section shall constitute a violation of the Code.

**Sec. 811-216. Information for alarm business customers.**

An alarm business, with respect to each alarm system it monitors on property located in the city, shall provide information about the alarm system to the person who owns or controls the property. Such information shall:

- (1) Be in writing, and approved by the alarm administrator;
- (2) Include information regarding the requirements of this chapter, and the proper installation, operation and maintenance of the alarm system; and,
- (3) Be provided prior to the date the alarm business first monitors the alarm system.

SECTION 4. Article IV of Chapter 811 of the "Revised Code of the Consolidated City and County," regarding false alarms, 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:

**ARTICLE IV III. FALSE ALARMS PROHIBITED ACTIVITY**

**Sec. 811-161311. ~~Prohibited activity~~ Excessive false alarms prohibited; penalties.**

(a) It shall be unlawful for a person who owns or controls property in the city on which an alarm system is ~~installed~~ monitored to issue, cause to be issued, or permit the issuance of more than one (1) false alarm in a ~~twelve-month period~~ calendar year. Provided, however, a calculation of the number of false alarms under this section shall not apply to an alarm system which emits a include any false alarm issued within thirty (30) days after ~~installation of the date~~ the date the alarm system is first monitored.

(b) A person who owns or controls property on which an alarm system is ~~installed~~ monitored shall be subject to the following procedures and penalties:

- (1) receive a warning from the appropriate law enforcement agency for the first false alarm issued by such alarm system during the twelve-month period following the last false alarm or the installation of the alarm, whichever is more recent. For his or her first false alarm, a person shall receive a written warning from the appropriate law enforcement agency;
- (2) For the second, third, and fourth false alarms issued in the same calendar year as a written warning, and for the first, second, third, and fourth false alarms issued in a calendar year

subsequent to a year in which a written warning was issued, such person shall be subject to the enforcement procedures provided in Chapter 103, Article III of the Code;

- (3) For the fifth false alarm issued in a calendar year, such person shall be subject to the general penalties provided in Section 103-3 of the Code; however, the penalty for each such violation shall not be less than one hundred dollars (\$100.00), or thirty dollars (\$30.00) if such person successfully completes an alarm system training course approved by the alarm administrator; and.
- (4) For the sixth and each subsequent false alarms issued in a calendar year, such person shall be subject to the general penalties provided in Section 103-3 of the Code; however, the penalty for each such violation shall not be less than two hundred dollars (\$200.00), and such person shall be ordered to attend an alarm system training course approved by the alarm administrator.

**Sec. 811-312. Prolonged externally sounding alarms prohibited.**

~~(e) All alarms will~~ It shall be unlawful for an alarm system located in the city not to have an automatic reset system which silences the externally sounding alarm within fifteen (15) minutes after activation.

**Sec. 811-313. Automatic notification devices prohibited.**

It shall be unlawful to sell, install, use, or permit the use of, any device connected to an alarm system which automatically sends a prerecorded message or coded signal to a law enforcement agency indicating the activation of the alarm system.

**Sec. 811-162. Enforcement.**

~~(a) If an alarm system issues two (2), three (3) or four (4) false alarms in a twelve month period, the person who owns or controls the property on which such alarm system is installed shall receive notice of violation of section 811-161 in the manner specified in chapter 103 of the Revised Code if subject to compromise under section 103-52.~~

~~(b) The fifth and each subsequent false alarm within a twelve month period and other violations not specified in section 103-52 shall be subject to the general penalties of this Code.~~

SECTION 5. Article V of Chapter 811 of the "Revised Code of the Consolidated City and County," regarding automatic telephone dialing devices, hereby is REPEALED.

SECTION 6. Section 103-52 of the "Revised Code of the Consolidated City and County," regarding the schedule of provisions and penalties for ordinance violations, 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. 103-52. Schedule of Code provisions and penalties.**

The following Code (or ordinance) provisions and their respective civil penalties are designated for enforcement through the ordinance violations bureau:

<i>Code Section</i>	<i>Subject Matter</i>	<i>Civil Penalty</i>
321-1	Swimming in unguarded waters - first offense in calendar year	50.00
361-108	Littering on premises of another	45.00
361-201	Vehicle losing its load - first offense in calendar year	50.00
391-302	Unlawful noise - first offense in calendar year	50.00
391-303	Noisy house - first offense in calendar year	50.00
407-103	Loitering - first offense in calendar year	50.00
431-108	Parking prohibited for street repairs and cleaning	12.50
431-314	Premises address violation - second offense in calendar year	25.00
431-603	Operation of bicycle without required equipment	12.50
431-604	Unlawful operation of bicycle	12.50
441-108	Pedestrian violations	12.50
441-214	Parking when temporarily prohibited	12.50
441-318	Unlawful use of horn or sounding device	15.00

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441-363	Unlawfully parked trailer	12.50
441-407	Display of unauthorized traffic controls	12.50
441-408	Interference with traffic control devices	12.50
441-503	Consumption or possession by operator of motor vehicle	
	first offense in calendar year	50.00
441-504	Operating motor vehicle containing open alcoholic beverages	
	first offense in calendar year	50.00
511-702	Open burning	50.00
531-102	Animal at large - first offense in twelve month period	50.00
611-403	Unlawful loading or unloading of private bus	12.50
611-501	Unlawful stopping of food vendor vehicle	12.50
611-502	Violation of noise restriction on food vendors	12.50
611-504	Failure of food vending vehicle to display required warnings	12.50
611-506	Unlawful vending from other than curb side of vending vehicle	12.50
621-106	Unlawful parking on sidewalk, in crosswalk, or adjacent yard	25.00
621-107	Unlawful parking in certain school areas	12.50
621-108	Unlawful manner of parking	12.50
621-109	No required lights on certain parked vehicles	12.50
621-110	Violation of handicapped parking restrictions	45.00
621-111	Unlawful parking in handicapped parking meter zone	45.00
621-112	Unloading perpendicular to curb without permit	12.50
621-113	Unlawful use of bus stops and taxicab stands	12.50
621-114	Unlawful use of passenger and loading zones	12.50
621-115	Unlawful parking adjacent to certain buildings	12.50
621-116	Unlawful parking for display for sale or advertising	12.50
621-117	Unlawful parking for more than six (6) hours	12.50
621-118	Unlawful parking of commercial vehicles at night	12.50
621-119	Unlawful parking in alleys or on certain narrow streets	12.50
621-120	Unlawful parking in designated special parking areas	12.50
621-121	Parking on certain streets where prohibited at all times	12.50
621-122	Stopping, standing or parking on streets where prohibited at all times	12.50
621-123	Parking on certain streets where prohibited at all times on certain days	12.50
621-124	Parking on certain streets when prohibited at certain times on certain days	12.50
621-125	Stopping, standing or parking during prohibited hours on certain days on certain streets. If between hours of 6:00 a.m.-9:00 a.m., 7:00 a.m.-9:00 a.m., 3:00 p.m.-6:00 p.m., 4:00 p.m.-6:00 p.m.	25.00
621-126	Parking longer than permitted on certain streets at certain times on certain days	12.50
621-203	Parking in excess of time permitted in parking meter zone	12.50
621-210	Parking in meter zone when temporarily prohibited	12.50
621-216	Overtime parking in metered parking space	12.50
621-306	Unlawful parking during snow emergency	25.00
621-404	Leaving taxicab unattended	12.50
621-405	Unlawful parking in certain mailbox zones	12.50
621-430(a)	Unlawful use of loading zone in Regional Center by non-eligible vehicle	25.00
621-430(b)	Unlawful use of loading zone in Regional Center - non-permitted use	25.00
621-430(c)	Unlawful use of loading zone in Regional Center in excess of posted time limits	25.00
621-430(d)	Unlawful obstructing traffic in the Regional Center	25.00
621-430(e)	Unlawful parking in alleys or on certain narrow streets in the Regional Center	25.00
621-501	Unlawful stopping, standing or parking near fire hydrant	45.00
621-502	Unlawful obstruction of fire lane	25.00
631-102	In park after hours-first offense in calendar year	50.00
631-109	Alcohol in park-first offense in calendar year	50.00
645-528	Skateboard or similar play device - first offense in calendar year	50.00
<u>811-214</u>	<u>Alarm business failure to report monitoring information</u>	<u>100.00</u>
<u>811-311</u>	<u>First false alarm in calendar year after a year in which a warning was issued</u>	<u>25.00</u>
<u>811-401-311</u>	<u>Second false alarm in <del>twelve-month period</del> same calendar year as warning</u>	<u>25.00</u>
<u>811-311</u>	<u>Second false alarm in all other calendar years</u>	<u>50.00</u>
<u>811-401-311</u>	<u>Third false alarm in <del>twelve-month period</del> same calendar year as warning</u>	<u><del>35.00</del> 50.00</u>
<u>811-311</u>	<u>Third false alarm in all other calendar years</u>	<u>75.00</u>
<u>811-401-311</u>	<u>Fourth false alarm in <del>twelve-month period</del> same calendar year as warning</u>	<u><del>50.00</del> 75.00</u>
<u>811-311</u>	<u>Fourth false alarm in all other calendar years</u>	<u>100.00</u>
841-1	Operation of unregistered bicycle	7.50
Ch. 895	Horse-drawn carriage violation - first offense in twelve month period	100.00
Appendix D, Part 26, sec. 6	Civil zoning violations - first offense in calendar year	50.00

SECTION 7. 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 8. 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 9. 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. 626, 1999. Councillor Schneider reported that the Administration and Finance Committee heard Proposal No. 626, 1999 on November 9, 1999. The proposal, sponsored by Councillor Coughenour, increases the number of members on the Indianapolis City Market Corporation Board of Directors. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Boyd asked why the number is being increased. Councilor Schneider stated that the board wants more members to help in specific areas, such as grant writing and fundraising. The new members will have talents specific to these areas and will be recommended by the board.

Councillor Gilmer asked who will appoint the new members. Councillor Schneider stated that the Council will be responsible for appointing the new members.

Councillor Gilmer asked what effect the demise of Market Square Arena (MSA) will have on the City Market. Councillor Williams stated that the market has not been open during MSA events, and has been dependent more on the Downtown office crowd. If MSA becomes an office or residential project, it can only have a positive effect on the market.

Councillor Schneider moved, seconded by Councillor Coughenour, for adoption. Proposal No. 626, 1999 was adopted on the following roll call vote; viz:

*20 YEAS: Borst, Boyd, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Golc, Hinkle, Jones, Massie, McClamroch, SerVaas, Short, Smith, Talley, Tilford, Williams*  
*1 NAY: Black*  
*5 NOT VOTING: Bradford, Gilmer, Moores, O'Dell, Schneider*  
*3 ABSENT: Gray, Moriarty Adams, Shambaugh*

Proposal No. 626, 1999 was retitled GENERAL ORDINANCE NO. 146, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 146, 1999

A GENERAL ORDINANCE amending Sec. 285-202 by increasing the number of members on the Indianapolis City Market Corporation Board of Directors.

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

SECTION 1. Sec. 285-202 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. 285-202. City market corporation.**

(a) ~~The city shall cause to be formed a Board of Directors of the nonprofit City Market Corporation shall consist of a nine thirteen members board of directors.~~

(1) Six (6) members of the board shall be community members who possess a broad base of experience in the areas of accounting, retail grocery, architecture, historic preservation and other business experience as would be helpful in carrying out the duties of the board. Three (3) of these members shall be appointed by and shall serve at the pleasure of the mayor, and three (3) of these members shall be appointed by and shall serve at the pleasure of the city-county council. ~~The aforementioned members shall be appointed for terms of two (2) years, provided that the terms of members who are serving on October 1, 1990, are extended to December 31, 1990 so that all terms shall end on December thirty-first of the even-numbered years.~~

(2) Four (4) members of the board shall have extensive experience in grant writing, fund raising or other philanthropic endeavors, marketing or other needed expertise. These four (4) members shall be appointed by and shall serve at the pleasure of the city-county council.

(3) The three (3) remaining members shall consist of the:

(1) a. City controller or the controller's designee;

(2) b. A deputy mayor or a designee appointed by the mayor; and

(3) c. One (1) elected or appointed official serving Indianapolis, who shall be appointed by the Mayor.

(b) ~~Members shall serve in person and without compensation, and vacancies shall be filled by the appointing body responsible for the original appointment of the resigning board member.~~

(c) The governing body of the corporation shall meet at least quarterly and at such other additional times as needed circumstances may require.

(d) All members, except those serving under clause (a)(3), shall be appointed for two (2) year terms ending December 31, of even-numbered years. Appointments made to fill vacancies shall be for the remainder of the unexpired term; and appointments made to fill additional positions shall expire on December 31, of the next even-numbered year after the appointment.

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

PROPOSAL NO. 627, 1999. Councillor Schneider reported that the Administration and Finance Committee heard Proposal No. 627, 1999 on November 9, 1999. The proposal, sponsored by Councillor Coonrod, determines the need to lease office space at 9001 East 59th Street for the Lawrence Township Assessor. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Schneider moved, seconded by Councillor Coonrod, for adoption. Proposal No. 627, 1999 was adopted on the following roll call vote; viz:

23 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Hinkle, Jones, Massie, McClamroch, Schneider, SerVaas, Smith, Talley, Tilford, Williams

0 NAYS:

3 NOT VOTING: Moores, O'Dell, Short

3 ABSENT: Gray, Moriarty Adams, Shambaugh

Proposal No. 627, 1999 was retitled SPECIAL RESOLUTION NO. 84, 1999, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 84, 1999

A PROPOSAL FOR A SPECIAL RESOLUTION determining the need to lease approximately 4000 square feet of office space at 9001 E. 59th Street, Indianapolis, Indiana, for the Lawrence Township Assessor.

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

SECTION 1. The city-county council, pursuant to IC 36-I-10-7, has investigated the conditions requiring the subject lease and hereby determines the lease of office space for the use of the Lawrence Township Assessor is necessary.

SECTION 2. The property to be leased is located at 9001 E. 59<sup>th</sup> Street, Indianapolis, Indiana and is owned by Lawrence Government Center Building Center Corporation.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-I4.

PROPOSAL NO. 628, 1999. Councillor Schneider reported that the Administration and Finance Committee heard Proposal No. 628, 1999 on November 9, 1999. The proposal, sponsored by Councillor Massie, determines the need to lease office space at 4925 South Shelby Street for the Perry Township Assessor. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Schneider moved, seconded by Councillor Massie, for adoption. Proposal No. 628, 1999 was adopted on the following roll call vote; viz:

*21 YEAS: Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Hinkle, Jones, Massie, McClamroch, Moores, Schneider, Smith, Talley, Tilford, Williams*

*0 NAYS:*

*5 NOT VOTING: Black, Golc, O'Dell, SerVaas, Short*

*3 ABSENT: Gray, Moriarty Adams, Shambaugh*

Proposal No. 628, 1999 was retitled SPECIAL RESOLUTION NO. 85, 1999, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 85, 1999

A PROPOSAL FOR A SPECIAL RESOLUTION determining the need to lease approximately 2500 square feet of office space at 4925 S. Shelby Street, Indianapolis, Indiana, for the Perry Township Assessor.

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

SECTION 1. The city-county council, pursuant to IC 36-I-10-7, has investigated the conditions requiring the subject lease and hereby determines the lease of office space for the use of the Perry Township Assessor is necessary.

SECTION 2. The property to be leased is located at 4925 S. Shelby Street, Indianapolis, Indiana and is owned by Perry Township of Marion County, by and through its Trustee..

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-I4.

PROPOSAL NO. 630, 1999. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 630, 1999 on November 15, 1999. The proposal approves the issuance of Promissory Notes in connection with a HUD Section 108 guaranteed loan in the amount of \$6 million for the purpose of funding the acquisition of real property, the relocation of individuals, families, and/or businesses, the demolition and/or clearance of existing structures to

prepare sites for redevelopment and the installation of new and/or reconstruction of existing infrastructure in connection with the I-70 Keystone Industrial Park Redevelopment Project. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Hinkle moved, seconded by Councillor Jones, for adoption. Proposal No. 630, 1999 was adopted on the following roll call vote; viz:

*21 YEAS: Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Franklin, Gilmer, Golc, Hinkle, Jones, Massie, McClamroch, Moores, Short, Smith, Talley, Tilford, Williams*

*0 NAYS:*

*5 NOT VOTING: Black, Dowden, O'Dell, Schneider, SerVaas*

*3 ABSENT: Gray, Moriarty Adams, Shambaugh*

Proposal No. 630, 1999 was retitled GENERAL RESOLUTION NO. 19, 1999, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 19, 1999

A GENERAL RESOLUTION approving the issuance by the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana, of Promissory Notes in an amount not to exceed Six Million Dollars (\$6,000,000.00) for the purpose of funding the acquisition of real property, the relocation of individuals, families and/or business, the demolition and/or clearance of existing structures to prepare sites for redevelopment, and the installation of new and/or reconstruction of existing infrastructure in connection with the I-70/Keystone Industrial Park Redevelopment Project and for the purpose of approving a Contract for Loan Guarantee Assistance ("Loan Guaranty Contract") between the City and the Secretary of Housing and Urban Development under Section 108 of the Housing and Community Development Act of 1974, as amended, in connection with the issuance of such Promissory Notes.

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana ("Commission") has adopted Resolution No. 99-D-74 (the "Resolution"), authorizing the issuance of Promissory Notes of the City of Indianapolis, Department of Metropolitan Development, in an amount not to exceed Six Million Dollars (\$6,000,000.00) (the "Notes"); and

WHEREAS, the Notes will be repaid from the following sources, which will be the collateral for the loan and will be pledged as security for repayment:

- (a) All allocations or grants which have been made or for which the City may become eligible under Section 106 of Title I, as well as any grants which are or may become available to the City pursuant to Section 108(q) of Title I.
- (b) "Program Income," as defined at 24 CFR 570.500(a) directly generated from use of the Guaranteed Loan Funds
- (c) Other security, consisting of any and all rights, titles, and interests of the City in and to tax increment revenues and receipts available from the Martindale-Brightwood Industrial Development Tax Allocation Area established by Metropolitan Development Commission Resolution No. 99-R-081 in accordance with IC 36-7-15.1 ("Pledged Tax Increment Revenues").
- (d) All proceeds (including insurance and condemnation proceeds) from any of the foregoing.
- (e) All funds or investments in any accounts established pursuant to paragraphs 1 and 6 of the Loan Guarantee Agreement.

WHEREAS, the proceeds of the Promissory Notes will be applied to the costs of the I-70/Keystone Industrial Park Redevelopment Project, all as set forth in the Resolution and shall be expended only on costs for which such funds may be expended under Section 108 of the Act and regulations adopted pursuant thereto; 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 hereby approves Resolution No. 99-D-74, adopted by the Commission and the issuance of the Promissory Notes in an amount not to exceed Six Million Dollars (\$6,000,000.00) authorized therein.

SECTION 2. The City-County Council hereby designates the Commission as a public agency under Section 108 of the Act authorized to issue the obligations referred to in Section 108 and to enter into the Loan Guarantee Contract, and the Council hereby approves the Loan Guarantee Contract and any other documents required to be executed by the City or the Commission in connection with the Section 108 Loan Guarantee Program.

SECTION 3. The City-County Council hereby irrevocably pledges to the timely and punctual payment of the principal of an interest on the Notes:

- (a) All allocations or grants which have been made or for which the City may become eligible under Section 106 of Title I, as well as any grants which are or may become available to the City pursuant to Section 108(q) of Title I.
- (b) "Program Income," as defined at 24 CFR 570.500(a) directly generated from use of the Guaranteed Loan Funds
- (c) Other security, consisting of any and all rights, titles, and interests of the City in and to tax increment revenues and receipts available from the Martindale-Brightwood Industrial Development Tax Allocation Area established by Metropolitan Development Commission Resolution No. 99-R-081 in accordance with IC 36-7-15.1 ("Pledged Tax Increment Revenues").
- (d) All proceeds (including insurance and condemnation proceeds) from any of the foregoing.
- (e) All funds or investments in any accounts established pursuant to paragraphs 1 and 6 of the Loan Guarantee Agreement.

SECTION 4. The proceeds from the sale of the Notes in an amount not to exceed Six Million Dollars (\$6,000,000.00) are hereby appropriated in the Federal Non-Reverting Fund for the Projects described herein for the life of those Projects.

SECTION 5. This Resolution shall be effective upon compliance with IC 36-3-4-14.

PROPOSAL NO. 662, 1999. Councillor Schneider reported that the Administration and Finance Committee heard Proposal No. 662, 1999 on November 9, 1999. The proposal proposes changes in the City/County deferred compensation plan. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Schneider moved, seconded by Councillor Coonrod, for adoption. Proposal No. 662, 1999 was adopted on the following roll call vote; viz:

*21 YEAS: Black, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Hinkle, Massie, McClamroch, Moores, Schneider, Short, Smith, Talley, Tilford*

*0 NAYS:*

*5 NOT VOTING: Borst, Jones, O'Dell, SerVaas, Williams*

*3 ABSENT: Gray, Moriarty Adams, Shambaugh*

Proposal No. 662, 1999 was retitled GENERAL ORDINANCE NO. 147, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 147, 1999

A PROPOSAL FOR A GENERAL ORDINANCE amending the Revised Code relating to the deferred compensation plan for City and County employees and approving amendments to the deferred compensation plan submitted to and approved by the City-County Council on June 21, 1999.

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

SECTION 1. Sec. 291-401 through Sec. 291-406 of the Revised Code of the Consolidated City and County are hereby amended by adding the underlined text and deleting the stricken-through text, to read as follows:

**Sec. 291-401. Definitions.**

~~For purposes of this article, the following words shall have the meanings herein stated:~~

- (1) ~~“Deferred compensation” shall mean the amount of compensation reduced and deferred pursuant to a deferred compensation agreement.~~
- (2) ~~“Deferred compensation plan” shall mean any plan established pursuant to section 291-402 or any plan established under an ordinance which preceded section 291-402.~~
- (3) ~~“Deferred compensation account” shall mean the account established for each employee who has entered into a deferred compensation agreement and into which the compensation he has deferred shall be credited.~~
- (4) ~~“Deferred compensation agreement” shall mean that agreement, the terms of which are set forth in section 291-404, entered into between the employer and an eligible employee as defined by section 291-403.~~
- (5) ~~“Employee” shall mean any person actively employed by either the City of Indianapolis or by Marion County.~~
- (6) ~~“Employer” shall mean the City of Indianapolis and Marion County, Indiana.~~

**Sec. 291-402.1. Deferred compensation plan authorized.**

- (1) Subject to city-county council approval of each plan, the employer is City of Indianapolis and Marion County are hereby authorized to establish and administer one (1) or more deferred compensation plans for eligible employees as provided in this article or pursuant to IC 5-10-1.1-7. Such deferred compensation plans may be amended from time to time after proposed amendments are submitted and approved by the city-county council. Any amendment to an existing plan or the adoption of a new plan shall not invalidate any employee's previous deferral of compensation and any income attributable to the amounts deferred.
- (2) All amounts held under any deferred compensation plan established under this ordinance must be held for the exclusive benefit of participants of the plan and their beneficiaries, as required by Section 457 (g) of the Internal Revenue Code.

**Sec. 291-403.2. Employee eligibility.**

Any permanent full-time or permanent part-time employee person who performs services for the City of Indianapolis or Marion County, Indiana on a regular basis and is eligible to participate in the State of Indiana Public Employees' Retirement Fund ("PERF") will be is eligible to participate in the deferred compensation plan, provided the employee has entered into a properly executed deferred compensation agreement pursuant to the Plan document.

**Sec. 291-404. Required terms of agreement.**

~~The deferred compensation agreement specified in section 291-401 (4) shall be executed by the eligible employee and by the employer or by any party authorized to execute such agreements on behalf of the employer and shall contain the following provisions:~~

- (1) ~~The eligible employee shall agree that the salary or other total compensation, authorized by statute, ordinance or the responsible salary administrator or the position held by such employee, shall be reduced by at least twenty five dollars (\$25.00) per month and the amount shall be credited to his deferred compensation account.~~
- (2) ~~The employer and eligible employee shall mutually agree that the amount of deferred compensation shall be paid as set forth in the deferred compensation plan.~~
- (3) ~~The eligible employee shall agree that he will:~~

- a. ~~change his election to participate;~~
- b. ~~amend the amount of compensation to be deferred;~~
- c. ~~change his specification for investment selection; or~~
- d. ~~change the payment option selected for the payment of benefits;~~

~~only as provided for in the deferred compensation plan.~~

- (4) ~~The employer shall agree that the eligible employee may, subject to the terms of the deferred compensation plan, designate a beneficiary who, in the event of the death of such employee, shall be paid the full value of the employee's deferred compensation account.~~

~~Neither the existence of a deferred compensation agreement nor any of its provisions shall be construed to confer upon the employee any right to continue his employment for any specific period or at any particular rate of compensation. Any deferred compensation specified in such agreement shall accrue and be payable only as set forth in the deferred compensation plan.~~

~~Sec. 291-405. Management of deferred compensation accounts.~~

~~All deferred compensation accounts established pursuant to this article shall be invested pursuant to the terms of the deferred compensation plan and may be invested in either group fixed or group variable annuity contracts.~~

~~Sec. 291-406.3. Administration.~~

- (1) Each deferred compensation plan shall be administered as provided for in the deferred compensation plan document for that plan and any amendments thereto. The Plan shall be administered by the City-County Administrative Board. ~~Such documents may allow the employer, or his authorized representative, to~~ The Administrator may enter into an agreement with, or to contract with, one or more third parties to provide administrative services for each deferred compensation plan.
- (2) The Administrator may allow political subdivisions, as defined by the Indiana Code 36-I-2-13, located within Marion County to adopt the Plan.

SECTION 2. The City-County Council approves this restatement of the "DEFERRED COMPENSATION PLAN OF CITY OF INDIANAPOLIS AND MARION COUNTY" submitted to the Council on November 8, 1999, and attached to this proposal as EXHIBIT A.

SECTION 3. Should any provisions (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 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 4. This ordinance shall be in effect from and after its passage by the Council and compliance with IC 36-3-4-14.

EXHIBIT A

DEFERRED COMPENSATION PLAN  
OF  
CITY OF INDIANAPOLIS AND MARION COUNTY  
RESTATEMENT

This City of Indianapolis and Marion County Deferred Compensation Plan (hereinafter referred to as the "Plan") is amended and restated by the City of Indianapolis and Marion County (hereinafter referred to as the "Employer").

WHEREAS, the Employer established this Plan effective May I, 1981, to enable employees who become covered under the Plan to enhance their retirement security by permitting them to enter into agreements with the Employer to defer compensation and receive benefits at separation of service, and for financial hardships due to unforeseeable emergencies; and

WHEREAS, the Employer desires to amend and restate the Plan to effect certain changes; and

WHEREAS, the Plan shall be maintained for the exclusive benefit of Plan participants and their beneficiaries, and is intended to comply with the eligible deferred compensation plan requirements of Section 457 of the Internal Revenue Code of 1986, as now in effect or as hereafter amended, and regulations thereunder, and other applicable law;

NOW, THEREFORE, the Employer does hereby amend and restate the Plan as set forth in the following pages.

SECTION 1  
DEFINITIONS

- 1.01 "Account" means the account established by the Employer for each Employee who has entered into a Deferred Compensation Agreement.
- 1.02 "Applicable Form" means the appropriate form as designated and furnished by the Administrator to make an election or provide a notice as required by the Plan. The Administrator may prescribe a verbal, electronic or telephonic instruction in lieu of or in addition to a written form.
- 1.03 "Beneficiary" means the person(s) designated to receive benefits under this Plan upon the death of the Participant. If the Participant does not designate a Beneficiary, then the Beneficiary shall be the estate of the Participant.
- 1.04 "Benefit Commencement Date" means the date payment of benefits to a Participant or Beneficiary is to commence under the terms of this Plan.
- 1.05 "Code" means the Internal Revenue Code of 1986, as amended, including all regulations promulgated pursuant thereto. Citations herein to Code Section numbers refer to the Code sections in existence as of November 29, 1999.
- 1.06 "Compensation" means the total remuneration earned by an Employee for services rendered to the Employer for the calendar year including amounts deferred under this Plan and any other Deferred Compensation Plan.
- 1.07 "Deferred Compensation Agreement" means the written agreement between an Employee and the Employer to defer receipt by the Employee of Compensation not yet earned.
- 1.08 "Employee" means any person who performs services for an Employer for compensation on a regular basis and is eligible to participate in the State of Indiana Public Employees Retirement Fund (PERF) under rules established by the Employer. Any person participating in the Plan prior to the adoption of this Restatement is eligible to continue participation whether or not that person is eligible for PERF. For purposes of this Plan, Employee shall include any elected or appointed official of the City of Indianapolis or Marion County.
- 1.09 "Employer" means the City of Indianapolis and Marion County, Indiana and any political subdivision that participates in the Plan.
- 1.10 "Includable Compensation" means compensation for services performed for the Employer which is includable in gross income as reported on the Employee's federal income tax withholding statement (Form W-2).
- 1.11 "Normal Retirement Age" means age 70 $\frac{1}{2}$  or the age selected by a Participant that fixes the eligibility period for utilizing the catch-up limitation under Section 3.01. The Normal Retirement Age selected by a Participant may not be earlier than the earliest date that the Participant would become eligible to retire and receive unreduced benefits as a member of the pension plan of the Participant's Employer. A Participant's Normal Retirement Age established for catch-up does not have any bearing on the age at which the Participant actually retires.
- 1.12 "Participant" means an employee, former employee or a beneficiary who maintains an account balance under the Plan.
- 1.13 "Plan" means the City of Indianapolis and Marion County Deferred Compensation Plan as amended from time to time, which was established pursuant to Section 23-44 of the Code of Indianapolis and Marion County, Indiana and which is restated here. Such Plan includes all assets, both deferrals and income, held on behalf of participants and their beneficiaries under the terms of the Plan.
- 1.14 "Plan Administrator" or "Administrator" means the City-County Administrative Board, or such agency or department appointed by said Board, or any person or organization contracted to provide administration of the Plan.
- 1.15 "Plan Year" means the calendar year.
- 1.16 "Political Subdivision" means any political subdivision as defined in IC 36-1-2-13 and is located within boundaries of Marion County, Indiana.
- 1.17 "Separation From Service" means the severance of a Participant's employment with the Employer for any reason, including retirement. When a Participant has not performed services for the employer for a period of six months, the Participant shall be deemed Separated from Service for purposes of this Plan.

SECTION 2  
ELECTION TO DEFER COMPENSATION

- 2.01 Participation. Each Employee (as defined for purposes of this Plan) is eligible to become a Participant in this Plan following commencement of employment. Any person elected or appointed to a term of office with the Employer shall be deemed to commence employment at the time such person assumes office.
- 2.02 Enrollment: Eligible Employees may enroll in the Plan by completing a Deferred Compensation Agreement and submitting it to the Employer. This agreement authorizes the Employer to defer Compensation in the amount specified in the Deferred Compensation Agreement for each pay period. The dollar amount deferred must equal at least the minimum deferral per pay period as established from time to time by the Administrator. The deferral shall be effective for any calendar month only if the Employee submits and the Employer accepts a Deferred Compensation Agreement prior to the beginning of such month.
- 2.03 Changes to Deferrals: Participants may amend their deferral amount or their investment direction on an Applicable Form in accordance with procedures established by the Administrator.
- 2.04 Minimum Deferral: A Participant must defer a minimum of \$12.50 per payroll or such amount as is determined from time to time by the Administrator.
- 2.05 Effective Date of Deferral: In all cases, a deferral shall be considered effective as of the date it is withheld from the Participant's pay.
- 2.06 Suspension of Deferrals:
- (a) Voluntary – A Participant may suspend Deferrals by giving the Employer notice to that effect. Following suspension, a Participant may reinstate Deferrals in accordance to guidelines and procedures of the Employer unless and until other guidelines and procedures are as established by the Administrator.
  - (b) Involuntary – At the Employer's discretion, Deferrals may be involuntarily suspended for any month in which there are insufficient monies available to make the entire Deferral agreed upon in the Deferred Compensation Agreement or Applicable Form. Following suspension, the Deferral will automatically be reinstated in the next pay period that Compensation is sufficient to make the agreed upon Deferral. However, under no circumstances, in such cases, shall the Deferral be retroactively reinstated for the pay period in which it was suspended.

SECTION 3  
LIMITATION OF DEFERRALS

- 3.01 Primary Limitation: Except as Provided in Section 3.02, the Deferral Amount in any taxable year shall not exceed the lesser of:
- (a) \$7,500, as adjusted by the Secretary of the Treasury at the same time and in the same manner as under Code Section 425(d), pursuant to Code Section 457 (e) (15), or
  - (b) ~~33 1/3%~~ of the Participant's Includable Compensation.
- 3.02 Catch-up Limitation:
- (a) A Participant may trigger the catch-up limitation by electing a Normal Retirement Age pursuant to Plan Section 1.11. The maximum Deferral Amount for each of a Participant's last three (3) taxable years ending before he or she attains Normal Retirement Age, is the lesser of:
    - (i) \$15,000, or
    - (ii) The primary limitation amount determined under Plan Section 3.02 (a) for the current year, plus so much of the primary limitation amount that was not utilized in prior taxable years in which the employee was eligible to participate in the Plan, beginning after December 31, 1978. A Participant may use a prior year only if the Deferrals under the Plan in existence during that year were subject to the maximum deferral amount described in Treas. Reg. 1.457-2(e) (1982).
  - (b) The catch-up limitation is available to a Participant only during one three-year period. If a Participant uses the catch-up limitation and then postpones Normal Retirement Age or returns to work after retiring, the limitation shall not be available again before a subsequent retirement.
- 3.03 Coordination of Limits: If a Participant participates in more than one eligible deferred compensation plan, as defined in Section 457 (b) of the Code, the total deferral under all plans shall be subject to the maximum limitation specified in Plan Section 3.01. If a Participant participates in a plan provided for in Code Section 403(b), 401 (k)(2), 408(k), 408(p) or receives amounts with respect to which a deduction of a contribution to an organization described in code Section 501 (c) (18) is allowable, amounts excluded from gross income in any taxable year under such arrangement shall reduce the primary limitation amount determined under Plan Sections 3.01 and 3.02. The Participant is responsible for ensuring coordination of these limits.
- 3.04 Employer Contribution Limits: If the Employer agrees to make contributions to the Plan on behalf of a Participant to this Plan, the Employer contributions shall be deemed made by the Participant. For purposes of administering Sections 3.01 and 3.02 of this Plan, Employer contributions shall be

processed as payroll deferrals and shall apply toward the maximum deferral limits in the taxable year that they are made and must comply with any procedure established by the Administrator.

SECTION 4  
BENEFITS

- 4.01 Benefit Payments: Benefits shall be paid from the Plan in accordance with this section following a Participant's Separation from Service, Death, Disability or the occurrence of an unforeseeable emergency. Benefits payable to a Participant or a beneficiary shall be based upon the value of the Participant's Account.
- (a) Separation of Service. Upon Separation from Service, a Participant may elect to have benefits commence on a date, which is no later than age 70 1/2. Such election shall be made within 45 days after Separation of Service. If no election is made, benefits shall commence 60 days after Separation of Service. A participant may elect to change the commencement date of distribution of the Account to a later date otherwise permitted under this Section. If a participant has elected, in accordance with the Plan, to delay the commencement of distributions to a later date, then the Participant may make one additional election to further delay the commencement of distribution, provided that the election is filed before distribution actually begins and the later commencement date meets the required distributions commencement date provisions of Code Sections 401(a)(9) and 457(d)(2). All benefits shall be paid under a payment option under Section 4.06.
  - (b) Death. In the event of the Participant's death prior to the commencement of benefits under paragraph (a), the value of the Participant's Account shall be paid to the Beneficiary under a payment option elected by the Beneficiary under Section 4.06, subject to the restrictions in Section 5.02. Such benefits shall be payable commencing within 45 days after receipt by Administrator of satisfactory proof of the Participant's death. However, if the Beneficiary is the spouse of the Participant, then the spouse may elect within 45 days of Participant's death, to defer distribution to a date not later than the date when the Participant would have attained age 70 1/2.
  - (c) Disability. Upon Separation from Service with the Employer because of becoming Disabled, a Participant may elect to have benefits commence on a date which is not later than age 70 1/2. Such election shall be made within 45 days after becoming Disabled. If no election is made, benefits will commence 60 days after becoming Disabled. A Participant may change the commencement date of distribution of the Account to a later date otherwise permitted under this Section. If a Participant has elected, in accordance with the Plan, to delay the commencement of distribution, provided that the election is filed before distribution actually begins and the later commencement date meets the required distribution commencement date provisions of Code Sections 401(a)(9) and 457(d)(2). All benefits shall be paid under a payment option under Section 4.07.
- 4.02 Lump Sum Settlement: Notwithstanding anything in this Plan to the contrary, if a Participant's Account balance is less than \$5,000 (or such amounts as determined by the Administrator from time to time) at the time of Separation of Service, the Administrator shall effect a lump sum distribution of the Participant's account if the Account balance is less than the amount established by the Administrator for the year as the lump sum settlement amount under this Section.
- 4.03 Voluntary In Service Distribution: If a Participant's Account is \$5,000 or less, the Participant may elect to receive the amount prior to the time provided in Plan Section 4.01 if (1) the Participant has not made a Deferral to the Plan during the two year period ending on the date the benefit is distributed, and (2) the Participant has not previously received a distribution pursuant to the terms of this Plan Section and Code Section 457(e)(9).
- 4.04 Involuntary In Service Distribution: If a Participant's Account is less than \$1000 on the date the benefit is distributed, the Administrator shall make a lump sum payment prior to the time provided in Plan Section 4.01 if (1) the Participant has not made a Deferral to the Plan during the two year period ending on the date the benefit is distributed, and (2) the Participant has not previously received either a voluntary or involuntary in service distribution pursuant to this Section and Section 4.03, or Code Section 457(e)(9).
- 4.05 Unforeseeable Emergency Distributions: Notwithstanding any other provision herein and subject to guidelines and requirements set forth in procedures established by the Administrator, Participants may request that benefits be paid in the event of an unforeseeable emergency.
- (a) The Administrator shall appoint a three member Emergency Withdrawal Committee. This committee shall establish procedures to review and approve or deny all requests for an unforeseeable emergency distribution. If the application for payment is approved by the Emergency Withdrawal Committee, payment shall be effected as soon as practicable thereafter.
  - (b) Benefits shall be paid under this paragraph only in the event of an unforeseeable emergency creating severe hardship as a result of sudden and unexpected illness or accident of the Participant or of a dependent of the Participant (as defined in Section 152(a) of the Code),

disability or loss of the Participant's property due to casualty or other similar extraordinary and unforeseeable events beyond the control of the Participant. Such benefits shall be strictly limited to the amount necessary to meet the emergency situation constituting financial hardship. In any case, payment shall not be made to the extent that such hardship is or may be relieved through insurance, liquidation of the Participant's assets (to the extent the liquidation of such asset would not itself cause severe financial hardship) or by cessation of deferrals under the Plan. Foreseeable personal expenditures, such as down payment for a home, the purchase of an automobile or educational expenses shall not constitute a financial hardship.

- (c) The decision of the Emergency Withdrawal Committee concerning financial hardship shall be final.
  - (d) The Administrator may establish restrictions following a distribution pursuant to this Section.
- 4.06 Payment Options: A Participant or Beneficiary may elect the form of payment of benefits, as defined in Section 4.07, and may revoke that election (with or without a new election) at any time before 30 days preceding the Benefit Commencement Date, by notifying the Employer in writing, subject to the Employer's approval.
- 4.07 Forms of Payment: A Participant or Beneficiary may elect payment of benefits in one of the following forms:
- (a) Lump Sum: A single payment of the entire balance in a Participant's Deferred Compensation Account.
  - (b) Life Contingent Annuity: Periodic payments contingent on the life expectancy of the Participant or Beneficiary, or over such life expectancy of the Participant or Beneficiary, or over such life expectancy and a guaranteed period of time.
  - (c) Period Certain Annuity: Periodic payments over a specified period of time.
  - (d) Systematic Withdrawal: Periodic payments of a fixed amount or fixed duration subject to the restrictions of the Administrator.
  - (e) Any other method of payment agreed upon by the Employer and the Participant or Beneficiary and provided for in an investment vehicle acquired by the Employer in connection with this Plan.

No benefit payment option may be selected which would provide annuity benefits extending beyond the life expectancy of the annuitant or the joint life expectancy of the annuitant and his contingent annuitant, as determined on the Benefit Commencement Date.

- 4.08 Minimum Distribution Rules. Notwithstanding any provision of this Plan to the contrary, any distribution under the Plan shall be made in accordance with Code Sections 401(a)(9) and 457(d) and the regulations established thereunder as they are amended. No payment option may be selected by a Participant unless the amounts payable to the Participant are expected to be at least equal to the minimum distribution required under Section 401(a)(9) of the Code. The amounts payable also must satisfy the minimum distribution incidental benefit requirements of Section 401(a)(9)(G) of the Code.

## SECTION 5 BENEFICIARIES

- 5.01 Beneficiary Designation: A Participant shall have the right to designate a Beneficiary, and amend or revoke such designation at any time, by submitting an Applicable Form. Such designation, amendment or revocation shall be effective upon receipt and acceptance of such Applicable Form by the Employer. If the Participant dies without a Beneficiary form on file, the benefit payments shall be made to the Participant's estate.
- 5.02 Payment to Beneficiary: In the event of the Participant's death, any remaining benefit shall be distributed according to the following.
- (a) If the Participant had begun receiving periodic payments of a fixed amount or fixed duration from the Plan which were not annuitized, the balance of the Account shall be paid to the Beneficiary at least as rapidly as under the payment option selected by the Participant.
  - (b) If the Participant had begun receiving payments under an annuity contract, the Beneficiary shall be bound by all restrictions of that contract and the form of payment selected thereunder and remaining payments, if any, shall be paid to the Beneficiary under the contract.
  - (c) If the Participant dies before distributions have commenced, a spouse Beneficiary may delay the commencement of benefits until the Participant would have attained age 70 $\frac{1}{2}$  and may elect to receive payment at such time over the spouse Beneficiary's life expectancy.
  - (d) If the Participant dies before distributions have commenced, a non-spouse Beneficiary may take a lump sum or a periodic payment. In the case of a lump sum distribution, payment must be made no later than one year after the date of the Participant's death. In the case of a periodic distribution, payments must commence no later than one year after the date of the Participant's death and must be made over a maximum of fifteen years, but in no event over a period longer than the Beneficiary's life expectancy at the time the distribution commences.

SECTION 6  
PLAN ADMINISTRATION

- 6.01 Duties and Powers of Administrator: The Plan Administrator shall have responsibility for the operation and administration of the Plan and shall direct payment of Plan benefits. The Plan Administrator shall have the power and authority to adopt, interpret, alter, amend or revoke rules and regulations necessary to administer the Plan and to delegate ministerial duties and employ such outside professionals as may be required for prudent administration of the Plan. The Plan Administrator shall also have the authority to enter agreements on behalf of the employer necessary to implement this Plan. The members of the Plan Administrator, if otherwise eligible, may participate in this Plan, but shall not be entitled to make decisions solely with respect to their own participation.
- 6.02 Binding Actions of Administrator: Any action by the Administrator, which is not found to be an abuse of discretion, shall be final, conclusive and binding on all individuals affected thereby. The Administrator may take any such action in such manner and to such extent as the Administrator in its sole discretion may deem expedient and the Administrator shall be the sole and final judge of such expediency.
- 6.03 Delegation by Administrator: In addition to the powers stated in Section 6.01, the Administrator may from time to time delegate to an individual, committee or organization certain of its fiduciary responsibilities under the Plan. Any such individual, committee or organization shall remain a fiduciary until such delegation is revoked by the Administrator, which revocation may be without cause and without advance notice. Such individual, committee or organization shall have such power and authority with respect to such delegated fiduciary responsibilities as the Administrator has under the Plan.
- 6.04 Payment of Benefits: The Administrator, if in doubt concerning the correctness of its action in making a payment of a benefit, may suspend payment until satisfied as to the correctness of the payment or the person to receive the payment, or may file, in any state court of competent jurisdiction, a suit, in such form as it considers appropriate, for legal determination of the benefits to be paid and the persons to receive them. The Administrator may also bring a suit or take such other action, as it deems appropriate in the case of questions involving investment directions. The Administrator shall comply with the final order of the court in any such suit, and Participants and Beneficiaries shall be bound thereby insofar as such order affects the benefits payable under this Plan or the method or manner of payment.
- 6.05 Limitation of Recovery: Participants and Beneficiaries may not seek recovery against the Administrator, or any employee, contractor or agent of the Employer or Administrator for any loss sustained by any Participant or Beneficiary due to the nonperformance of their duties, negligence or any other misconduct of the above named persons. This paragraph shall not, however, excuse fraud or a wrongful taking by any person.

SECTION 7  
ACCOUNTS AND REPORTS

- 7.01 Account: The Administrator or duly appointed representative shall maintain an Account with respect to each Participant, and that Account shall be credited with the Participant's deferred amount for each pay period. The balance of such account shall be adjusted daily to reflect any distribution to the Participant and all interest, dividends, account charges and changes of market value resulting from the investment of the Participant's deferred amounts. All Plan records, including individual account information that is maintained by the Administrator shall be the exclusive property of the Employer.
- 7.02 Statement of Account: The Administrator's designee for providing Administrative services shall provide a written report of the status of each Participant's Account within thirty (30) days after the end of each Plan quarter and, a year-end summary report of transactions and aggregate account balances within thirty (30) days of the end of the Plan Year. All reports to Participants shall be based on the fair market value of investments credited to their Accounts as of the reporting dates. Participant reports shall be deemed to have been accepted by the Participant as correct unless the Administrator, or its designee, receives written notice to the contrary within sixty (60) days after the mailing or distribution of a report to the Participant.
- 7.03 Account Valuation: The Administrator or its duly appointed representative shall value the investments each business day based on acceptable industry practices. All daily transactions shall be based on that day's closing market values.

SECTION 8  
INVESTMENT OF DEFERRALS

- 8.01 Investment Options: From time to time, the Administrator shall determine the available Investment Fund Options for Participants or Beneficiaries. The Participants may direct the investment of their accounts among these Investment Fund Options. Investment allocations by Participants shall remain effective with regard to all subsequent Deferrals, until changed in accordance with the provisions of this Section. A Participant may change his allocation request by submitting an Applicable Form as required by the Administrator. Such changes shall become effective as soon as administratively feasible.
- 8.02 Deposits: In all cases, deposits of deferrals shall be treated as actually made only as of the date the funds are accepted as in good order by the Administrator.

SECTION 9  
PLAN TO PLAN TRANSFERS

- 9.01 Plan-to-Plan Transfers: Notwithstanding any other Plan provision, distribution of amounts deferred by a former Participant of this Plan shall not commence upon Separation from Service, but instead may be transferred to another Deferred Compensation Plan, of which the former Participant has become a Participant, if:
- (a) the plan receiving such amounts provide for their acceptance, and
  - (b) a Participant Separates from Service with the employer in order to accept employment with another entity eligible to sponsor a plan pursuant to Code Section 457.
- This Plan may accept the cash transfer of amounts previously deferred by a Participant under another eligible Deferred Compensation Plan.

SECTION 10  
AMENDMENT AND TERMINATION

- 10.01 Amendments: Subject to the provision of any applicable law, the Employer may at any time amend or modify this Plan without the consent of the Participants (or any Beneficiaries thereof), provided that notice of the amendment be given to Participants at least forty-five (45) days before the amendment becomes effective. However, this forty-five (45) day notice requirement is suspended if the amendment does not limit or otherwise restricts the deferral and distribution rights of the Participants.
- 10.02 Termination: Although the Employer has established this Plan with a bona fide intention and expectation to maintain the Plan indefinitely, the Employer may terminate or discontinue the Plan in whole or in part at any time without any liability for such termination or discontinuance. Upon Plan termination, all Deferrals shall cease. In such an event, the Administrator shall be responsible for directing distribution of all assets of the Plan to Participants, Beneficiaries or to a successor plan.

SECTION 11  
PARTICIPATION BY POLITICAL SUBDIVISIONS

- 11.01 Adoption: Subject to the approval of the Administrator, the governing body of a political subdivision, as defined in 1.16, of the City of Indianapolis or Marion County, Indiana may pass a resolution to formally adopt this Plan for its employees. Such resolution must indicate that the political subdivision will abide by the rules and regulations of the Plan.
- 11.02 Termination: Subject to the approval of the Administrator, a political subdivision may terminate its participation in the Plan by adopting a resolution terminating its employees' rights in regard to participation in the Plan. Distributions, under the Plan, of existing accounts to these Participants are subject to the terms of Section 4.

SECTION 12  
MISCELLANEOUS

- 12.01 Limitation of rights: Neither the establishment of this Plan nor any modification thereof, nor the creation of any fund or account, nor the payments of any benefits, shall be construed as giving any Participant or other person any legal or equitable right against the Employer except as provided in the Plan. In no event shall the terms of employment of any employee be modified or in any way be affected by the Plan.
- 12.02 Nonassignment: No Participant, Beneficiary or designee may commute, sell, assign, transfer or otherwise convey the right to receive any payment under the Plan, provided that such payment and right thereto is expressly declared to be nonassignable and nontransferable.

- 12.03 Federal Taxes: Neither the Employer nor the Administrator guarantee that any particular Federal or State income, payroll or other tax consequence will occur because of participation in this Plan.
- 12.04 USERRA Compliance: Notwithstanding any provision of this Plan to the contrary, contributions, benefits and service credit with respect to qualified military service shall be provided in accordance with Code Section 414(u), and as required by the Uniformed Services Employment and Reemployment Rights Act ("USERRA").
- 12.05 Erroneous Payments: If the Administrator makes any payment that according to the terms of the Plan and the benefits provided hereunder should not have been made, the Administrator may recover that incorrect payment, by whatever means necessary, whether or not it was made due to the error of the Administrator.
- 12.06 Liability: The Administrator shall not incur any liability in acting upon notice, request, signed letter or other paper document or electronic transmission believed by the Administrator to be genuine or to be executed or sent by an authorized person.
- 12.07 Severability: If a court of competent jurisdiction holds any provision of this Plan to be invalid or unenforceable, the remaining provisions of the Plan shall continue to be fully effective.
- 12.08 Applicable Law: The Plan shall be construed in accordance with applicable federal law and, to the extent otherwise applicable, the laws of the State of Indiana.
- 12.09 Pronouns: Whenever the context so requires, the plural included the singular, the singular the plural, and the masculine the feminine.

PROPOSAL NO. 672, 1999. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 672, 1999 on November 10, 1999. The proposal determines the need to lease office space at 2011 North Meridian Street for use by the Domestic Violence Unit of the Indianapolis Police Department. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal No. 672, 1999 was adopted on the following roll call vote; viz:

21 YEAS: *Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Gilmer, Golc, Hinkle, Massie, McClamroch, Moores, Schneider, SerVaas, Short, Smith, Talley, Tilford*

0 NAYS:

5 NOT VOTING: *Black, Franklin, Jones, O'Dell, Williams*

3 ABSENT: *Gray, Moriarty Adams, Shambaugh*

Proposal No. 672, 1999 was retitled SPECIAL RESOLUTION NO. 86, 1999, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 86, 1999

PROPOSAL FOR A SPECIAL RESOLUTION determining the need to lease approximately 1,600 square feet of office space at 2011 North Meridian Street, Indianapolis, Indiana, for the Domestic Violence Unit of the Indianapolis Police Department.

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

SECTION 1. The City-County Council, pursuant to IC 36-1-10-7, has investigated the conditions requiring the subject lease and hereby determines the lease of office space for the use of the Domestic Violence Unit of the Indianapolis Police Department is necessary.

SECTION 2. The property to be leased is located at 2011 North Meridian Street, Indianapolis, Indiana, and is owned by "The Julian Center, Inc.," an Indiana not-for-profit corporation.

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

PROPOSAL NO. 673, 1999. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 673, 1999 on November 10, 1999. The proposal, sponsored by Councillor Curry, establishes the MECA (Metropolitan Emergency Communications Agency) Emergency Telephone System Fund as a nonreverting fund in order to receive distributions from the Indiana Wireless Enhanced 911 Advisory Board. By a 7-0 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. 673, 1999 was adopted on the following roll call vote; viz:

21 YEAS: Black, Borst, Boyd, Bradford, Cockrum, Coonrod, Coughenour, Curry, Dowden, Gilmer, Golc, Hinkle, Massie, McClamroch, Moores, Schneider, SerVaas, Short, Smith, Talley, Tilford  
0 NAYS:  
5 NOT VOTING: Brents, Franklin, Jones, O'Dell, Williams  
3 ABSENT: Gray, Moriarty Adams, Shambaugh

Proposal No. 673, 1999 was retitled GENERAL ORDINANCE NO. 148, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 148, 1999

A GENERAL ORDINANCE amending the Revised Code of the Consolidated City and County by amending Article V of Chapter 135 concerning Nonreverting Special Agency Funds.

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

SECTION 1. Article V of Chapter 135 of the Revised Code of the Consolidated City and County is hereby amended by inserting the words underlined as follows:

ARTICLE V. NONREVERTING SPECIAL AGENCY FUNDS

DIVISION 3. MECA EMERGENCY TELEPHONE SYSTEM FUND

Sec. 135-531. Metropolitan emergency communications agency emergency telephone system fund.

(a) There is hereby created a special, nonreverting fund for the metropolitan emergency communications agency, to be designated as the "MECA emergency telephone system fund." The treasurer shall deposit into such fund all distributions received by or credited to the metropolitan emergency communications agency from the wireless enhanced 911 advisory board established by IC 36-8-16.5-18.

(b) This fund shall be a continuing, nonreverting fund, with all balances remaining therein at the end of the year, and such balances shall not lapse into the county general fund or be diverted directly or indirectly in any manner other than that set forth in subsection (c).

(c) The county treasurer may invest money in this fund in the same manner that other money of the county may be invested, but all income earned from the investment must be deposited into this fund.

(d) Moneys in the MECA emergency telephone system fund shall be used only for the purposes allowed by IC 36-8-16.5-41.

(e) Amounts shall be paid from this fund only pursuant to appropriations authorized by the city-county council.

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

PROPOSAL NO. 674, 1999. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 674, 1999 on November 10, 1999. The proposal establishes Check Deception Program Fund as a new nonreverting fund for all service fees and charges collected in the administration of the check deception program. By a 5-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Smith, for adoption. Proposal No. 674, 1999 was adopted on the following roll call vote; viz:

21 YEAS: Black, Borst, Boyd, Bradford, Cockrum, Coonrod, Coughenour, Curry, Dowden, Gilmer, Golc, Hinkle, Massie, McClamroch, Moores, Schneider, SerVaas, Short, Smith, Talley, Tilford

0 NAYS:

5 NOT VOTING: Brents, Franklin, Jones, O'Dell, Williams

3 ABSENT: Gray, Moriarty Adams, Shambaugh

Proposal No. 674, 1999 was retitled GENERAL ORDINANCE NO. 149, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 149, 1999

PROPOSAL FOR A GENERAL ORDINANCE to amend Division 6 of Article II of Chapter 135 of the "Revised Code of the Consolidated City and County," by the addition of a new nonreverting fund to be known as the "Check Deception Program Fund."

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

SECTION 1. Division 6 of Article II of Chapter 135 of the "Revised Code of the Consolidated City and County," regarding nonreverting county funds, be and is hereby amended by deleting the stricken-through text and inserting the underlined text to read as follows:

DIVISION 6. COUNTY PROSECUTOR'S VICTIM WITNESS SUPPORT SERVICES FUNDS.

**Sec. 135-261. Victim witness support services fund.**

(a) There is hereby created a special fund, to be designated and known as the "victim witness support services fund," in the office of the county prosecutor. This fund shall be a continuing, nonreverting fund, with all balances remaining therein at the end of each year. Such balances shall not lapse into the county general fund, or ever be directly or indirectly diverted in any manner to uses other than those stated in this section.

(b) All fees charged and collected by the county prosecutor for providing copies of documents pursuant to discovery or public records requests shall be deposited in the victim witness support services fund.

(c) The fund shall be administered by the county prosecutor, and all funds deposited therein shall be appropriated and used solely for services that victims or witnesses need for their own protection and well-being, including but not limited to expenses such as moving expenses, security measures or equipment, food, and temporary shelter.

**Sec. 135-262. Prosecutor's check deception program fund.**

(a) There is hereby created a special fund to be designated as the "check deception program fund." in the office of the county prosecutor. This fund shall be a continuing, nonreverting fund, with all balances remaining therein at the end of each year. Such balances shall not lapse into the county general fund, or ever be directly or indirectly diverted in any manner to uses other than those stated in this section.

(b) All service fees and charges which are collected in the administration of the prosecutor's check deception program shall be deposited in the check deception program fund.

(c) The fund shall be administered by the county prosecutor, and all funds deposited therein shall be appropriated and used solely for the use and benefit of the office of the county prosecutor.

SECTION 2. 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 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 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 4. 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. 678, 1999. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 678, 1999 on November 18, 1999. The proposal amends the Code, Chapter 511, Air Pollution Control. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Coughenour moved, seconded by Councillor Hinkle, for adoption. Proposal No. 678, 1999, as amended, was adopted on the following roll call vote; viz:

*22 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Hinkle, Massie, McClamroch, Moores, Schneider, Short, Smith, Talley, Tilford*

*0 NAYS:*

*4 NOT VOTING: Jones, O'Dell, SerVaas, Williams*

*3 ABSENT: Gray, Moriarty Adams, Shambaugh*

Proposal No. 678, 1999, as amended, was retitled GENERAL ORDINANCE NO. 150, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 150, 1999

A GENERAL ORDINANCE amending Chapter 511 of the Revised Code of the Consolidated City and County.

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

SECTION 1. Article I, Section 511-102, is hereby amended by inserting the underlined text and deleting the cross-hatched text to read as follows:

**Sec. 511-102. Definitions.**

As used in this chapter and its regulations, the following terms shall have the meanings ascribed to them:

*Actual emissions* means the emissions which occurred over a specified period of time based upon emission monitoring, stack testing, emission factors, or other measures acceptable to the administrator.

*Administrator* means the ~~assistant~~ administrator of the ~~air pollution control section~~ of the environmental resources management division of the department of public works, Consolidated City of Indianapolis and Marion County or his/her authorized deputy, agent or representative.

*Air contaminant* means any solid, liquid or gaseous matter, or any combination thereof, that may be emitted into the ambient air in any manner which may cause or contribute to air pollution. Air contaminant shall include "regulated air pollutant" as defined in 40 CFR §70.2.

*Air contaminant emitter* or *air contaminant source* means any vehicle, process facility or any other device that emits or is capable of emitting an air contaminant, whether privately or publicly owned or operated. Without limiting the generality of the foregoing, this term includes all types of business,

commercial and industrial plants, works, shops and stores, heating and power plants and power stations, and buildings and other structures of all types, including single-and multiple-family residences, apartments, houses, office buildings, public buildings, hotels, restaurants, schools, hospitals, churches, other institutional buildings, automobiles, trucks, tractors, buses, other motor vehicles, garages vending and service locations and stations, railroad locomotives, ships, boats and other waterborne craft, portable fuel-burning equipment, incinerators of all types, indoor and outdoor, refuse dumps and piles, and all stack and other chimney outlets from any of the foregoing.

*Air pollution* means the presence or threatened discharge, from whatever source, of solid, semisolid, liquid or gaseous matter or any combination thereof, in the ambient air in sufficient quantities and of such characteristics and duration which:

- (1) Injures or threatens to injure human, plant or animal life; or
- (2) Damages or threatens to damage property; or
- (3) Unreasonably interferes with the comfortable enjoyment of life and property.

*Allowable emissions* means the emissions rate as established in the applicable air pollution control permit issue by the division.

*Ambient air* means any outside air.

*Asbestos abatement permit* means the written authorization that allows a person to remove asbestos materials and conduct asbestos abatement projects.

*Board* means the Indianapolis Air Pollution Control Board.

CFR shall mean, unless otherwise indicated, the Code of Federal Regulations, edition incorporated by reference within Regulation 1-2-1 duly adopted by the Indianapolis Air Pollution Control Board.

*Clean Air Act of 1990* means the Federal Clean Air Act (42 USC 7401 et seq.) as amended by the Clean Air Act Amendments of 1990 (P.L. 101-549).

*Construction permit* means the written authorization that allows a person to construct, reconstruct or modify an air contaminant emitter.

*Division* means the ~~air pollution control section of the~~ environmental resources management division of the department of public works, Consolidated City of Indianapolis and Marion County.

*Effective date* means the date on which an action takes effect. ~~For permits issued pursuant to article V of this chapter, the effective date is fifteen (15) days after the administrator signs and issues the permit. For all other actions~~ Unless otherwise designated in the notice, the effective date is when the person subject to the action receives written notice of the action.

*Emission credit permit* means the written authorization that allows a person to claim credit for emissions not released to the ambient air.

*Facility* means any one (1) structure, piece of equipment, installation operation that emits or is capable of emitting an air contaminant. Single pieces of equipment or installations with multiple emission points shall be considered a facility for purposes of this chapter and its regulations.

*Open burning or open fire* means any burning of combustible matter where the products of combustion are emitted directly into the ambient air without passing through a stack or chimney.

*Operating permit* means the written authorization that allows a person to operate an air contaminant emitter.

*Person* means any individual, proprietorship, partnership, firm, company corporation, association, joint venture, trustee, estate, political or governmental unit or any other legal entity.

*Potential emissions* means emissions of any one (1) pollutant which would be emitted from a facility if that facility were operated without the use of pollutant control equipment unless such control equipment is (aside from air pollution control requirements) necessary for the facility to produce its normal product or is integral to the normal operation of the facility. Potential emissions shall be based on maximum rated capacity unless hours of operation are limited by enforceable permit conditions and shall

be calculated according to federal emission guidelines in AP 42 -Compilation of Air Pollutant Emission Factors, or calculated based on stack test data or other data acceptable to the board.

Process means any action, operation or treatment and the equipment used in connection therewith, and all methods or forms of manufacturing or processing that emits or is capable of emitting an air contaminant.

Regulation means the whole or any part of a board statement of general applicability that:

- (1) Has or is designed to have the effect of law; and
- (2) Implements, interprets or prescribes:
  - a. Law or policy; or
  - b. The organization, procedure or practice requirements of the board or division.

Source means one (1) or an aggregation of ~~processes~~ or facilities that are located on one (1) piece of property or more on contiguous or adjacent properties, and which are owned or operated by the same person, or by persons under common control.

Title V operating permit means the operating permit required by Title V of the Clean Air Act of 1990.

Wood Products means dry material consisting of vegetation or wood which does not contain any other substances.

~~40 CFR 70 shall mean 40 CFR 70 as published in 57 Fed. Reg. 32,295 (July 21, 1992).~~

~~40 CFR 72 shall mean 40 CFR 72 as published in 58 Fed. Reg. 3650 (January 11, 1993) and 58 Fed. Reg. 15,634 (March 23, 1993).~~

SECTION 2. Article III, Section 511-301 and Section 511-302 are hereby amended by inserting the underlined text and deleting the cross-hatched text to read as follows:

### ARTICLE III. POLLUTION CONTROL ~~DIVISION~~ DUTIES

**Sec. 511-301.** ~~Establishment of air pollution control division.~~ Environmental resources management division.

This section establishes ~~an air pollution control division~~ the environmental resources management division of the department of public works as the principal administrative and enforcement office for this chapter and its regulations.

**Sec. 511-302. Administrator established; qualifications.**

(a) This section establishes the ~~air pollution control division~~ administrator of the environmental resources management division as the manager of the air pollution control functions ~~as the full-time executive director~~ of the division. The administrator shall be appointed by the director of the department of public works, upon concurrence of the board, and shall serve at the pleasure of the director of the department of public works.

(b) The administrator may, with the concurrence of the board, designate an assistant administrator to be the full-time manager of the air pollution control functions of the division.

(~~b~~c) The administrator and the assistant administrator shall have technical expertise in air pollution control and administrative experience.

SECTION 3. Article IV, Section 511-402 is hereby amended by inserting the underlined text and deleting the cross-hatched text to read as follows:

**Sec. 511-402. Procedures.**

Before a regulation, an amendment to a regulation or a repeal of a regulation becomes effective, the board and division shall comply with the following procedures:

- (1) The board shall preliminarily adopt the regulation, appoint a hearing officer or officers and schedule the matter for public hearing.
- (2) At least ~~ten (10)~~ ~~fifteen (15)~~ days before the public hearing, the division shall publish a notice in a newspaper of general circulation printed and published in Marion County. The notice shall state the time and place of the hearing, the subject matter of the proposed regulation and that copies of the proposed regulation are available for public examination at the offices of the division and the office of the clerk of the city-county council.
- (3) On or before the publication date of the notice, the division shall place five (5) copies of the proposed regulation on file at the office of the clerk of the city-county council and shall keep five (5) copies on file at the division's office. The copies shall be available for public examination until the proposed regulation becomes effective. Any interested person may examine the proposed regulation during regular business hours. The clerk of the city-county council shall provide each member of the city-county council a copy of the proposed regulation.
- (4) Written comments may be submitted to the board prior to the public hearing. Any interested party may present oral or written data, facts, comments or argument at the public hearing either in person or by a duly authorized representative or attorney. Unless the board ~~or its hearing officer or officers~~ determines for good cause to close the comment period at the conclusion of the public hearing, written comments may be submitted up to and including seven (7) days after the conclusion of the public hearing. At the hearing the board or its hearing officer or officers may further extend the period for submitting written comments. After the conclusion of the public comment period and before the board adopts the proposed regulation, the administrator shall submit to the board written responses to the public comments. The board or its hearing officer or officers may continue the public hearing without publishing further notice if the date and time of the continued hearing is announced concurrently with the decision to continue the hearing.
- (5) Except as provided in paragraph (6) of this section, the board shall not vote on a proposed regulation until at least ten (10) days after the conclusion of the public comment period.
- (6) Upon concurrence of at least seven (7) members, the board may waive the ten-day requirement in paragraph (5) of this section.
- (7) The board shall vote on a regulation in accordance with section 4-26 ~~511-207~~ of this chapter.
- (8) ~~No later than (10) days~~ After the board has adopted a regulation, the division shall publish a notice, once a week for two (2) consecutive weeks, in a newspaper of general circulation printed and published in Marion County. The notice shall state that the board adopted a regulation, state the number of the regulation, describe the subject matter of the regulation, state that copies of the regulation are available for public examination at the offices of the division and the clerk of the city-county council and that the regulation becomes effective on the sixty-first day after adoption unless rejected by the city-county council, state when the regulation becomes effective.
- (9) The division shall file ~~five (5)~~ two (2) copies of the adopted regulation, along with proof of publication, with the clerk of the city-county council and keep five (5) copies on file at the division offices. The clerk of the city-county council shall provide a copy of the adopted regulation to each member of the city-county council.
- (10) ~~The city-county council may reject, by ordinance or resolution, a regulation adopted by the board within sixty (60) days of adoption by the board. If a regulation is rejected, the regulations which were previously in effect before the rejected regulation was adopted shall remain in effect. If a regulation is not rejected, it shall be effective on the sixty-first day after adoption. A regulation shall not become effective or enforceable until forty-five (45) days after the date of first publication required under section 511-402(8), unless the Mayor proclaims an emergency effective date. During such forty-five (45) day period, the city-county council may by resolution stay, up to a maximum of ninety (90) days from the date of first publication required under section 511-402(8), the taking effect of a regulation. Before it becomes effective, the city-county council may by resolution reject a regulation. If a regulation is rejected, the regulation which was previously in effect before the rejected regulation was adopted shall remain in effect. Unless preempted by applicable law, the city-county council may also adopt ordinances on the same subject matter, thereby abrogating the agency's authority to adopt the proposed regulation. If the city-county council has not rejected a regulation or adopted an ordinance on the same subject matter within forty-five (45) days, or up to ninety (90) days if the city-council by resolution stayed the taking effect of the regulation within the forty-five (45) day period, the regulation shall become effective.~~

- (11) If the board amends or repeals an existing regulation, the procedures in paragraphs (1) through (10) of this section shall apply.
- (12) If the board makes substantive revisions to a proposed regulation after preliminary adoption and before final adoption, the board shall preliminarily adopt the revised proposal and follow the procedures in paragraphs (1) through (10).

SECTION 4. Article V, Section 511-501 is hereby amended by inserting the underlined text and deleting the cross-hatched text to read as follows:

**Sec. 511-501. Permit system.**

(a) The board shall adopt regulations that create a permit system, and the division shall implement the permit system. The permit system shall contain two (2) components:

- (1) The permit system mandated by Title V of the Clean Air Act of 1990, which may ~~shall~~ include permits required by Title IV of the Clean Air Act of 1990 (acid rain); and
- (2) Other permits as required by federal or state law or deemed by the board to be necessary to carry out the purposes of this chapter.

Regulations adopted by the board shall be revised in a timely manner to incorporate new requirements set forth in applicable state or federal air pollution control laws or regulations.

(b) That portion of the permit system mandated by Title V of the Clean Air Act of 1990, which shall include permits required by Title IV of the Clean Air Act of 1990 (acid rain), shall comply in all respects with that act and applicable federal regulations. In the event of a conflict between the federal regulations promulgated pursuant to Title V and those promulgated pursuant to Title IV, those federal regulations promulgated pursuant to Title IV shall govern.

(c) The permit system shall include adequate, streamlined and reasonable procedures for expeditiously administering the system.

(d) At a minimum, the permit regulations shall perform the following functions:

- (1) Require permits in order to construct new facilities or sources.
- (2) Require permits in order to modify or reconstruct existing facilities or sources.
- (3) Require permits in order to operate facilities or sources.
- (4) Require permits for processes and other air contaminant emitters including, but not limited to, ~~air curtain incinerators, asbestos abatement projects and sandblasting.~~
- (5) Require permits for claiming emission credits or allowances and establish procedures and requirements for obtaining and using emission credits or allowances, provided that such system shall not interfere with the federal sulfur dioxide allowance system established pursuant to Title IV of the Clean Air Act of 1990 (acid rain).
- (6) Establish minimum levels of emissions from a facility, source, process or other air contaminant emitter for which a permit and/or reporting is required.
- (7) Establish fixed terms for permits, which terms shall be as follows:
  - a. Five (5) years for permits required by Title IV of the Clean Air Act of 1990 (acid rain); and
  - b. Not to exceed five (5) years for all other permits.
- (8) Establish the information necessary for complete permit applications and the procedures and time frames by which the applications' completeness shall be determined.
- (9) Establish procedures and time frames for division review of permit applications, including initial permit issuance, modifications or revisions and renewals.

- (10) Establish procedures and time frames for notice, public comment periods and public hearings, which procedures may include providing an opportunity to comment on the draft permit before it is issued. For permits required by Title V of the Clean Air Act of 1990, such procedures shall, as provided in 40 CFR §70.7(h), require adequate procedures for public notice, including offering an opportunity for public comment and a hearing on the draft permit, for initial permit issuance, significant modifications and renewals.
- (11) Require, when appropriate, reasonable tests and monitoring, including continuous emissions monitoring, and creation, submission to the division and retention of reports and records of tests, monitoring, production, maintenance or other matters relating to the quantity of emissions, the effectiveness of air pollution control equipment or compliance with this chapter and its regulations.
- (12) Provide, for permits required by Title V of the Clean Air Act of 1990, if the applicant has submitted a timely and complete application for an initial or renewal permit, but no final action has been taken on the application, the applicant's failure to have a permit is not a violation of this chapter or its regulations until after the division takes final action on the permit application.
- (13) Require, when necessary, that application forms, reports and compliance certifications shall contain certification by a responsible official of truth, accuracy and completeness.
- (14) For permits required by Title V of the Clean Air Act of 1990, allow issuance of a permit for a facility or source not in compliance with applicable requirements.
- (15) Require, when appropriate, submittal of a certified plan and schedule to attain and maintain compliance.
- (16) Require that no permit shall automatically issue, be renewed or modified because of failure of the division to take action on the application, or for any other reason.
- (17) Require that the division shall not issue a permit required by Title V of the Clean Air Act of 1990 if the administrator of the United States Environmental Protection Agency makes a written objection within the time allowed under applicable federal law.
- (18) For permits required by Title V of the Clean Air Act of 1990, establish, consistent with the timing and other requirements of 40 CFR §70.4(b)3 and §72.72(b)(5)(ii), an opportunity for judicial review of final action on a permit, by the applicant, any person who participated in the public participation process and any other affected person entitled to judicial review of such action under state law. The opportunity for judicial review so provided shall be the exclusive means for obtaining judicial review of the terms and conditions of such permits. Procedures regarding such opportunity for judicial review may be established by this chapter or by regulation of the board.
- (19) For permits required by Title V of the Clean Air Act of 1990, and solely for purposes of obtaining judicial review to require that action be taken by the division on the application without additional delay, provide that failure of the division to act on an initial or renewal application, or modification or revision, within the time periods specified in the Clean Air Act of 1990 is a final action of the administrator appealable directly to a court of competent jurisdiction.
- (20) Establish transfer procedures and renewal procedures and, for permits required by Title V of the Clean Air Act of 1990, provide that permits being renewed are subject to the same procedural requirements that apply to initial permit issuance.
- (21) Require that permits may be terminated, modified, or revoked and reissued for cause and establish causes for such actions.
- (22) Provide, for permits required by Title V of the Clean Air Act of 1990, if the permit holder has submitted a timely and complete application for renewal, but no final action has been taken on the application, all the terms and conditions of the permit, including any application shield granted by subparagraph (12) of this paragraph (d), shall remain in effect until the renewal permit has been issued or denied.
- (23) Require that permits required by Title V of the Clean Air Act of 1990 shall be reopened and revised before expiration of the permit when the following conditions exist:

- a. Additional federal requirements become applicable to a facility or source with a permit which allows at least three (3) more years of continued operations. However, a permit does not have to be revised if the additional requirements will not become effective until after the date the permit expires. A permit revision to address additional requirements must be completed by the division not more than eighteen (18) months after the adoption of the additional requirements; or
  - b. Additional requirements become applicable to the permit under the acid rain program. Upon approval by the United States Environmental Protection Agency, an excess emissions offset plan shall be considered to be incorporated into the permit; or
  - c. The division or the United States Environmental Protection Agency determines that:
    1. The permit contains a material mistake; or
    2. Inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit; or
  - d. The division or the administrator of the United States Environmental Protection Agency determines that the permit must be revised or revoked to assure compliance with the applicable federal requirements as defined in 40 CFR §70.2.
- (24) Require that all permits shall contain a severability clause to ensure the continued validity of the various permit requirements in the event of a challenge to any portion of the permit.
- (25) Establish procedures for determining if information (other than the contents of a permit required by Title V of the Clean Air Act of 1990 or emissions data) maintained by the division, if made public, would divulge methods or processes entitled to protection as trade secrets and assuring security of information so determined to be entitled to confidentiality.
- (26) For permits required by Title V of the Clean Air Act of 1990, establish procedures allowing changes to be made without requiring a permit revision if the permit holder has been issued an operating permit or is operating without a permit but has made a timely and complete application for a permit and if:
- a. The changes are not modifications under any provision of Title I of the Clean Air Act of 1990;
  - b. The changes do not exceed emissions allowable under the permit, whether expressed as a rate of emissions or as total emissions; and
  - c. The permit holder provides the division with written notification at least seven (7) days before the proposed changes are made. However, the board, by regulation, may provide a different time period for notifications that involve emergency situations.
- (27) For permits required by Title V of the Clean Air Act of 1990, establish procedures allowing reasonably anticipated alternate operating scenarios identified in the permit application and approved by the division.
- (28) For permits required by Title IV of the Clean Air Act of 1990 (acid rain):
- a. Establish a "permit shield" from enforcement action as provided in 40 CFR §72.51;
  - b. Provide that a complete permit application shall be binding and enforceable as a Title IV (acid rain) permit from the date of submission of the application until issuance or denial of the permit; and
  - c. Allow exemptions for certain new units and retired units as provided in 40 CFR §72.7 and 72.8.
- (29) Require that all permits be consistent with all local, state and federal air pollution control laws and regulations;

- (30) Require that all permits not interfere with attainment of local, state or federal air quality standards.
- (e) The permit regulations may:
  - (1) Establish procedures for general permits covering numerous sources as provided in 40 CFR §70.6(d).
  - (2) Establish a limited "permit shield" from enforcement action as provided in 40 CFR §70.6(f).
  - (3) Allow changes not addressed or prohibited by a permit required by Title V of the Clean Air Act of 1990, provided such changes are not subject to any requirements under Title IV or are not modifications under any provision of Title I of that act.
  - (4) Establish procedures for trading emission increases and decreases under certain circumstances as provided in 40 CFR §70.4(b)(12)(ii).
  - (5) Allow issuance of a permit with a future effective date.
  - (6) Perform any other function not specified in this subsection or subsection (d) if such function is reasonably necessary for efficient operation of the permit program or reasonably necessary to protect the public health or welfare or ensure compliance with local, state or federal air pollution control laws or regulations.
  - (7) Establish limited liability for failure to obtain a permit under certain circumstances, provided that any such regulation shall be consistent with, and no more permissive than, IC 13-10-4-1.

(f) No permit required by the Clean Air Act of 1990 for a solid waste incineration unit, as that term is defined in §129 of that act, may be issued by any agency, instrumentality or person that is also responsible, in whole or in part, for the design and construction or operation of the unit.

SECTION 5. Article V, Section 511-502 is hereby amended by inserting the underlined text and deleting the cross-hatched text to read as follows:

Sec. 511-502. Reserved.

~~Sec. 511-502. Judicial review of final permit action for permits required by Title V of the Clean Air Act of 1990.~~

~~(a) *Right of judicial review.* Judicial review of a final permit action for permits required by Title V of the Clean Air Act of 1990 may be requested by the permit applicant, any person who participated in the public participation process pursuant to Regulation XVII 1 or any other affected person.~~

~~(b) *Time for filing petition.* Petitions for judicial review must be filed with a court of competent jurisdiction no later than thirty (30) days after a final permit action. Notwithstanding the preceding requirement, petitions for judicial review of a final permit action can be filed more than thirty (30) days after the final permit action if:~~

- ~~(1) The petition is based on new grounds that arise more than thirty (30) days after the final permit action;~~
- ~~(2) The petition is filed not more than thirty (30) days after the new grounds arose;~~
- ~~(3) The new grounds are based on new information that was not available and could not be due diligence have been discovered and produced within thirty (30) days after the final permit action.~~

~~If the final permit action being challenged is the administrator's failure to take final action, a petition for judicial review may be filed any time before the administrator denies the permit or issues the final permit.~~

~~(c) *Final permit action defined.* For purposes of this section, "final permit action" shall mean a decision of the board regarding a permit required by Title V of the Clean Air Act of 1990 and made pursuant to an appeal made to the under section 511-801. Notwithstanding the preceding definition, failure of the administrator to act on an initial or renewal application or modification or revision of a~~

~~permit required by Title V of the Clean Air Act of 1990 within the time periods specified in Regulation XVII 1 is a final permit action which may be appealed directly to a court of competent jurisdiction, solely for the purpose of obtaining judicial review to require that action be taken on the application without additional delay.~~

~~(d) *Exclusive means.* The opportunity for judicial review described in this section shall be the exclusive means for obtaining judicial review of the terms and conditions of permits required by Title V of the Clean Air Act of 1990.~~

SECTION 6. Article V, Section 511-521 is hereby amended by inserting the underlined text and deleting the cross-hatched text to read as follows:

**Sec. 511-521. Permit fees**

(a) *Purpose.* This section 511-521 establishes permit fees due to the division at levels necessary to continue the process of developing and administering for Marion County the permit program required by Title V of the Clean Air Act of 1990. This section 511-521 and sections 511-523 also establish all other types of permit fees due to the division.

(b) *Application fees.* The division shall collect an application fee of one hundred dollars (\$100.00) whenever a person submits an application to:

- (1) Obtain a construction permit;
- (2) Obtain an operating permit;
- (3) Obtain an asbestos abatement permit;
- (4) Obtain an emission credit permit;
- (5) Change the name of the permittee on a permit issued by the administrator;
- (6) Transfer a permit to a new owner of the air contaminant emitter subject to a permit;
- (7) The application fee for (1) through (6) above is waived if:
  - a. A permittee has already obtained a construction permit, and is submitting an application for an initial operating permit;
  - b. A permittee is renewing an operating permit;
  - c. A permittee is renewing an asbestos abatement permit;
  - d. A permittee is renewing an emission credit permit.
  - e. A permittee has already obtained an operating permit and is submitting an application for an initial Title V operating permit.
- (8) If a permittee is applying simultaneously for permits for several facilities at the same source, the permittee shall pay a single application fee.

(c) *Construction permits.* The division shall collect a fee for reviewing plans and issuing a construction permit.

- (1) *Base fees.*
  - a. The fee for each facility with potential emissions of any one (1) pollutant less than ten (10) tons per year shall be eight hundred dollars (\$800.00).
  - b. The fee for each facility with potential emissions of any one (1) pollutant of ten (10) tons per year or greater but less than twenty (20) tons per year shall be twelve hundred dollars (\$1200.00).
  - c. The fee for each facility with potential emissions for any one (1) pollutant of twenty (20) tons per year or greater, but less than twenty-five (25) tons per year shall be one thousand eight hundred dollars (\$1,800.00).

- d. The fee for each facility with potential emissions of any one (1) pollutant of twenty-five (25) tons per year or greater, but less than one hundred (100) tons per year shall be four thousand five hundred dollars (\$4,500.00).
  - e. The fee for each facility with potential emissions of any one (1) pollutant of one hundred (100) tons per year or greater shall be six thousand five hundred dollars (\$6,500.00).
  - f. Facilities which elect to be subject to board Regulation IX-2 (Enhanced New Source Review) shall not be subject to the fees in subsections a. through e., but instead shall pay a fee of three thousand five hundred dollars (\$3,500.00).
- (2) In addition to fees collected under paragraph (1) above, the division shall collect all applicable fees specified in a. through g. below.
- a. The fee for each review involving a facility or facilities subject to federal, state, or local new source performance standards shall be five hundred dollars (\$500.00) per standard.
  - b. The fee for each review involving a facility or facilities subject to federal, state, and local national emission standards for hazardous air pollutants shall be five hundred dollars (\$500.00) per pollutant.
  - c. The fee for each public notice required as a part of a construction permit review shall be three hundred dollars (\$300.00).
  - d. The fee for each facility subject to best available control technology (BACT), maximum achievable control technology (MACT) or lowest achievable emission rate (LAER) shall be three thousand dollars (\$3,000.00) per pollutant for each applicable pollutant.
  - e. The fee for each facility subject to generally achievable control technology (GACT) shall be one thousand dollars (\$1,000.00) per pollutant for each applicable pollutant.
  - f. The fee for each facility subject to modeling analysis shall be four thousand dollars (\$4,000.00) per pollutant for each applicable pollutant, except where such analysis is performed by the division, in which case the fee shall be six thousand dollars (\$6,000.00) per pollutant for each applicable pollutant.
  - g. The fee for each facility which has federally enforceable permit restrictions to allow the facility to be exempt from federal Prevention of Significant Deterioration or Nonattainment New Source Review requirements shall be one thousand dollars (\$1,000.00) per permit.
- (d) *Operating permits.* This part (d) shall not apply to gasoline dispensing facility operating permits, ~~portable air curtain incinerator and portable sandblasting operation operating permits~~ and sources which are required to pay Title V operating permit fees pursuant to sections (e) or opt-out fees pursuant to section (f).
- (1) *Initial and annual fee.* The division shall collect a fee for the initial issuance of an operating permit and an annual administrative fee for each succeeding year for the maintenance and renewal of an operating permit. The total fee shall be the per facility fee specified in subpart (2) below, plus the source category fee or fees specified in subpart (3) below, if applicable. The total fee, exclusive of the source category fees in subparts (3)c and (3)d, shall not exceed three thousand three hundred dollars (\$3,300.00).
- (2) *Per facility fees.*
- a. The fee for each facility with allowable emissions of any one (1) pollutant less than twenty-five (25) tons per year shall be two hundred and fifty dollars (\$250.00).
  - b. The fee for each facility with allowable emissions of any one (1) pollutant of twenty-five (25) tons per year or greater, but less than one hundred (100) tons per year, shall be nine hundred fifty dollars (\$900.00).
- (3) *Source category fees.*
- a. The fee for each source with actual emissions of seventy-five (75) tons per year or greater shall be one thousand five hundred dollars (\$1,500.00).

- b. The fee for each source with actual emissions of twenty-five (25) tons per year or greater but less than seventy-five (75) tons per year shall be one thousand dollars (\$1,000.00).
  - c. The fee for each source subject to federal, state or local national emission standards for hazardous air pollutants shall be two thousand dollars (\$2,000.00).
  - d. The fee for each source subject to federal, state or local new source performance standards shall be two thousand dollars (\$2,000.00) per standard.
- (4) The fees set forth in section (d)(2) and (3)(a) and (b) shall automatically be adjusted annually by the Consumer Price Index (CPI) using the revision of the CPI which is most consistent with the CPI for the preceding year.
- (e) *Fees for 1995, 1996 and subsequent years for sources required to obtain Title V operating permits.*
- (1) Beginning in calendar year 1995, sources which, according to 40 CFR §70.3 and applicable state and local regulations, will be required to obtain a Title V operating permit under a United States Environmental Protection Agency approved Title V operating permit program applicable to Marion County, shall pay an annual fee as set forth in subsection (2) of this section.
  - (2) A source's annual fee shall be calculated as follows:
    - a. Each source shall pay a base fee of two thousand five hundred dollars (\$2,500.00) and shall pay an additional fee of thirty-seven dollars (\$37.00) per ton for each ton of regulated pollutant emitted, provided that, no source shall pay more than one hundred fifty thousand dollars (\$150,000.00), or, if a source emits more than one hundred (100) tons per year of NOx and more than one hundred (100) tons per year of VOC and is located in an area designated as serious or severe nonattainment for ozone in accordance with the Clean Air Act of 1990, the source shall pay no more than two hundred thousand dollars (\$200,000.00). The administrator shall exclude from the fee calculation the amount of each source's actual emissions of any regulated pollutant that the source emits in excess of four thousand (4000) tons per year. As used in this section, "regulated pollutant" shall have the meaning set forth board Regulation XVII-1, 2-7, Section 1.
    - b. During the years 1995 through 1999 inclusive, any affected unit under Section 404 of the Clean Air Act of 1990 shall be exempted from the fees established under subsection (2)(i) and shall instead pay the following: Fifty thousand dollars (\$50,000.00) shall be submitted upon billing for an electric power plant containing a Phase I affected unit, as identified in Table A of Section 404 of the Clean Air Act of 1990 or for a substitution unit as determined by U.S. EPA in accordance with Section 404 of the Clean Air Act of 1990.
    - c. Municipal solid waste incinerators with a capacity greater than two hundred fifty (250) tons per day shall be exempted from the fees established under subsection (2)(i) and shall instead pay the following: Twenty-five thousand dollars (\$25,000.00) shall be submitted upon billing.
    - d. In addition to the fees established under subsection (2)(i), coke oven batteries shall pay the actual cost incurred in performing inspections required by 40 CFR §63, Subpart L, not to exceed one hundred twenty-five thousand dollars (\$125,000.00). As used in this subsection, "coke oven battery" shall have the meaning set forth in board Regulation X 1.
- (3) The annual emission statement submitted during the previous calendar year as required by 326 IAC 2-6 or an equivalent board regulation shall be the basis for determining total tons of actual emissions of each regulated pollutant. If an annual emission statement is not required or if more information is needed to accurately determine a source's emissions for a regulated pollutant, the administrator may require that the source report annual emissions using procedures acceptable to the administrator.
- (4) After review of a source's annual emission statement and all other available information, the administrator shall calculate the total emissions to be included in the fee. No source shall be required to pay more than a single dollar-per-ton fee during any billing period for any one (1) ton of pollutant emitted. If the source disputes the calculation of total actual emissions used to determine the fee, the source shall remit the total fee billed, less the amount attributable to the disputed emissions and shall provide calculations or other data supporting the disputed emissions within thirty (30) days of receipt of the billing. The administrator shall review the information

submitted and make a final determination of the total fee due. The source shall pay any remaining fee due within fifteen (15) days of receipt of the revised billing.

- (5) The fees set forth in section (2)(i) shall automatically be adjusted annually by the Consumer Price Index (CPI) using the revision of the CPI which is most consistent with the CPI for the preceding calendar year.
- (6) Beginning in 1995, the administrator shall present a report to the board by August 15 of each calendar year. The report shall include the following information regarding the Title V permit program for the previous year:
  - a. The number of sources in Marion County required to obtain Title V operating permits, including those choosing to opt-out of the requirement to obtain a Title V operating permit by accepting in a federally enforceable permit physical or operational limits on the source's capacity to emit air pollutants;
  - b. The number of such permit applications received by the division;
  - c. The number and timeliness of final permit actions taken by the division;
  - d. The adequacy of the fees collected by the division to fund the Title V operating permit program;
  - e. An accounting of the monies deposited in the Air Pollution Control Program Fund, distinguishing fees used to fund the Title V operating permit program from other monies.

Based upon the report, the board may recommend that this section be amended to revise the fees to ensure that the fees collected are sufficient to cover the direct and indirect costs of the Title V operating permit program, and are used for no other purpose.

- (7) Pursuant to an enforceable written agreement with the Indiana Department of Environmental Management (IDEM) documenting the division's and IDEM's relative Title V operating permit program roles and responsibilities, a portion of the fees collected by the division may be transmitted to IDEM to recover costs incurred by IDEM in connection with Marion County Title V operating permit program responsibilities performed by IDEM.

(f) *Fees for sources "opting-out" of requirement to obtain Title V operating permits.* Notwithstanding section (e), sources which according to 40 CFR §70.3 and applicable state and local regulations will be required to obtain a Title V operating permit under a United States Environmental Protection Agency approved Title V operating permit program applicable to Marion County may opt-out of the requirements to obtain a Title V operating permit and to pay the Title V fees set forth in section (e) by: 1) accepting in a federally enforceable state or local operating permit ("FESOP") limits on the source's capacity to emit air pollutants, or 2) electing to be subject to federally enforceable state or local rules limiting the source's capacity to emit air pollutants ("Source Specific Operating Agreements"). The board shall adopt regulations establishing procedures for obtaining FESOP permits and Source Specific Operating Agreements. Pursuant to an enforceable written agreement with the Indiana Department of Environmental Management (IDEM) documenting the division's and IDEM's relative Title V operating permit program rules and responsibilities, a portion of the fees collected by the division may be transmitted to IDEM to recover costs incurred by IDEM in connection with Marion County Title V operating permit program responsibilities performed by IDEM.

- (1) *FESOP permit fees.* An application fee of three thousand five hundred dollars (\$3,500.00) and an annual administrative fee of one thousand five hundred dollars (\$1,500.00) shall be due to the division from sources which file FESOP applications and are issued FESOP permits as set forth in the FESOP regulation adopted by the board. A source's obligation to pay operating permit fees set forth in section (d) or Title V operating permit fees set forth in section (e) and/or (f) pending issuance of the FESOP permit, or upon denial of the FESOP application, shall be as set forth in such regulations.
- (2) *Source Specific Operating Agreement fees.* An application fee of five hundred dollars (\$500.00) shall be due to the division from sources electing to be subject to the Source Specific Operating Agreement regulation adopted by the board.

(g) *Gasoline dispensing facility operating permits.* The division shall collect a fee for the initial issuance of a gasoline dispensing facility operating permit and an annual administrative fee for each succeeding year for the maintenance and renewal of an operating permit. As used in this subpart "gasoline dispensing facility" shall have the meaning set forth in board Regulation ~~IV-3-3~~ 8-4-1, Section 6.

- (1) The fee for each gasoline dispensing facility with allowable emissions of any one pollutant less than twenty-five (25) tons per year shall be seventy-five dollars (\$75.00).
- (2) The fee for each gasoline dispensing facility with allowable emissions of any one pollutant of twenty-five (25) tons or greater per year shall be two hundred dollars (\$200.00).

~~(h) Portable air curtain incinerator and portable sandblasting operation operating permits. The division shall collect a fee for the initial issuance of a portable air curtain incinerator or portable sandblasting operation operating permit and an annual administrative fee for each succeeding year for the maintenance and renewal of an operating permit. The fee for each air curtain incinerator or portable sandblasting operation shall be two hundred fifty dollars (\$250.00).~~

~~(i) Fire training facility permit. The division shall collect an annual fee of fifty dollars (\$50.00) for each fire training facility permitted pursuant to this chapter.~~

(jh) *Emission credit permits.* The division shall collect a fee of five hundred dollars (\$500.00) for the initial issuance of an emission credit permit and an annual administrative fee for each succeeding year of two hundred dollars (\$200.00) for the maintenance of an emission credit permit.

(ki) *Asbestos abatement permits.* The division shall collect a fee of four hundred fifty dollars (\$450.00) for the initial issuance of an asbestos abatement permit and an annual administrative fee for each succeeding year of four hundred fifty dollars (\$450.00) for the maintenance and renewal of an asbestos abatement permit.

SECTION 7. Article V, Section 511- 704 is hereby amended by inserting the underlined text and deleting the cross-hatched text to read as follows:

**Sec. 511-704. Fire training.**

(a) The administrator may authorize the intentional and controlled burning of up to eight (8) actual or simulated structures in Marion County ~~in any one (1) calendar year~~, for the exclusive purpose of training fire department personnel concerning firefighting and fire prevention. Persons responsible for burning as authorized hereunder shall be consistent with the purpose and adequacy of the training involved and remove such contents or portions of any structure or structures which may cause excessive or hazardous emissions of air contaminants. Authorization by the administrator shall be given only upon the basis of certification to the administrator of the necessity of such training as would be permitted hereunder.

~~(b) The administrator may authorize intentional and controlled burning at facilities which are designed for the training of firefighting or fire prevention personnel may be utilized for controlled open burning for the exclusive purpose of training fire department personnel concerning firefighting, fire rescue and survival, and fire prevention, as provided under the provisions of this paragraph. Any such facilities shall be constructed, maintained and operated only at such locations, according to such standards and conditions, and pursuant to such restrictions as shall be particularly authorized and approved by the board with respect to each such facility. The board's approval of any such facility and standards, conditions and restrictions pertaining to it shall be set forth in a permit to be issued by the board. A permit shall only be issued after a public hearing, notice of which shall be given before promulgation by the board of any rules or regulations. In addition, the persons or persons requesting such approval shall, not less than fifteen (15) days prior to the date of such hearing, either deliver personally or by registered or certified mail to the owner of all real estate located within one thousand (1,000) feet of the real estate boundaries of the proposed facility (as the names of such owners shall appear on the latest records of the appropriate township assessors), a notice setting forth the name of the petitioner, the time and place of the hearing and a general description of the proposed facility and its operation.~~

(c) The administrator may authorize industrial fire training where such fires are properly supervised by a responsible person; provided, however, that the administrator may require compliance with such general or special restrictions, standards and qualifications as in the discretion of the administrator are deemed advisable.

SECTION 8. Article VIII, Section 511- 801 is hereby amended by inserting the underlined text and deleting the cross-hatched text to read as follows:

**Sec. 511-801. Appeals of administrative actions.**

(a) *Right of appeal.* Any person affected by an action of the administrator defined by paragraph (b) of this section as an action which must be appealed ~~appealable~~ to the board, may appeal directly to the board for relief from the action, or intervene in such appeal brought by another affected person. An appeal directly to the board is a prerequisite to judicial review for all actions defined by paragraph (b) as

~~actions which must be appealed directly appealable to the board. Judicial review may be sought directly from actions of the administrator defined by paragraph (c) as actions not appealable to the board.~~

~~(b) Actions which must be appealed appealable to the board. Any action of the administrator, except actions described in paragraphs (c) and (d) below, if appealed, must may be appealed directly to the board. For a notice of violation (issued pursuant to section 511-601 of this chapter) which is referred to the corporation counsel for civil enforcement (pursuant to section 511-603 of this chapter) or to administrative adjudication (pursuant to Section 511-604 of this chapter), a person may appeal to the board only for an interpretation of the regulation, permit or order allegedly violated.~~

~~(c) Actions not appealable to the board for which judicial review may be sought directly. The following actions of the administrator are actions not appealable to the board. Judicial review by a court of competent jurisdiction may be sought directly from the following actions of the administrator:~~

- ~~(1) An emergency order issued pursuant to section 511-608 of this chapter is an action not appealable to the board.~~
- ~~(2) For a notice of violation (issued pursuant to section 511-601 of this chapter) which is referred to the corporation counsel for civil enforcement (pursuant to section 511-603 of this chapter) a person may appeal to the board only for an interpretation of the regulation, permit or order allegedly violated.~~
- ~~(3) Pursuant to Indiana Code 13-15-6-4 and 13-15-6-5, section 511-501(d)(19), for permits required by Title V of the Clean Air Act of 1990, failure of the division administrator to act on an initial or renewal application, or modification or revision, within the time periods specified in that act is an action not appealable to the board, considered to be a final permit action and may be appealed directly to a court of competent jurisdiction, solely for the purpose of obtaining judicial review to require that action be taken on the application without further delay.~~

~~(d) Actions which must be appealed to the state Office of Environmental Adjudication. Appeal from the following actions must be sought pursuant to IC 4-21.5-3 and IC 13-15-6-1 by filing a petition for administrative review with the state Office of Environmental Adjudication. However, if the appeal involves a permit term characterized in the permit as "local enforceable only", a person may appeal to the board seeking from the board a decision concerning the "local enforceable only" term.~~

- ~~(1) Issuance or denial, modification or renewal of a Title V operating permit.~~
- ~~(2) Issuance or denial, modification or renewal of a Federally Enforceable State Operating Permit (FESOP).~~

~~(e) The division may participate as an interested party in permit appeals brought before the state Office of Environmental Adjudication pursuant to subsection (d).~~

~~(d) Procedures for making an appeal to the board.~~

- ~~(1) Within fifteen (15) days of the effective date of the administrator's action, the appellant shall submit to the administrator a written request to appeal to the board. The request shall be addressed to the board and shall state the basis for the appeal and the relief desired.~~
- ~~(2) At the time of filing, the appellant shall post a fee of twenty-five dollars (\$25) to cover the administrative cost of the hearing. The fee shall be refunded only if the appeal is sustained. The board may waive the fee upon a showing of economic hardship.~~
- ~~(3) Submitting a request to appeal stays the administrator's action until the board renders a final decision on the appeal.~~

~~(e) Hearing.~~

- ~~(1) No later than fifteen (15) days after the request to appeal is filed, the administrator shall schedule a hearing before the board. The hearing shall be not later than sixty (60) days after the request to appeal is filed, unless the board grants a continuance. The administrator shall notify the appellant of the hearing date in writing.~~
- ~~(2) At the hearing the parties to the appeal may present evidence and cross-examine witnesses. The board may establish time limits and procedures for presenting evidence, cross-~~

examination and argument. The appellant has the burden of proving that the administrator's action should be modified or reversed. Upon hearing the evidence presented, and no later than sixty (60) days after the hearing is concluded, the board shall affirm, modify or reverse the administrator's action. The board may order either party to act in accordance with its decision.

(f) *Effect of the board's decision.* The decision of the board shall be binding on the parties unless reversed or otherwise modified by a court of competent jurisdiction.

SECTION 9. The express 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 10. 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 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 11. This ordinance shall be in effect from and after its passage by the Council and compliance with IC 36-3-4-14.

PROPOSAL NO. 681, 1999. Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal No. 681, 1999 on November 17, 1999. The proposal, sponsored by Councillor Cockrum, approves that the City enter into an Interlocal Agreement with Morgan County relating to culvert replacement in the 9100 block of West South County Line Road. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Cockrum, for adoption. Proposal No. 681, 1999 was adopted on the following roll call vote; viz:

24 YEAS: *Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Hinkle, Jones, Massie, McClamroch, Moores, Schneider, SerVaas, Short, Smith, Talley, Tilford, Williams*  
0 NAYS:  
2 NOT VOTING: *Gole, O'Dell*  
3 ABSENT: *Gray, Moriarty Adams, Shambaugh*

Proposal No. 681, 1999 was retitled GENERAL RESOLUTION NO. 20, 1999, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 20, 1999

A GENERAL RESOLUTION establishing the approval of the City-County Council of the City of Indianapolis and Marion County, Indiana for the City of Indianapolis to enter into an interlocal agreement with Morgan County, Indiana.

WHEREAS, the City-County Council of the City of Indianapolis and Marion County, Indiana ("City-County Council") is the fiscal body of the City of Indianapolis pursuant to IC 36-1-2-6; and

WHEREAS, pursuant to IC 36-1-7-4 the City-County Council shall approve an interlocal agreement authorized under I.C. 36-1-7-1, *et seq.*; and

WHEREAS, the City of Indianapolis wishes to enter into an interlocal agreement with Morgan County, Indiana relating to culvert replacement in the 9100 block of West South County Line Road ("Interlocal Agreement"); and

WHEREAS, the City-County Council, having considered the Interlocal Agreement and being duly advised, approves that the City of Indianapolis enters into the Interlocal Agreement; 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 hereby approves that the City of Indianapolis enter into an Interlocal Agreement with Morgan County, Indiana relating to culvert replacement in the 9100 block of West South County Line Road.

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

PROPOSAL NO. 704, 1999. Councillor Franklin reported that the Community Affairs Committee heard Proposal No. 704, 1999 on November 17, 1999. The proposal, sponsored by Councillors Dowden, Coughenour, Moriarty Adams, and Jones, establishes Indianapolis as a City of Character with the Character Council of Indiana and the International Association of Character Cities. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillors Coughenour, Jones, Dowden, SerVaas, Talley, and Gilmer voiced their support of this proposal. Councillor Franklin moved, seconded by Councillor Coughenour, for adoption. Proposal No. 704, 1999 was adopted on the following roll call vote; viz:

*22 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Massie, McClamroch, Moores, Schneider, SerVaas, Short, Smith, Talley, Tilford*

*0 NAYS:*

*4 NOT VOTING: Hinkle, Jones, O'Dell, Williams*

*3 ABSENT: Gray, Moriarty Adams, Shambaugh*

Proposal No. 704, 1999 was retitled SPECIAL RESOLUTION NO. 87, 1999, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 87, 1999

A SPECIAL RESOLUTION to establish Indianapolis as a CITY OF CHARACTER with the Character Council of Indiana and the International Association of Character Cities.

WHEREAS, the people of our city recognize the importance of honorable character qualities based upon the moral standards held by our Founding Fathers on which they established our nation and legal system; and

WHEREAS, we recognize the validity of the statement by Alexis de Tocqueville that "America is great because she is good. When America ceases to be good, she will cease to be great."; and

WHEREAS, we recognize that individuals are responsible for their actions, and that daily decisions should be based upon objective moral standards which are the basis of universally-recognized character qualities, including obedience, honesty, truthfulness, diligence, generosity, kindness, loyalty, and courage; and

WHEREAS, lack of commitment and irresponsibility have resulted in an increasing number of family problems causing personal, social, and financial consequences to individual family members and to this city as a whole; and

WHEREAS, there is a need for more positive role models among our young people; and

WHEREAS, if people fail to demonstrate positive character qualities and if they make wrong moral choices, the health, safety, and welfare of the citizens are endangered, resulting in a financial burden upon the taxpayers for the costs of law enforcement; and

WHEREAS, many current societal problems will be alleviated when the citizens of the city live by positive and constructive character qualities which distinguish between right and wrong; and

WHEREAS, teaching positive character qualities to troubled youth has been shown to produce a change in behavior and in reducing recidivism rates; and

WHEREAS, our schools should be a safe atmosphere where character is exemplified, taught, and strengthened, and where learning is encouraged; and

WHEREAS, encouraging employees by recognizing positive character qualities has resulted in an increase in workplace morale, employee safety, and corporate profits; and

WHEREAS, the emphasis of positive character qualities in every sector of society can only occur as individuals commit themselves to exemplifying character in their personal lives and inspiring others to do the same; 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 pledges our commitment to character and to doing all in our power to become known as a City of Character by promoting character in our schools, businesses, homes, churches, city government, media, and community groups, and we urge the leaders in each of these jurisdictions to do likewise.

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

Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal Nos. 641-644 and 682-691, 1999 on November 17, 1999.

PROPOSAL NO. 641, 1999. The proposal, sponsored by Councillor Brents, authorizes parking for marked police vehicles only for the southside of Market Street from Alabama Street to Delaware Street (District 16). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Brents, for adoption. Proposal No. 641, 1999 was adopted on the following roll call vote; viz:

*20 YEAS: Black, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Dowden, Gilmer, Golc, Hinkle, Jones, Massie, McClamroch, Moores, Schneider, SerVaas, Smith, Talley, Tilford*

*0 NAYS:*

*6 NOT VOTING: Borst, Curry, Franklin, O'Dell, Short, Williams*

*3 ABSENT: Gray, Moriarty Adams, Shambaugh*

Proposal No. 641, 1999 was retitled GENERAL ORDINANCE NO. 151, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 151, 1999

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-120, Special parking privileges for certain persons or vehicles in certain locations..

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-120, Special parking privileges for certain persons or vehicles in certain locations, be and the same is hereby amended by the addition of the following, to wit:

**Sec. 621-120. Special parking privileges for certain persons or vehicles in certain locations.**

(a) Notwithstanding any prohibitions or restrictions elsewhere in this chapter upon parking or temporary stops applicable to the general public, the following persons or vehicles are hereby granted the special parking privileges set out in this section, at and within the locations designated:

- (1) Any vehicles, so marked, of the city police department, the county sheriff, the state police and the United States Marshal, and no others, may park at any time, from 6:00 a.m. to 6:00 p.m., in the following locations:

*Market Street*, on the southside, from Alabama Street to Delaware Street

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

Councillor Gilmer asked for consent to vote on Proposal Nos. 642-644 and 682-686, 1999 together. Consent was given.

PROPOSAL NO. 642, 1999. The proposal, sponsored by Councillor Black, authorizes a multi-way stop at Winthrop Avenue and 48th Street (District 6). PROPOSAL NO. 643, 1999. The proposal, sponsored by Councillor Black, authorizes a multi-way stop at Kingsley Drive and 49th Street (District 6). PROPOSAL NO. 644, 1999. The proposal, sponsored by Councillor Moriarty Adams, authorizes a multi-way stop at Chester Avenue and Walnut Street (District 15). PROPOSAL NO. 682, 1999. The proposal, sponsored by Councillor Gilmer, authorizes a multi-way stop at Bretton Wood Drive and Tates Way (District 1). PROPOSAL NO. 683, 1999. The proposal, sponsored by Councillor Gilmer, authorizes a multi-way stop at 84th Street and Northwest Boulevard (District 1). PROPOSAL NO. 684, 1999. The proposal, sponsored by Councillor Bradford, authorizes a multi-way stop at Kingsley Drive and Northgate Street (District 7). PROPOSAL NO. 685, 1999. The proposal, sponsored by Councillor Bradford, authorizes a multi-way stop at Heartland Crossing and South County Line Road (District 7). PROPOSAL NO. 686, 1999. The proposal, sponsored by Councillor Borst, authorizes intersection controls at Belmont Street and Edgewood Avenue (District 25). By 6-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Gilmer moved, seconded by Councillor Bradford, for adoption. Proposal Nos. 642-644 and 682-686, 1999 were adopted on the following roll call vote; viz:

*20 YEAS: Black, Boyd, Bradford, Brents, Cockrum, Coonrod, Curry, Dowden, Franklin, Gilmer, Hinkle, Jones, Massie, McClamroch, Moores, Schneider, SerVaas, Short, Smith, Tilford*

*0 NAYS:*

*6 NOT VOTING: Borst, Coughenour, Golc, O'Dell, Talley, Williams*

*3 ABSENT: Gray, Moriarty Adams, Shambaugh*

Proposal No. 642, 1999 was retitled GENERAL ORDINANCE NO. 152, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 152, 1999

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
18	Winthrop Av 48th St	Winthrop Av	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
18	Winthrop Av 48th St	None	All Way Stop

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

Proposal No. 643, 1999 was retitled GENERAL ORDINANCE NO. 153, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 153, 1999  
Proposal No. 643, 1999

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
18	Kingsley Dr 49th St	Kingsley Dr	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
18	Kingsley Dr, 49th St	None	All Way Stop

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

Proposal No. 644, 1999 was retitled GENERAL ORDINANCE NO. 154, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 154, 1999

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
26	Chester Av Walnut St	Chester Av	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
26	Chester Av Walnut St	None	All Way Stop

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

Proposal No. 682, 1999 was retitled GENERAL ORDINANCE NO. 155, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 155, 1999

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
1	Bretton Wood Dr Tates Way	Bretton Wood Dr	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
1	Bretton Wood Dr Tates Way	None	All Way Stop

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

Proposal No. 683, 1999 was retitled GENERAL ORDINANCE NO. 156, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 156, 1999

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
2	84 <sup>th</sup> St Northwest Blvd	Northwest Blvd	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
2	84 <sup>th</sup> St Northwest Blvd	None	All Way Stop

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

Proposal No. 684, 1999 was retitled GENERAL ORDINANCE NO. 157, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 157, 1999

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
11	Kingsley Dr Northgate St	Kingsley Dr	Stop

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
11	Kingsley Dr Northgate St	None	All Way Stop

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

Proposal No. 685, 1999 was retitled GENERAL ORDINANCE NO. 158, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 158, 1999

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
24	Heartland Crossing S. County Line Rd	None	All Way Stop

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

Proposal No. 686, 1999 was retitled **GENERAL ORDINANCE NO. 159, 1999**, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 159, 1999

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

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

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

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
38	Belmont St Edgewood Av	Edgewood Av	Stop

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

**PROPOSAL NO. 687, 1999.** The proposal, sponsored by Councillor Williams, authorizes 55 degree parking on Michigan Street, on the north side, from New Jersey Street to East Street (District 22). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Coughenour, for adoption. Proposal No. 687, 1999 was adopted on the following roll call vote; viz:

*22 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Hinkle, Jones, Massie, McClamroch, Moores, SerVaas, Short, Smith, Talley, Tilford*

*0 NAYS:*

*4 NOT VOTING: Golc, O'Dell, Schneider, Williams*

*3 ABSENT: Gray, Moriarty Adams, Shambaugh*

Proposal No. 687, 1999 was retitled **GENERAL ORDINANCE NO. 160, 1999**, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 160, 1999

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-108, Manner of parking.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-108, Manner of parking, be and the same is hereby amended by the addition of the following, to wit:

(e) *Fifty-five degree angles.* Whenever parking is permitted on any of the following streets or parts thereof, parking at an angle of fifty-five (55) degrees to the curb, or if there is no curb, then to the line of the traveled roadway, shall be used, and vehicles shall not park otherwise thereon:

*Michigan Street, on the north side, from New Jersey Street to East Street*

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

PROPOSAL NO. 688, 1999. The proposal, sponsored by Councillor Black, authorizes the removal of the parking restrictions on Hampton Drive and on Haughey Avenue (District 6). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Black, for adoption. Proposal No. 688, 1999 was adopted on the following roll call vote; viz:

23 YEAS: *Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Hinkle, Jones, Massie, McClamroch, Moores, Schneider, SerVaas, Short, Smith, Talley, Tilford*

0 NAYS:

3 NOT VOTING: *Golc, O'Dell, Williams*

3 ABSENT: *Gray, Moriarty Adams, Shambaugh*

Proposal No. 688, 1999 was retitled GENERAL ORDINANCE NO. 161, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 161, 1999

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

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

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

*Hampton Drive, on the south side, from Haughey Avenue to a point 230 feet west of Crown Street*

*Haughey Avenue, on the east side, from Forty-fourth Street to Hampton Drive*

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

PROPOSAL NO. 689, 1999. The proposal, sponsored by Councillor Borst, authorizes the parking restrictions on Hargeo Drive, Laural Lynn Lane, and Lockwood Lane (District 25). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Gilmer moved, seconded by Councillor Borst, for adoption. Proposal No. 689, 1999, as amended, was adopted on the following roll call vote; viz:

22 YEAS: *Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Hinkle, Jones, Massie, McClamroch, Moores, Schneider, SerVaas, Short, Smith, Talley, Tilford*

0 NAYS:

4 NOT VOTING: *Gilmer, Golc, O'Dell, Williams*

3 ABSENT: *Gray, Moriarty Adams, Shambaugh*

Proposal No. 689, 1999, as amended, was retitled GENERAL ORDINANCE NO. 162, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 162, 1999

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

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

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

NO PARKING ON ANY DAY  
EXCEPT SATURDAYS, SUNDAYS AND HOLIDAYS  
*From 7:00 a.m. to 1:00 p.m.*

*Hargeo Drive*, on both sides, from a point 152 feet west of Lockwood Lane to Meridian Street

*Laural Lynn Lane*, on both sides, from Lockwood Lane to a point 785 feet southeast of Lockwood Lane

*Lockwood Lane*, on both sides, from a point 95 feet south of Linda Leigh Lane to Hargeo Drive

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

Councillor Gilmer asked for consent to vote on Proposal Nos. 690 and 691, 1999 together. Consent was given.

PROPOSAL NO. 690, 1999. The proposal, sponsored by Councillor Cockrum, authorizes weight limit restrictions on various streets in the Ameriplex Complex (District 19). PROPOSAL NO. 691, 1999. The proposal, sponsored by Councillor Jones, authorizes a weight limit restriction on Elizabeth Street from 38th Street to Massachusetts Avenue (District 10). By 6-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Gilmer moved, seconded by Councillor Cockrum, for adoption. Proposal Nos. 690 and 691, 1999 were adopted on the following roll call vote; viz:

22 YEAS: *Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Hinkle, Jones, Massie, McClamroch, Moores, Schneider, SerVaas, Short, Smith, Talley, Tilford*

0 NAYS:

4 NOT VOTING: *Gilmer, Golc, O'Dell, Williams*

3 ABSENT: *Gray, Moriarty Adams, Shambaugh*

Proposal No. 690, 1999 was retitled GENERAL ORDINANCE NO. 163, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 163, 1999

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-364, Trucks on certain streets restricted.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-364, Trucks on certain streets restricted, be and the same is hereby amended by the addition of the following, to wit:

11,000 POUNDS GROSS WEIGHT

*Kollman Road*, from Decatur Boulevard to Thompson Road

*Mendenhall Road*, from Decatur Boulevard to Narita Road

*Thompson Road*, from State Road 67 to Decatur Boulevard

*Valley Mills Avenue*, from State Road 67 to Kollman Road

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

Proposal No. 691, 1999 was retitled GENERAL ORDINANCE NO. 164, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 164, 1999

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-364, Trucks on certain streets restricted.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-364, Trucks on certain streets restricted, be and the same is hereby amended by the addition of the following, to wit:

11,000 POUNDS GROSS WEIGHT

*Elizabeth Street*, from Thirty-eight Street to Massachusetts Avenue

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

PROPOSAL NO. 692, 1999. The proposal, sponsored by Councillor Short, authorizes two-way traffic flow on St. Patrick Street from (1) Morris Street to Prospect, and (2) Prospect Street to Woodlawn Street (District 21). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Short, for adoption. Proposal No. 692, 1999 was adopted on the following roll call vote; viz:

22 YEAS: *Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Hinkle, Jones, Massie, McClanroch, Moores, Schneider, SerVaas, Short, Smith, Talley, Tilford*

0 NAYS:

4 NOT VOTING: *Gilmer, Golc, O'Dell, Williams*

3 ABSENT: *Gray, Moriarty Adams, Shambaugh*

Proposal No. 692, 1999 was retitled GENERAL ORDINANCE NO. 165, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 165, 1999

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-342, One-way streets and alleys designated.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-342, One-way streets and alleys designated, be and the same is hereby amended by the deletion of the following, to wit:

NORTHBOUND

*St. Patrick Street*, from Morris Street to Prospect Street

*St. Patrick Street*, from Prospect Street to Woodlawn Street

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

PROPOSAL NO. 693, 1999. The proposal, sponsored by Councillor Brents, authorizes a one-way street southbound on Limestone Street from Michigan Street to New York Street (District 16). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Brents, for adoption. Proposal No. 693, 1999 was adopted on the following roll call vote; viz:

22 YEAS: *Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Hinkle, Jones, Massie, McClamroch, Moores, Schneider, SerVaas, Short, Smith, Talley, Tilford*

0 NAYS:

4 NOT VOTING: *Gilmer, Golc, O'Dell, Williams*

3 ABSENT: *Gray, Moriarty Adams, Shambaugh*

Proposal No. 693, 1999 was retitled GENERAL ORDINANCE NO. 166, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 166, 1999

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-342, One-way streets and alleys designated.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-342, One-way streets and alleys designated, be and the same is hereby amended by the deletion of the following, to wit:

SOUTHBOUND

*Limestone Street*, from Michigan Street to New York Street

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

PROPOSAL NO. 694, 1999. The proposal, sponsored by Councillor Moriarty Adams, authorizes parking restrictions on Emerson Avenue near Brookville Road (Districts 13, 15). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Hinkle, for adoption. Proposal No. 694, 1999 was adopted on the following roll call vote; viz:

22 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Hinkle, Jones, Massie, McClamroch, Moores, Schneider, SerVaas, Short, Smith, Talley, Tilford

0 NAYS:

4 NOT VOTING: Gilmer, Golc, O'Dell, Williams

3 ABSENT: Gray, Moriarty Adams, Shambaugh

Proposal No. 694, 1999 was retitled GENERAL ORDINANCE NO. 167, 1999, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 167, 1999

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

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

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

*Emerson Avenue*, on the east side, from Brookville Road to a point 100 feet north of Brookville Road

*Emerson Avenue*, on the west side, from Brookville Road to a point 180 feet north of Brookville Road

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

**SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCIL  
SPECIAL ORDERS - PUBLIC HEARING**

The President convened the Solid Waste Collection Special Service District Council.

PROPOSAL NO. 600, 1999. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 600, 1999 on November 4, 1999. She stated that the proposal was inadvertently postponed at the Council meeting on November 8, 1999. The proposal approves an increase of \$50,000 and transfers totaling \$426,800 in the 1999 Budget of the Department of Public Works, Divisions of Solid Waste, Contract Compliance, and Environmental Resources Management (Solid Waste Collection Service District Fund) to provide funding for various operational costs through the end of 1999. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 9:55 p.m. There being no one present to testify, Councillor Coughenour moved, seconded by Councillor Hinkle, for adoption. Proposal No. 600, 1999 was adopted on the following roll call vote; viz:

22 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Gilmer, Hinkle, Jones, Massie, McClamroch, Moores, Schneider, SerVaas, Short, Smith, Talley, Tilford

0 NAYS:

4 NOT VOTING: Franklin, Golc, O'Dell, Williams

3 ABSENT: Gray, Moriarty Adams, Shambaugh

Proposal No. 600, 1999 was retitled SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 4, 1999, and reads as follows:

SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 4, 1999

A SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE amending the Solid Waste Collection Special Service District Annual Budget for 1999 (Solid Waste Collection Special Service District Fiscal Ordinance No. 1, 1998) transferring and appropriating an additional Three Hundred Seventy-six Thousand Eight Hundred Dollars (\$376,800) in the Solid Waste Collection Service District Fund for purposes of the Department of Public Works, Divisions of Solid Waste Management, Contract Compliance, and Environmental Resources Management, and reducing the unappropriated and unencumbered balance in the Solid Waste Collection Service District Fund, and reducing certain other appropriations for those divisions.

BE IT ORDAINED BY THE SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT 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 of the Solid Waste Collection Special Service District Annual Budget for 1999 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works, Divisions of Solid Waste Management, Contract Compliance, and Environmental Resources Management, to fund various operating costs through the end of 1999.

SECTION 2. The sum of Three Hundred Seventy-six Thousand Eight Hundred Dollars (\$376,800) be, and the same is hereby transferred and appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances and the accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC WORKS</u>	
<u>ENVIRONMENTAL RESOURCES</u>	
<u>MANAGEMENT DIVISION</u>	<u>SOLID WASTE COLLECTION</u>
3. Other Services and Charges	<u>7,500</u>
TOTAL INCREASE	7,500
<u>CONTRACT COMPLIANCE DIVISION</u>	
1. Personal Services	<u>44,300</u>
TOTAL INCREASE	44,300
<u>SOLID WASTE MANAGEMENT DIVISION</u>	
1. Personal Services	75,000
3. Other Services and Charges	<u>250,000</u>
TOTAL INCREASE	325,000

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

<u>DEPARTMENT OF PUBLIC WORKS</u>	
<u>ENVIRONMENTAL RESOURCES</u>	
<u>MANAGEMENT DIVISION</u>	<u>SOLID WASTE COLLECTION</u>
4. Capital Outlay	<u>7,500</u>
TOTAL REDUCTION	7,500
<u>CONTRACT COMPLIANCE DIVISION</u>	
3. Other Services and Charges	32,000
4. Capital Outlay	<u>12,300</u>
TOTAL REDUCTION	44,300
<u>SOLID WASTE MANAGEMENT DIVISION</u>	
4. Capital Outlay	<u>275,000</u>
TOTAL REDUCTION	275,000
Unappropriated and unencumbered	
Solid Waste Collection Service District Fund	<u>50,000</u>
TOTAL REDUCTION	50,000

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

The President reconvened the City-County Council.

### NEW BUSINESS

Councillor Brents introduced Linda Lasley of the Fayette Street Neighborhood Association. Ms. Lasley stated that she is a concerned citizen and a homeowner in the area where Clarian proposes to build their doctor-mover, people-mover system. She added that there have been some irregularities going on in this approval process. The Rules and Public Policy Committee met last Tuesday, and they received a recommendation from the Department of Capital Asset Management to approve Clarian Health Partners' application for a franchise. According to Sec. 645-223 of the Revised Code of Indianapolis, the department's recommendation, including reasons therefore, shall be in writing and filed with the Clerk of the Council 60 days of the date such department receives the application. DCAM has only made an oral recommendation. The committee has nothing in writing, no reasons, and the public has no opportunity to review written reasons for DCAM's recommendation of the Clarian franchise application. Ms. Lasley stated that as a member of the public, she is at a disadvantage because the Rules and Public Policy Committee is meeting again tomorrow, and what they are considering is not in writing. She added that there is no feasibility or safety study being conducted regarding this transportation system. If the franchise agreement is granted, and then Clarian is allowed to do these safety/feasibility studies after the franchise agreement has been granted, it is highly doubtful that those studies will come back with a true analysis of the situation. Ms. Lasley said that today, Evelyn Rusthoven, who lives on 11<sup>th</sup> Street, petitioned the Indianapolis Historic Preservation Commission (IHPC) to determine the appropriateness of this transportation system on the historic Bugs Temple, the Canal, and Crispus Attucks school. If IHPC finds that this transportation system is not appropriate, there's a presumption in Indiana Code 36-7-11.18(d) that it is not in the public's interest. And that is one of the criteria for this Council to grant this franchise agreement: that it has to be in the public's interest.

Bruce Melchert, Vice President for Government Affairs for Clarian Health Partners, stated that his company is simply trying to spend \$26 million of private funds, no taxpayer funds, to link the two campuses and three hospitals that are now a part of Clarian. The General Counsel with DCAM and with the City have approved of the procedures and the process that Clarian has followed. He added that a community meeting is being scheduled, hopefully at Crispus Attucks, by DCAM, but there is another hearing tomorrow afternoon, and an additional hearing will be held sometime prior to the 10<sup>th</sup> of December, and before the vote of the Council on the 13<sup>th</sup> of December.

The President stated that this is just authorization for Clarian to plan something, and that before anything is built, there will be more public hearings on the issue. This simply approves the concept, so that Clarian can make plans and present what they want to do and answer all the technical questions.

Councillor Hinkle stated that this matter should be discussed more thoroughly at the Rules and Public Policy Committee hearing tomorrow night.

Councillor Curry stated that copies of Proposal No. 729, 1999 are available in the Council office, and the application for a franchise agreement is in writing.

Councillor Short asked if Proposal No. 726, 1999, which was referred to the Committee as a Whole, will be acted on this evening. The President stated that he would like Council members

to have a few weeks to look over the dates proposed for next year's Council meetings before taking action on this proposal.

**ANNOUNCEMENTS AND ADJOURNMENT**

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Boyd stated that he had been asked to offer the following motion for adjournment by Councillors Hinkle and Curry in memory of Jack Patterson.

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 Jack Patterson. 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 family advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 10:10 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 29th day of November, 1999.

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)