

**CITY-COUNTY COUNCIL  
INDIANAPOLIS, MARION COUNTY, INDIANA  
REGULAR MEETING  
Monday, December 13, 1982**

A Regular Meeting of the City-County Council of Indianapolis, Marion County, Indiana, convened in the Council Chambers of the City-County Building at 7:17 p.m., Monday, December 13, 1982. President SerVaas in the Chair. Councillor Betty Stewart opened the meeting with a prayer, followed by the Pledge of Allegiance.

**ROLL CALL**

President SerVaas instructed the Clerk to take the roll. Twenty-eight members being present, he announced a quorum.

*PRESENT: Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Sawyers, Schneider, SerVaas, Stewart, Strader, Tintera, Vollmer, West*

*ABSENT: Jones*

**CORRECTION OF THE JOURNAL**

The Chair called for additions or corrections to the Journal of November 22, 1982. There being no additions or corrections to the Journal, the minutes were approved as distributed.

**OFFICIAL COMMUNICATIONS**

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

**TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:**

**Ladies and Gentlemen:**

**You are hereby notified that there will be a REGULAR MEETING of the City-County Council held in the City-County Building, in the Council Chambers, on Monday, December 13, 1982, at 7:00 p.m. The purpose of such MEETING being to conduct any and all business that may properly come before the regular meeting of the Council.**

**Respectfully,**

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

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the Indianapolis NEWS and the Indianapolis COMMERCIAL on December 2 and 9, 1982, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal No. 489, 1982, to be held on Monday, December 13, 1982, at 7:00 p.m., in the City-County Building.

Respectfully,

s/Beverly S. Rippy  
City Clerk

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

Ladies and Gentlemen:

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

FISCAL ORDINANCE NO. 99, 1982, amending the City-County Annual Budget for 1982 (City-County Fiscal Ordinance No. 78, 1981) appropriating an additional Forty-one Thousand Nine Hundred Eighty-three dollars (\$41,983) in the County General Fund for purposes of the Prosecutor's Child Support Division and reducing certain other appropriations for the Marion County Prosecutor.

FISCAL ORDINANCE NO. 100, 1982, approving temporary tax anticipation borrowing, authorizing the City of Indianapolis to make temporary loans for the use of the Park District Fund and Consolidated County Fund during the period January 1, 1983, to June 30, 1983, in anticipation of current taxes levied in the year 1982 and collectible in the year 1983, authorizing the issuance of tax anticipation time warrants to evidence such loans; pledging and appropriating the taxes to be received in said Funds to the payment of said tax anticipation time warrants including the interest thereon; ratifying, approving, and confirming the proceedings had and action taken by the Police Special Service District Council, the Fire Special Service District Council, and the Sanitation Solid Waste District Council in authorizing the making of the temporary loans and the issuance of tax anticipation time warrants to evidence such loans for the Consolidated City Police Force Account, the Police Pension Fund, the Consolidated Fire Force Account, the Firemen's Pension Fund, and the Sanitary Solid Waste General Fund; and fixing a time when this ordinance shall take effect.

FISCAL ORDINANCE NO. 101, 1982, amending the City-County Annual Budget for 1982 (City-County Fiscal Ordinance No. 78, 1981) transferring and appropriating an additional Six Hundred Sixty-seven Thousand dollars (\$667,000) in the City General Fund for purposes of the Department of Administration, Central Equipment Management Division and reducing certain other appropriations for that division and the unappropriated and unencumbered balance in the City General Fund.

FISCAL ORDINANCE NO. 102, 1982, amending the City-County Annual Budget for 1982 (City-County Fiscal Ordinance No. 78, 1981) appropriating an additional Three Hundred Eighty Thousand dollars (\$380,000) in the Sanitation General Fund for purposes of the Department of Public Works, Sanitary Division and reducing the unappropriated and unencumbered balance in the Sanitation General Fund.

FISCAL ORDINANCE NO. 104, 1982, amending the City-County Annual Budget for 1982 (City-County Fiscal Ordinance No. 78, 1981) transferring and appropriating Ninety Thousand dollars (\$90,000) in the Arterial Road and Street Fund for purposes of the Department of Transportation, and reducing certain other appropriations for that division.

**FISCAL ORDINANCE NO. 106, 1982, amending the City-County Annual Budget for 1982 (City-County Fiscal Ordinance No. 78, 1981) transferring and appropriating Three Hundred dollars (\$300) in the County General Fund for purposes of the Washington Township Assessor and reducing certain other appropriations for that division.**

**GENERAL ORDINANCE NO. 111, 1982, amending the "Code of Indianapolis and Marion County, Indiana", Section 23-54, Financial disclosure statements.**

**GENERAL ORDINANCE NO. 112, 1982, amending the "Code of Indianapolis and Marion County, I, Indiana", Section 29-267, Parking prohibited at all times on certain streets.**

**GENERAL ORDINANCE NO. 113, 1982, naming the 3500 block of Park Avenue, Watson Road based on common usage.**

**GENERAL ORDINANCE NO. 114, 1982, amending the "Code of Indianapolis and Marion County, Indiana", by amending Section 29-92, Schedule of intersection controls.**

**GENERAL ORDINANCE NO. 115, 1982, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.**

**GENERAL ORDINANCE NO. 116, 1982, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.**

**GENERAL ORDINANCE NO. 117, 1982, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.**

**GENERAL ORDINANCE NO. 118, 1982, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.**

**GENERAL ORDINANCE NO. 119, 1982, amending the "Code of Indianapolis and Marion County, Indiana", Section 2-112, Special procedures for rezoning ordinances.**

**GENERAL ORDINANCE NO. 120, 1982, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-244, Trucks on certain streets restricted.**

**GENERAL ORDINANCE NO. 121, 1982, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-136, Alteration of prima facie speed limit.**

**SPECIAL ORDINANCE NO. 31, 1982, authorizing the City of Indianapolis to issue its "Economic Development First Mortgage Revenue Bonds, Series 1982 A and B (Shepard and Poorman Investments Project)" in the principal amount of One Million Eight Hundred Thousand dollars (\$1,800,000) and authorizing other actions in respect thereto.**

**SPECIAL RESOLUTION NO. 83, 1982, honoring the Ben David High School Marching Giants Band.**

**SPECIAL RESOLUTION NO. 84, 1982, requesting all Township Trustees who request appropriations for poor relief in excess of the township levy for such purposes, to authorize an employee of the City-County Council full access to the Trustee's office to evaluate distribution of funds to the poor.**

**SPECIAL RESOLUTION NO. 85, 1982, rendering advice to the Hospital Authority of Marion County regarding financing for Sisters of St. Francis Health Services Inc.**

**SPECIAL RESOLUTION NO. 86, 1982, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.**

**SPECIAL RESOLUTION NO. 87, 1982, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.**

**SPECIAL RESOLUTION NO. 88, 1982, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.**

**SPECIAL RESOLUTION NO. 89, 1982, approving the disposal of certain real estate of the Department of Transportation.**

Respectfully submitted,

**William H. Hudnut, III**  
Mayor

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

**PROPOSAL NO. 498, 1982.** This proposal sets the Council meeting dates for 1983. Councillor Miller moved, seconded by Councillor Gilmer, to amend the proposal by changing the meeting date set for November 9, 1982, to Thursday, November 10, 1982, to allow an extra day after the general election. Council consent was given. Proposal No. 498, 1982, As Amended, was adopted by unanimous voice vote, retitled **COUNCIL RESOLUTION NO. 24, 1982**, and reads as follows:

**CITY—COUNTY COUNCIL RESOLUTION NO. 24, 1982**

**A COUNCIL RESOLUTION approving a schedule of regular council meetings for the year 1983.**

**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 the following schedule for regular meetings for the year 1983:

(1) January 10, 1983	7:00 p.m.	(11) June 20, 1983	7:00 p.m.
(2) January 31, 1983	7:00 p.m.	(12) July 18, 1983	7:00 p.m.
(3) February 14, 1983	7:00 p.m.	(13) August 1, 1983	7:00 p.m.
(4) February 28, 1983	7:00 p.m.	(14) August 22, 1983	7:00 p.m.
(5) March 21, 1983	7:00 p.m.	(15) September 12, 1983	7:00 p.m.
(6) April 11, 1983	7:00 p.m.	(16) September 26, 1983	7:00 p.m.
(7) April 25, 1983	7:00 p.m.	(17) October 10, 1983	7:00 p.m.
(8) May 9, 1983	7:00 p.m.	(18) October 24, 1983	7:00 p.m.
(9) May 23, 1983	7:00 p.m.	(19) November 10, 1983	7:00 p.m.
(10) June 6, 1983	7:00 p.m.	(20) November 21, 1983	7:00 p.m.
		(21) December 12, 1983	7:00 p.m.

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

**PROPOSAL NO. 533, 1982.** Councillor Strader introduced the proposal honoring Richard O. Ristine. Councillor Strader informed the Council that Mr. Ristine was unable to attend the Council meeting and he moved, seconded by Councillor Miller, for adoption. Proposal No. 533, 1982, was adopted by unanimous voice vote, retitled **SPECIAL RESOLUTION NO. 90, 1982**, and reads as follows:

**CITY—COUNTY SPECIAL RESOLUTION NO. 90, 1982**

A SPECIAL RESOLUTION recognizing Richard O. Ristine, Executive Vice President of the Lilly Endowment, Inc., for his outstanding service to the citizens of Indianapolis and Marion County.

WHEREAS, Richard O. Ristine has been Vice President and Secretary of Lilly Endowment, Inc. since 1972 and has been Executive Vice President since 1975; and

WHEREAS, Mr. Ristine has supported numerous community development programs for the City of Indianapolis and Marion County; and

WHEREAS, Mr. Ristine is retiring from his position with Lilly Endowment, Inc., to rejoin the law firm of Wernle, Ristine and Ayres in Crawfordsville, Indiana; now, therefore:

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

SECTION 1. Special recognition is extended to Richard O. Ristine for providing superb leadership and support of many community development programs for the residents of the City of Indianapolis and of Marion County.

SECTION 2. A special thanks is extended to Richard O. Ristine on behalf of the citizens of Indianapolis and Marion County and a wish for his continued success and well being.

SECTION 3. The Mayor of the City of Indianapolis is invited to join in the expression of this resolution by affixing his signature hereto.

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

PROPOSAL NO. 534, 1982. This proposal honors the Franklin Central High School Football Team. Team members Brad Henthorn, Scott Ferguson, Burt Austin, Bill Doss, and Coach Charles Stephens were present to receive the resolution. Councillor Clark read the resolution and moved for its adoption, seconded by Councillor Gilmer. Proposal No. 534, 1982, was adopted by unanimous voice vote, retitled SPECIAL RESOLUTION NO. 91, 1982, and reads as follows:

**CITY—COUNTY SPECIAL RESOLUTION NO. 91, 1982**

A SPECIAL RESOLUTION honoring the Franklin Central High School Football Team.

WHEREAS, Franklin Central High School Football Coach Charles Stephens and his team have completed another outstanding season in 1982 with twelve wins and only two losses; and

WHEREAS, the Indianapolis Star has named three Franklin Central players to its 1982 All-County Team and four to its 1982 All-Conference Team; and

WHEREAS, team members Burt Austin and Bill Doss have been named to the 1982 Associated Press Class AA All-State Team; and

WHEREAS, the Franklin Central High School Football Team captured the 1982 Class AA Indiana State Football Championship; and

WHEREAS, this championship marks the first time in the history of Indiana High School Football playoffs that any team has won the event for three consecutive years; 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 commends Coach Charles Stephens and members of the Franklin Central High School Football Team for their outstanding success.

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

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

PROPOSAL NO. 535, 1982. This proposal honors Bonnie Stephenson, Perry Township Assessor. Councillor Borst read the proposal and moved for its adoption, seconded by Councillor Miller. Councillor Borst presented Mrs. Stephenson with the resolution and introduced Mrs. Stephenson's husband, Clarence, and her daughter and the new Perry Township Assessor, Mary Kay Gillum. Proposal No. 535, 1982, was adopted by unanimous voice vote, retitled SPECIAL RESOLUTION NO. 92, 1982, and reads as follows:

**CITY-COUNTY SPECIAL RESOLUTION NO. 92, 1982**

**A SPECIAL RESOLUTION honoring Bonnie Stephenson for her long years of governmental service to the people of Perry Township.**

**WHEREAS, Bonnie Stephenson has been the Perry Township Assessor for twenty-four years; and**

**WHEREAS, she has been a Republican Precinct Committeeman for forty years; and**

**WHEREAS, Bonnie was named Indianapolis Republican Womans Club 1982 Woman of the Year; and**

**WHEREAS, Bonnie Stephenson has been an active leader in Indiana and Marion County as well as Perry Township; and**

**WHEREAS, she is well respected as a good assessor, a fine leader, and a friendly person; 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 wishes to commend and thank Bonnie Stephenson for her many years of dedicated leadership and service.

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

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

PROPOSAL NO. 542, 1982. This proposal urges the Indiana General Assembly to provide adequate funds for police and fire pension funds. Councillor Tintera outlined the proposal and moved for its adoption, seconded by Councillor Boyd. The President called for the vote and Proposal No. 542, 1982, was adopted on the following roll call vote; viz:

28 YEAS: Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Sawyers, Schneider, SerVaas, Stewart, Strader, Tintera, Vollmer, West

NO NAYS

1 NOT VOTING: Jones

Proposal No. 542, 1982, was retitled SPECIAL RESOLUTION NO. 93, 1982, and reads as follows:

**CITY-COUNTY SPECIAL RESOLUTION NO. 93, 1982**

A SPECIAL RESOLUTION urging the Indiana General Assembly to provide adequate funding for Police and Fire Pension Funds.

WHEREAS, the State of Indiana has mandated that the City of Indianapolis provide adequate funding for Police and Fire Pension Funds; and

WHEREAS, in 1977 the Indiana General Assembly provided additional revenues for the pension plans of newly hired policemen and firemen and also older employees who voluntarily converted to a new pension plan; and

WHEREAS, the Indiana General Assembly has not provided additional funding for the pension plans of policemen and firemen who retired prior to 1977 or who were hired prior to 1977 but did not voluntarily convert to a new pension plan; and

WHEREAS, property tax payers are funding 100% of the Police and Fire Pension Funds of policemen and firemen who retired prior to 1977 or who did not voluntarily convert; and

WHEREAS, the Indiana General Assembly has enacted a property tax freeze and present property taxes are not sufficient to fund the Police and Fire Pension Funds precipitating a crisis in the funding of these funds; 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 of Indianapolis and Marion County, Indiana urges the Indiana General Assembly to provide adequate sources of revenue for Police and Fire Pension Funds.

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

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

PROPOSAL NO. 508, 1982. This proposal appoints Jesse Babb to the Federation of Multi-Service Centers. PROPOSAL NO. 509, 1982. This proposal appoints David E. White to the Federation of Multi-Service Centers. Councillor Sawyers moved, that both proposals be discussed and voted on at the same time, seconded by Councillor West. Consent was given. Councillor Sawyers reported that the Community Affairs Committee reviewed both candidates, but did not make a recommendation. She added that both were extremely good people for this appointment. The President instructed the Council that a Green vote would recom-

mend Jesse Babb and a Red vote would recommend David White for the position. President SerVaas called for the vote and Proposal No. 508, 1982, appointing Jesse Babb, was adopted on the following roll call vote; viz:

16 GREEN VOTES: *Boyd, Brinkman, Campbell, Cottingham, Gilmer, Hawkins, Holmes, Journey, Miller, Page, Rader, Sawyers, SerVaas, Strader, Tintera, West*

11 RED VOTES: *Borst, Clark, Dowden, Durnil, Howard, McGrath, Nickell, Rhodes, Schneider, Stewart, Vollmer*

2 NOT VOTING: *Coughenour, Jones*

Proposal No. 508, 1982, was retitled COUNCIL RESOLUTION NO. 25, 1982, and reads as follows:

**CITY-COUNTY COUNCIL RESOLUTION NO. 25, 1982**

**A COUNCIL RESOLUTION** appointing Jesse Babb to the Federation of Multi-Service Centers.

**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 Federation of Multi-Service Centers, the Council appoints:

**JESSE BABB**

**SECTION 2.** The appointee shall serve for a two (2) year term commencing upon the passage of this resolution and ending December 31, 1984, and at the pleasure of the Council until a successor is duly appointed.

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

PROPOSAL NO. 543, 1982. The Clerk read the proposal confirming board and commission appointments for 1983. Councillor Miller moved to amend the proposal by adding Paul Roland as a member of the Metropolitan Development Commission and deleting Robert O'Brian as a member of the Board of Zoning Appeals II, seconded by Councillor West. Councillor Miller noted that Council consideration will be given to Robert O'Brian by Proposal No. 541, 1982. Council consent was given on the amendments. Councillor Miller moved, seconded by Councillor West, for the adoption of Proposal No. 543, 1982, As Amended, and it was adopted on the following roll call vote; viz:

26 YEAS: *Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Sawyers, Schneider, SerVaas, Stewart, Strader, Tintera, Vollmer, West*

NO NAYS

3 NOT VOTING: *Coughenour, Dowden, Jones*



## INTRODUCTION OF GUESTS

Councillor Howard introduced Mr. Carl E. Radford, Jr., President of the N.A.A.C.P. Councillor Tintera introduced Chris Quigley, a member of Boy Scout Troop 441, and his father, Dr. Joe Quigley.

## INTRODUCTION OF PROPOSALS

[Clerk's Note: Councillor Tintera moved, seconded by Councillor West, to advance Proposal Nos. 512, 513, 514, 515, 517, and 518, 1982, on the agenda. Council consent was given. Councillor Miller moved, seconded by Councillor Sawyers, to advance Proposal No. 546, 1982, on the agenda. Consent was given. Councillor Clark moved, seconded by Councillor Borst, to advance Proposal No. 489, 1982, on the agenda. Consent was given.]

PROPOSAL NO. 504, 1982. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$112,625 for the Legal Division and reducing appropriations for the Human Rights Commission to fund the Office of Equal Opportunity"; and the President referred it to the Administration Committee.

PROPOSAL NO. 505, 1982. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$3,700,000 for the Division of Employment and Training due to the recently approved Fiscal Year 1983 Federal Budget for CETA"; and the President referred it to the Administration Committee.

PROPOSAL NO. 506, 1982. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$1,734,180 for the Division of Employment and Training and reducing appropriations for the Division of Community Services to be funded through the Division of Employment and Training"; and the President referred it to the Administration Committee.

PROPOSAL NO. 507, 1982. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION approving an amended schedule of rates and charges and a line extension policy for Indianapolis Cablevision Company"; and the President referred it to the Administration Committee.

PROPOSAL NO. 508, 1982. This proposal was adopted under Presentation of Petitions, Memorials, Special Resolutions, and Council Resolutions, and retitled COUNCIL RESOLUTION NO. 25, 1982.

PROPOSAL NO. 509, 1982. This proposal was stricken under Presentation of Petitions, Memorials, Special Resolutions, and Council Resolutions.

PROPOSAL NO. 510, 1982. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE authorizing changes in the personnel schedule of the Warren Township Trustee"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 511, 1982. Introduced by Councillor Hawkins. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE authorizing changes in the personnel schedule of the Center Township Trustee"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 512, 1982. This proposal was adopted under Modification of Special Orders, and retitled SPECIAL ORDINANCE NO. 32, 1982.

PROPOSAL NO. 513, 1982. This proposal was adopted under Modification of Special Orders, and retitled SPECIAL ORDINANCE NO. 33, 1982.

PROPOSAL NO. 514, 1982. This proposal was adopted under Modification of Special Orders, and retitled SPECIAL ORDINANCE NO. 35, 1982.

PROPOSAL NO. 515, 1982. This proposal was adopted under Modification of Special Orders, and retitled SPECIAL ORDINANCE NO. 34, 1982.

PROPOSAL NO. 516, 1982. Introduced by Councillor Tintera. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE authorizing the issuance of \$2,000,000 Economic Development First Mortgage Revenue Bonds, Series A for Geiger & Peters, Inc."; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 517, 1982. This proposal was adopted under Modification of Special Orders, and retitled SPECIAL ORDINANCE NO. 36, 1982.

PROPOSAL NO. 518, 1982. This proposal was adopted under Modification of Special Orders, and retitled SPECIAL RESOLUTION NO. 94, 1982.

PROPOSAL NO. 519, 1982. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE authorizing changes in the personnel compensation schedule of the Marion County Municipal Court.

PROPOSAL NO. 520, 1982. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE authorizing changes in the personnel compensation schedule of the Marion County Superior Court-Juvenile Division"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 521, 1982. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORINANCE appropriating \$146,629 for the Marion County Prosecutor and Auditor to continue LEAA Grants for 1983"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 522, 1982. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE authorizing changes in the personnel compensation schedule of the Marion County Juvenile Detention Center"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 523, 1982. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$100,000 for the Marion County Sheriff to replace equipment destroyed by a recent fire"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 524, 1982. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$97,423 for the Marion County Sheriff to adjust the personnel schedule to agree with the final labor agreement"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 525, 1982. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing intersection controls in Governors Park, Grantwood, Castlebridge and Chimney Heights Subdivisions"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 526, 1982. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing intersection controls at Guion Road and Industrial Boulevard and Industiral Boulevard and 38th Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 527, 1982. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing the

intersection controls at Emerson Avenue and Subway Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 528, 1982. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing parking controls on Weghorst Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 529, 1982. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing intersection controls in the Brookdale Heights Addition"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 530, 1982. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing intersection controls at 16th Street and New Senate Avenue and changing parking controls on Old and New Senate"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 531, 1982. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing intersection controls at various locations"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 532, 1982. Introduced by Councillor Nickell. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by adding a new Section 29-106, Left turn control devices"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 533, 1982. This proposal was adopted under Presentation of Petitions, Memorials, Special Resolutions, and Council Resolutions, and retitled SPECIAL RESOLUTION NO. 90, 1982.

PROPOSAL NO. 534, 1982. This proposal was adopted under Presentation of Petitions, Memorials, Special Resolutions, and Council Resolutions, and retitled SPECIAL RESOLUTION NO. 91, 1982.

PROPOSAL NO. 535, 1982. This proposal was adopted under Presentation of Petitions, Memorials, Special Resolutions, and Council Resolutions, and retitled SPECIAL RESOLUTION NO. 92, 1982.

PROPOSAL NO. 536-539, 1982. Introduced by Councillor Durnil. The Clerk read the proposals entitled: "REZONING ORDINANCES certified from the Met-

ropolitan Development Commission on December 2, 1982"; and the President referred it to the Committee of the Whole to be heard under Special Orders, Final Adoption.

#### MODIFICATION OF SPECIAL ORDERS

[Clerk's Note: Council consent was given in order that the Council Rules on Preparation, Initiation, and Introduction of Proposals may be suspended and the following proposals may be introduced, although not timely submitted under the Rules.]

PROPOSAL NO. 540, 1982. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Kenneth Giffin to the Department of Administration"; and the President referred it to the Administration Committee.

PROPOSAL NO. 541, 1982. Introduced by Councillor Durnil. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION appointing Robert O'Brien to the Board of Zoning Appeals, II"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 542, 1982. This proposal was adopted under Presentation of Petitions, Memorials, Special Resolutions, and Council Resolutions, and was retitled SPECIAL RESOLUTION NO. 93, 1982.

PROPOSAL NO. 543, 1982. This proposal was adopted under Presentation of Petitions, Memorials, Special Resolutions, and Council Resolutions, and was retitled COUNCIL RESOLUTION NO. 26, 1982.

PROPOSAL NOS. 544-545, 1982. Introduced by Councillor Durnil. The Clerk read the proposals entitled: "REZONING ORDINANCES certified from the Metropolitan Development Commission on December 13, 1982"; and the President referred it to the Committee of the Whole to be heard under Special Orders, Final Adoption.

PROPOSAL NO. 546, 1982. Introduced by Councillor Miller. The Clerk read the proposal entitled: "A Proposal for a COUNCIL RESOLUTION approving the appointments of Deputy Mayors and Department Directors for 1983"; and the President referred it to the Committee of the Whole.

PROPOSAL NO. 512, 1982. This proposal authorizes the amendment of documents for previously issued short-term bonds (totalling \$2,300,000) for The Majestic Partnership to extend the maturity date. Councillor Tintera reported that the

Economic Development Committee recommended passage by a vote of 5-0 on December 10, 1982. He moved, seconded by Councillor Brinkman, for adoption. Proposal No. 512, 1982, was adopted on the following roll call vote; viz:

26 YEAS: *Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Holmes, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Sawyers, Schneider, SerVaas, Stewart, Tintera, Vollmer, West*  
NO NAYS

3 NOT VOTING: *Howard, Jones, Strader*

Proposal No. 512, 1982, was retitled SPECIAL ORDINANCE NO. 32, 1982, and reads as follows:

**CITY—COUNTY SPECIAL ORDINANCE NO. 32, 1982**

A SPECIAL ORDINANCE authorizing the amendment and supplementing of a Loan Agreement dated as of December 1, 1980 between the City of Indianapolis, Indiana, and The Majestic Partnership and a Mortgage and Indenture of Trust dated December 1, 1980 among The Majestic Partnership, the City of Indianapolis, Indiana, and The Indiana National Bank, as Trustee, which have been previously amended and supplemented by a First Supplemental and Amendatory Loan Agreement dated as of September 1, 1981 and a First Supplemental and Amendatory Mortgage and Indenture of Trust dated as of September 1, 1981.

WHEREAS, the City-County Council of the City of Indianapolis has heretofore adopted in an Ordinance on December 15, 1980, authorizing the issuance of the City of Indianapolis Economic Development First Mortgage Revenue Bonds, Series 1980 (The Majestic Partnership Project) (the "1980 Bonds") and the entering by the City of Indianapolis into a Loan Agreement ("Original Loan Agreement") dated as of December 1, 1980 between the City of Indianapolis, Indiana and The Majestic Partnership (the "Company") and into a Mortgage and Indenture of Trust, dated as of December 1, 1980 between the City of Indianapolis, Indiana, the Company and The Indiana National Bank, as Trustee, (the "Original Indenture"); and

WHEREAS, the City-County Council of the City of Indianapolis, Indiana has also heretofore adopted an Ordinance on August 31, 1981, authorizing the issuance of the City of Indianapolis Economic Development First Mortgage Revenue Bonds, Series 1981 (The Majestic Partnership Project) (the "1981 Bonds") and the entering by the City of Indianapolis, Indiana into a First Supplemental and Amendatory Loan Agreement (the "First Supplemental Agreement"), dated as of September 1, 1981, between the City of Indianapolis, Indiana and the Company, which supplemented and amended the Original Agreement (the Original Agreement and First Supplemental Agreement hereinafter referred to as the "Loan Agreement") and into a First Supplemental and Amendatory Mortgage and Indenture of Trust, dated as of September 1, 1981 among the City of Indianapolis, Indiana, the Company and The Indiana National Bank, as Trustee (the "First Supplemental Indenture") (hereinafter the Original Indenture and First Supplemental Indenture referred to as the "Indenture"); and

WHEREAS, the holders of the 1980 Bonds and the 1981 Bonds have requested the City of Indianapolis, Indiana to approve an amendment to the maturity date of the 1980 Bonds and 1981 Bonds (hereinafter collectively referred to as the "Bonds") from January 1, 1983 to January 2, 1985 and to the terms and provisions of the Loan Agreement and the Indenture; and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on December 1, 1982, adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the amendments and supplements to the Loan Agreement and Indenture comply with the purposes and

provisions of Indiana Code 36-7-12 and such amendments and supplements of the financing will be of benefit to the health and welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the Second Supplemental and Amendatory Loan Agreement and of the Second Supplemental and Amendatory Mortgage and Indenture of Trust, by Resolution and adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

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

**SECTION 1.** The findings and determinations of the City-County Council, set forth in the ordinances referred to above, are hereby confirmed, ratified and adopted, except as hereinafter provided.

**SECTION 2.** The form of the Second Supplemental and Amendatory Loan Agreement and Second Supplemental and Amendatory Mortgage and Indenture of Trust are hereby approved, and all such documents shall be incorporated herein by reference and shall be inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City Controller. Two copies of such documents are on file in the office of the Clerk of the Council for public inspection.

**SECTION 3.** The Mayor and City Clerk are hereby authorized to execute and deliver such Second Supplemental and Amendatory Loan Agreement and Second Supplemental and Amendatory Mortgage and Indenture of Trust and to take all such actions authorized therein and to execute any other document which may be necessary or desirable to consummate the transaction, including, without limitation, the execution and delivery of the new bonds to The Indiana National Bank, as Trustee, which Trustee is directed to hold such newly executed bonds and exchange the same with the holder of the bonds upon receipt of the original executed Bonds.

**SECTION 4.** The terms of the Loan Agreement, Indenture, and the Bonds are hereby deemed to be supplemented and amended as provided in the Second Supplemental and Amendatory Loan Agreement and the Second Supplemental and Amendatory Mortgage and Indenture of Trust.

**SECTION 5.** The provisions of this Ordinance and the Indenture shall constitute a contract binding between the City of Indianapolis and the holders of the 1980 Bonds and 1981 Bonds and after the issuance of said Bonds this Ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holders so long as said Bonds or the interest thereon remains unpaid.

**SECTION 6.** This ordinance shall be in full force and effect from and after compliance with procedure required by Indiana Code 36-3-4-14.

PROPOSAL NO. 513, 1982. This proposal authorizes the amendment of documents for previously issued short-term bonds (totalling \$2,300,000) for Wulsin Associates to extend the maturity date. Councillor Tintera reported that the Economic Development Committee recommended passage on December 10, 1982, by a vote of 5-0. He moved, seconded by Councillor Brinkman, for adoption. Proposal No. 513, 1982, was adopted on the following roll call vote; viz:

22 YEAS: *Boyd, Brinkman, Campbell, Clark, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Holmes, McGrath, Miller, Nickell, Page, Rader, Rhodes, Sawyers, Schneider, SerVaas, Stewart, Tintera, West*

3 NAYS: *Howard, Journey, Vollmer*

4 NOT VOTING: *Borst, Cottingham, Jones, Strader*

Proposal No. 513, 1982, was retitled SPECIAL ORDINANCE NO. 33, 1982, and reads as follows:

**CITY-COUNTY SPECIAL ORDINANCE NO. 33, 1982**

A SPECIAL ORDINANCE authorizing the amendment and supplementing of a Loan Agreement dated as of December 1, 1980 between the City of Indianapolis, Indiana and Wulsin Associates and a Mortgage and Indenture of Trust dated December 1, 1980 among Wulsin Associates, the City of Indianapolis and American Fletcher National Bank and Trust Company, as Trustee, which have been previously amended by a First Supplemental and Amendatory Loan Agreement dated as of June 1, 1981 and by a First Supplemental and Amendatory Mortgage and Indenture of Trust dated as of June 1, 1981.

WHEREAS, the City-County Council of the City of Indianapolis has heretofore adopted in an Ordinance on December 15, 1980, authorizing the issuance of the City of Indianapolis Economic Development First Mortgage Revenue Bonds, Series 1980 (Wulsin Associates Project) (the "1980 Bonds") and the entering by the City of Indianapolis into a Loan Agreement ("Original Loan Agreement") dated as of December 1, 1980 between the City of Indianapolis, Indiana and Wulsin Associates (the "Company") and into a Mortgage and Indenture of Trust, dated as of December 1, 1980 between the City of Indianapolis, Indiana, the Company and American Fletcher National Bank and Trust Company, as Trustee, (the "Original Indenture"); and

WHEREAS, the City-County Council of the City of Indianapolis, Indiana, has also heretofore adopted an Ordinance on May 26, 1981, authorizing the issuance of the City of Indianapolis Economic Development First Mortgage Revenue Bonds, Series 1981 (Wulsin Associates Project) (the "1981 Bonds") and the entering by the City of Indianapolis, Indiana into a First Supplemental and Amendatory Loan Agreement (the "First Supplemental Agreement"), dated as of June 1, 1981, between the City of Indianapolis, Indiana and the Company, which supplemented and amended the Original Agreement (the Original Agreement and First Supplemental Agreement hereinafter referred to as the "Loan Agreement") and into a First Supplemental and Amendatory Mortgage and Indenture of Trust, dated as of June 1, 1981 among the City of Indianapolis, Indiana, the Company and American Fletcher National Bank and Trust Company, as Trustee (the "First Supplemental Indenture") (hereinafter the Original Indenture and First Supplemental Indenture referred to as the "Indenture"); and

WHEREAS, the holders of the 1980 Bonds and the 1981 Bonds have requested the City of Indianapolis, Indiana, to approve an amendment to the maturity date of the 1980 Bonds and 1981 Bonds (hereinafter collectively referred to as the "Bonds") from December 31, 1982 to March 31, 1983 and to the terms and provisions of the Loan Agreement and the Indenture; and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on December 1, 1982, adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the amendments and supplements to the Loan Agreement and Indenture comply with the purposes and provisions of Indiana Code 36-7-12 and such amendments and supplements of the financing will be of benefit to the health and welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the Second Supplemental and Amendatory Loan Agreement and of the Second Supplemental and Amendatory Mortgage and Indenture of Trust, by Resolution and adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

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

SECTION 1. The findings and determinations of the City-County Council, set forth in the ordinances referred to above, are hereby confirmed, ratified and adopted, except as hereinafter provided.

SECTION 2. The form of the Second Supplemental and Amendatory Loan Agreement and Second Supplemental and Amendatory Mortgage and Indenture of Trust are hereby approved, and all such documents shall be incorporated herein by reference and shall be inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City Controller. Two copies of such documents are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Mayor and City Clerk are hereby authorized to execute and deliver such Second Supplemental and Amendatory Loan Agreement and the Second Supplemental and Amendatory Mortgage and Indenture of Trust and to take all such actions authorized therein and to execute any other document which may be necessary or desirable to consummate the transaction, including, without limitation, the execution and delivery of the new bonds to American Fletcher National Bank and Trust Company, as Trustee, which Trustee is directed to hold such newly executed bonds and exchange the same with the holder of the bonds upon receipt of the original executed Bonds.

SECTION 4. The terms of the Loan Agreement, Indenture, and the Bonds are hereby deemed to be supplemented and amended as provided in the Second Supplemental and Amendatory Loan Agreement and the Second Supplemental and Amendatory Mortgage and Indenture of Trust.

SECTION 5. The provisions of this Ordinance and the Indenture shall constitute a contract binding between the City of Indianapolis and the holders of the 1980 Bonds and 1981 Bonds and after the issuance of said Bonds this Ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holders so long as said Bonds or the interest thereon remains unpaid.

SECTION 6. This ordinance shall be in full force and effect from and after compliance with procedure required by Indiana Code 36-3-4-14.

PROPOSAL NO. 515, 1982. This proposal authorizes the issuance of \$800,000 Economic Development First Mortgage Revenue Bonds, Series 1982 for Eagle Magnetic Company, Inc. The Economic Development Committee recommended passage on December 13, 1982, by a vote of 3-0. Councillor Tintera moved, seconded by Councillor Brinkman, for adoption. Proposal No. 515, 1982, was adopted on the following roll call vote; viz:

25 YEAS: *Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Holmes, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Sawyers, Schneider, SerVaas, Stewart, Tintera, Vollmer, West*  
NO NAYS

4 NOT VOTING: *Hawkins, Howard, Jones, Strader*

Proposal No. 515, 1982, was retitled SPECIAL ORDINANCE NO. 34, 1982, and reads as follows:

**CITY-COUNTY SPECIAL ORDINANCE NO. 34, 1982**

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Economic Development First Mortgage Revenue Bonds, Series 1982 (Eagle Magnetic Company, Inc. Project)" in the principal amount of Eight Hundred Thousand Dollars (\$800,000) and authorizing other actions in respect thereto.

WHEREAS, the Indianapolis Economic Development Commission has rendered a report of the Indianapolis Economic Development Commission concerning the proposed financing of economic development facilities for Eagle Magnetic Company,

Inc. and the Metropolitan Development Commission of Marion County has received a copy thereof and had at least five (5) days to comment thereon; and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on December 13, 1982, adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the financing of certain economic development facilities to be developed by Eagle Magnetic Company, Inc. complies with the purposes and provisions of Indiana Code 36-7-12 and that such financing will be of benefit to the health and welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the Mortgage and Indenture of Trust, Promissory Note and Loan Agreement (such documents being hereinafter collectively referred to as the "Financing Agreement" referred to in Indiana Code 36-7-12) and the City of Indianapolis Economic Development First Mortgage Revenue Bonds, Series 1982 (Eagle Magnetic Company, Inc. Project), and Guaranty and Mortgage Agreement, by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

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

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement, previously approved by the Indianapolis Economic Development Commission and presented to this City-County Council, the issuance and sale of revenue bonds, the loan of the net proceeds thereof to Eagle Magnetic Company, Inc. for the purposes of financing the economic development facilities under construction or to be constructed in Indianapolis, Indiana, and the repayment of said loan by Eagle Magnetic Company, Inc. will be of benefit to the health and welfare of the City of Indianapolis and its citizens and does comply with the purposes and provisions of Indiana Code 36-7-12.

SECTION 2. The forms of the Mortgage and Indenture of Trust, Promissory Note and Loan Agreement (collectively referred to as the "Financing Agreement" referred to in Indiana Code 36-7-12), Guaranty and Mortgage Agreement and the form of the City of Indianapolis Economic Development First Mortgage Revenue Bonds, Series 1982 (Eagle Magnetic Company, Inc. Project) approved by the Indianapolis Economic Development Commission are hereby approved and all such documents shall be incorporated herein by reference and inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City Controller. Two (2) copies of the Financing Agreement and the form of the City of Indianapolis Economic Development First Mortgage Revenue Bonds, Series 1982 (Eagle Magnetic Company, Inc. Project), and Guaranty and Mortgage Agreement are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The City of Indianapolis shall issue its Economic Development First Mortgage Revenue Bonds, Series 1982 (Eagle Magnetic Company, Inc. Project) in the principal amount of Eight Hundred Thousand dollars (\$800,000) maturing not later than twelve (12) years from the first principal payment for the purpose of procuring funds to loan to Eagle Magnetic Company, Inc. in order to finance the economic development facilities, as more particularly set out in the Loan Agreement incorporated herein by reference which Bonds will be payable as to principal, premium, if any, and interest solely from the payments made by Eagle Magnetic Company, Inc. on its Promissory Note in the principal amount of Eight Hundred Thousand dollars (\$800,000) which will be executed and delivered by Eagle Magnetic Company, Inc. to evidence and secure said loan, and as otherwise provided in the above described Promissory Note, Loan Agreement, Mortgage and Indenture of Trust and Guaranty and Mortgage Agreements. The Bonds shall be issued in fully registered form and shall be issued in the denomination of \$800,000 and shall be redeemed as provided in Article III of the Mortgage and Indenture of Trust. Payments of principal and interest are payable in lawful moneys of the United States of America at the principal office of the Trustee or its successor in trust or by check or draft mailed or delivered to the registered owner as provided in the Mortgage and Indenture of Trust. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City of Indianapolis nor are the bonds payable in any manner by revenues raised by taxation.

**SECTION 4.** The City Clerk or City Controller are authorized and directed to sell such Bonds to the purchasers thereof at a price equal to 100% of the principal amount thereof, plus accrued interest, if any, and at a stated per annum rate of interest on the Bonds equal to seventy-one percent (71%), of the prime lending rate quoted and announced by First Bank and Trust Company at its principal office on each January 1, April 1, July 1 and October 1, with such rate to be effective for the ensuing quarterly period, and payable on April 1, 1983, and on each January 1, April 1, July 1 and October 1, thereafter, or at such higher rate as may be provided for in the Loan Agreement, Mortgage and Indenture of Trust or the Bonds resulting from a determination of taxability or a change in the maximum corporate tax rate as provided in the Loan Agreement or Indenture.

**SECTION 5.** The Mayor and City Clerk are authorized and directed to execute the documents constituting the Financing Agreement and the City of Indianapolis Economic Development First Mortgage Revenue Bonds, Series 1982 (Eagle Magnetic Company, Inc. Project) approved herein, and their execution is hereby confirmed on behalf of the City of Indianapolis and any other documents which may be necessary or desirable to consummate the transaction. The signatures of the Mayor and City Clerk on the Bonds may be facsimile signatures. The City Clerk or City Controller are authorized to arrange for the delivery of such Bonds to the Trustee named in the Mortgage and Indenture of Trust, payment for which will be made to the Trustee named in the Mortgage and Indenture of Trust. The execution and delivery of the Bonds shall within one hundred and twenty (120) days from the passage of this ordinance. The Mayor and City Clerk may by their execution of the Financing Agreement, and imprinting of their facsimile signatures on the Bonds or their manual execution thereof approve changes therein and also in the Guaranty and Mortgage Agreement without further approval of this City-County Council or the Indianapolis Economic Development Commission if such changes do not affect terms set forth in I.C. 36-7-12-27 (a)(1) through (a)(11). The Bonds shall be dated as of the date of delivery thereof.

**SECTION 6.** The provisions of this ordinance and the Mortgage and Indenture of Trust shall constitute a contract binding between the City of Indianapolis and the holder of the Economic Development First Mortgage Revenue Bonds, Series 1982 (Eagle Magnetic Company, Inc. Project), and after the issuance of said Bonds this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder so long as said Bonds or the interest thereon remains unpaid.

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

PROPOSAL NO. 514, 1982. This proposal authorizes changes in the maturity and document dates for the previously authorized \$13,800,000 Construction Loan Revenue Bonds, Series 1982 FHA Insured Advances for Marott Apartments Projects. The Economic Development Committee recommended passage by a vote of 5-0 on December 10, 1982. Councillor Tintera moved, seconded by Councillor West, for adoption. Proposal No. 514, 1982, was adopted on the following roll call vote; viz:

*22 YEAS: Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Durnil, Gilmer, Hawkins, Holmes, McGrath, Miller, Nickell, Page, Rader, Rhodes, Sawyers, SerVaas, Stewart, Tintera, West*

*4 NAYS: Howard, Journey, Strader, Vollmer*

*3 NOT VOTING: Dowden, Jones, Schneider*

Proposal No. 514, 1982, was retitled SPECIAL ORDINANCE NO. 35, 1982, and reads as follows:

CITY—COUNTY SPECIAL ORDINANCE NO. 35, 1982

A SPECIAL ORDINANCE (hereinafter "Bond Ordinance") of the City of Indianapolis, Indiana amending Special Ordinance No. 17, 1982 entitled, "A Special Ordinance of the City of Indianapolis, Indiana authorizing the issuance and sale of revenue bonds up to the principal amount of Thirteen Million Eight Hundred Thousand Dollars (\$13,800,000) and the loaning of the proceeds derived therefrom to Marott Associates to finance the costs of construction of an economic development facility.

WHEREAS, the City of Indianapolis, Indiana (the "City") is a municipal corporation and political subdivision of the State of Indiana and by virtue of I.C. Sections 36-7-12-1 through 36-7-12-37, inclusive, as amended (the "Act") is authorized and empowered to acquire economic development facilities as those words are defined in the Act and to make direct loans to users for the cost of acquisition and renovation of economic development facilities to promote the general welfare of the area in and near the City; and

WHEREAS, the City has passed Special Ordinance No. 17, 1982 entitled, "A Special Ordinance of the City of Indianapolis, Indiana authorizing the issuance and sale of revenue bonds up to the principal amount of Thirteen Million Eight Hundred Thousand Dollars (\$13,800,000) and the loaning of the proceeds derived therefrom to Marott Associates to finance the costs of construction of an economic development facility" (the "Special Ordinance") and given the length of time between the date of passage of the Special Ordinance and the date of this Bond Ordinance and the change in several items covered thereunder, the City now intends to update and amend the Special Ordinance; and

WHEREAS, the City-County Council of Indianapolis and of Marion County, Indiana as the governing body of the City (the "City-County Council") adopted the Special Ordinance and approved the issuance by the City of Indianapolis, Indiana Construction Loan Revenue Bonds (Marott Associates Project—FHA Insured Advances) (Series 1982) (the "Bonds") payable solely from the sources, having such terms and provisions and secured as provided in the Indenture of Trust between the City and a trustee (the "Indenture") and pursuant to a Financing Agreement between the City and Marott Associates, a limited partnership organized under the laws of the State of Indiana, (the "Owner") (the "Financing Agreement"); now, therefore:

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

SECTION 1. Special Ordinance. The City-County Council hereby reaffirms and generally approves the Special Ordinance No. 17, 1982 with the exception of the specific amendments of this Bond Ordinance.

SECTION 2. Date of Agreements. The date of the Indenture and Financing Agreement shall be changed from July 1, 1982, as specified in the Special Ordinance No. 17, 1982 to December 1, 1982.

SECTION 3. Term of the Bonds. The Bonds shall be dated as of December 1, 1982 instead of July 1, 1982 as provided in the Special Ordinance No. 17, 1982.

SECTION 4. Payment of Principal on the Bonds. Principal on the Bonds shall be payable at the principal corporate office of the Trustee as specified in the Indenture.

SECTION 5. Time for Execution and Delivery of Bonds. The Bonds shall be executed and delivered pursuant to the Indenture on December 15, 1982 or such other time, place or date as is mutually agreeable to the City and Boettcher & Company as the Underwriter.

SECTION 6. Name of Owner and Designation of Bonds. The name of the Owner is now recognized to be Adam-Marott Associates and the Bonds shall be designated "City of Indianapolis, Indiana Construction Loan Revenue Bonds (Marott Apartments Project—FHA Insured Advances) Series 1982".

**SECTION 7. Date of Note and mortgage; Name of Mortgagee.** The Note and Mortgage referred to in the Special Ordinance No. 17, 1982 are dated August 17, 1982 and the name of the mortgagee making the advances thereunder is Puller Mortgage Associates, Inc.

**SECTION 8. Conflicting Ordinances.** All Ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 9. Recordation.** Two copies of Special Ordinance No. 17, 1982 and of the Exhibits referenced therein and herein and made a part hereof are on file in the Office of the Clerk of the City-County Council and are available for public inspection by any interested party. Immediately after its adoption, this Bond Ordinance shall be signed by the Mayor and the Clerk, shall be recorded in the records kept for that purpose and shall take immediate effect.

**SECTION 10. Effective Date:** This Bond Ordinance shall be in full force and effect upon adoption and compliance with I.C. 36-3-4-14.

PROPOSAL NO. 517, 1982. This proposal authorizes the issuance of a \$1,000,000 Economic Development First Mortgage Revenue Bond, for Devington Associates, Inc. Councillor Tintera reported that the Economic Development Committee amended Section 4 by adding Eleven and four-tenths percent (11.4%), and recommended passage by a vote of 4-0 on December 13, 1982. He moved, seconded by Councillor West, to adopt the amendment. Council consent was given on the amendment. Councillor Tintera moved, seconded by Councillor West, for adoption. Proposal No. 517, 1982, As Amended, was adopted on the following roll call vote; viz:

25 YEAS: *Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Sawyers, SerVaas, Stewart, Strader, Tintera, Vollmer, West*

2 NAYS: *Durnil, Schneider*

2 NOT VOTING: *Dowden, Jones*

Proposal No. 517, 1982, As Amended, was retitled SPECIAL ORDINANCE NO. 36, 1982, and reads as follows:

**CITY-COUNTY SPECIAL ORDINANCE NO. 36, 1982**

**A SPECIAL ORDINANCE** authorizing the City of Indianapolis to issue its "Economic Development Revenue Bond (Devington Associates, Ltd. Project)" in the principal amount of One Million Dollars (\$1,000,000) and authorizing other actions in respect thereto.

WHEREAS, the Indianapolis Economic Development Commission has rendered a report of the Indianapolis Economic Development Commission concerning the proposed financing of economic development facilities for Devington Associates, Ltd., an Indiana Limited Partnership and the Metropolitan Development Commission of Marion County has commented thereon; and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on December 1, 1982, adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the financing of certain economic development facilities to be developed by Devington Associates, Ltd., an

Indiana Limited Partnership and leased to The Kroger Co., complies with the purposes and provisions of Indiana Code 36-7-12 and that such financing and leasing will be of benefit to the health and welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the Promissory Note and Loan Agreement (such documents being hereinafter collectively referred to as the "Financing Agreement" referred to in Indiana Code 36-7-12) and the City of Indianapolis, Indiana Economic Development Revenue Bond (Devington Associates, Ltd. Project), the Trust Indenture, Bond Purchase Agreement, Assignment of Lease, Lease and Lease Agreement by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

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

**SECTION 1.** It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement, previously approved by the Indianapolis Economic Development Commission and presented to this City-County Council, the issuance and sale of a revenue bond, the loan of the net proceeds thereof to Devington Associates, Ltd. for the purposes of financing the economic development facilities under renovation or to be renovated in Indianapolis, Indiana, and the repayment of said loan by Devington Associates, Ltd. and the leasing of such facilities to The Kroger Co., will be of benefit to the health and welfare of the City of Indianapolis and its citizens and does comply with the purposes and provisions of Indiana Code 36-7-12.

**SECTION 2.** The forms of the Promissory Note and Loan Agreement (collectively referred to as the "Financing Agreement" referred to in Indiana Code 36-7-12), the Trust Indenture, Bond Purchase Agreement, Assignment of Lease, Lease, Lease Agreement and the form of the City of Indianapolis, Indiana Economic Development Revenue Bond, (Devington Associates, Ltd. Project) approved by the Indianapolis Economic Development Commission are hereby approved and all such documents shall be inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City Controller. Two (2) copies of the Financing Agreement and the form of the City of Indianapolis, Indiana Economic Development Revenue Bond, (Devington Associates, Ltd. Project), the Trust Indenture, Bond Purchase Agreement, Assignment of Lease, Lease and Lease Agreement are on file in the office of the Clerk of the Council for public inspection.

**SECTION 3.** The City of Indianapolis shall issue its Economic Development Revenue Bond (Devington Associates, Ltd. Project) in the principal amount of One Million Dollars (\$1,000,000) for the purpose of procuring funds to loan to Devington Associates, Ltd., an Indiana Limited Partnership in order to finance the economic development facilities, as more particularly set out in the Loan Agreement incorporated herein by reference which Bond will be payable as to principal, premium, if any, and interest solely from the payments made by Devington Associates, Ltd., an Indiana Limited Partnership on its Promissory Note in the principal amount of One Million Dollars (\$1,000,000) which will be executed and delivered by Devington Associates, Ltd., an Indiana Limited Partnership to evidence and secure said loan, and as otherwise provided in the above described Promissory Note, Loan Agreement, Trust Indenture, Assignment of Lease, Lease and Lease Agreement. The Bond shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City of Indianapolis.

**SECTION 4.** The City Clerk or City Controller are authorized and directed to sell such Bond to the purchaser thereof at a price equal to 100% of the principal amount thereof, plus accrued interest, if any, and at a stated per annum rate of interest on the Bond equal to eleven and four-tenths percent (11.4%), or at such higher rate as may be provided for in the Loan Agreement, Trust Indenture or the Bond resulting from a determination of taxability.

**SECTION 5.** The Mayor and City Clerk are authorized and directed to execute the documents constituting the Financing Agreement and the City of Indianapolis, Indiana Economic Development Revenue Bond (Devington Associates, Ltd. Project), the Trust Indenture and the Bond Purchase Agreement approved herein, and their execution is hereby confirmed on behalf of the City of Indianapolis and any other document which

may be necessary or desirable to consummate the transaction. The signatures of the Mayor and City Clerk on the Bond shall be manual signatures. The City Clerk or City Controller are authorized to arrange for the delivery of such Bond to the Trustee named in the Trust Indenture, payment for which will be made to the Trustee named in the Trust Indenture. The execution and delivery of the Bond shall occur within one hundred and twenty (120) days from the passage of this ordinance. The Mayor and City Clerk may by their execution of the Financing Agreement, Trust Indenture, Bond Purchase Agreement and the Bond approve changes therein and also in the Assignment of Lease, Lease and Lease Agreement without further approval of this City-County Council or the Indianapolis Economic Development Commission if such changes do not affect terms set forth in I.C. 36-7-12-27 (a)(1) through (a)(11).

SECTION 6. The provisions of this ordinance and the Trust Indenture shall constitute a contract binding between the City of Indianapolis and the holder of the Economic Development Revenue Bond (Devington Associates, Ltd. Project), and after the issuance of said Bond this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder so long as said Bond or the interest thereon remains unpaid.

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

PROPOSAL NO. 518, 1982. This proposal authorizes proceedings with respect to proposed economic development bonds for Crown Paper Box Corporation in an amount not to exceed \$825,000. Councillor Tintera reported that the Economic Development Committee recommended passage by a vote of 5-0 on December 10, 1982. Councillor Tintera moved, seconded by Councillor West, for adoption. Proposal No. 518, 1982, was adopted on the following roll call vote; viz:

27 YEAS: *Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Sawyers, SerVaas, Stewart, Strader, Tintera, Vollmer, West*

NO NAYS

2 NOT VOTING: *Jones, Schneider*

Proposal No. 518, 1982, was retitled SPECIAL RESOLUTION NO. 94, 1982, and reads as follows:

#### CITY—COUNTY SPECIAL RESOLUTION NO. 94, 1982

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

WHEREAS, the City of Indianapolis, Indiana, (the "City") is authorized by I.C. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction, installation and equipping of said facilities, either directly owned by or leased or sold to a company; and leased or subleased to users of the facilities; and

WHEREAS, Crown Paper Box Corporation (the "Company") has advised the Indianapolis Economic Development Commission and the City that it proposes that the City either acquire, construct, install and equip certain economic development facilities and sell or lease the same to the Company or loan the proceeds of an economic development financing to the Company for the same, said economic development

facilities to be the acquisition, construction, installation and equipping of an approximately 60,000 square foot building to be located in the Belmont and Oliver Industrial Park on Parcel No. 3 consisting of approximately 10.532 acres of land in Indianapolis, Indiana to be used in the Company's business of manufacturing folding paperboard boxes, including site improvements and the purchase of machinery and equipment for use therein ("Project"); and

WHEREAS, the diversification of industry and increase in job opportunities (approximately 14 additional jobs at the end of one year and 45 additional jobs at the end of three years) to be achieved by the acquisition, construction, installation and equipping of the Project will be of public benefit to the health, safety and general welfare of the City and its citizens; and

WHEREAS, having received the advice of the Indianapolis Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the City and its citizens; and

WHEREAS, the acquisition, construction, installation and equipping of the facilities will not have an adverse competitive effect in any similar facility already constructed or operating in or about Indianapolis, Indiana; now, therefore:

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

**SECTION 1.** The City-County Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in or near Indianapolis, Indiana, and in Marion County, is desirable to preserve the health, safety and general welfare of the citizens of the City of Indianapolis, and that it is in the public interest that the Indianapolis Economic Development Commission and said City take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said City.

**SECTION 2.** The City-County Council further finds, determines, ratifies, and confirms that the issuance and sale of revenue bonds of the City ("Issuer") in an amount not to exceed \$825,000 under the Act for the acquisition, construction, installation and equipping of the Project and the sale or leasing of the Project to Crown Paper Box Corporation (the "Company") or the loaning of the proceeds of such financing to the Company for such purposes will serve the public purposes referred to above, in accordance with the Act.

**SECTION 3.** In order to induce the Company to proceed with the acquisition, construction, installation, equipping and leasing of the Project, this City-County Council hereby finds, determines, ratifies, and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the City and the Company; and that (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

**SECTION 4.** All costs of the Project incurred after the passage of this resolution, including reimbursement or repayment to the Company of moneys expended by the Company for application fees, planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction, installation and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the City will thereafter sell the same to the Company or loan the proceeds of the revenue bonds to the Company for the Project, and the City will thereafter lease the same to the Company or loan the proceeds of such financing to the Company for the same purpose or sell the same to the Company.

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

SPECIAL ORDERS, PUBLIC HEARING

PROPOSAL NO. 489, 1982. This proposal modifies the budget of the Capital Improvements Board of Managers of Marion County by amending General Resolution No. 7, 1981, As Amended. Councillor Clark reported that the Convention Center has had more business, thereby, requiring more employees for cleanup, etc. Councillor Clark moved, seconded by Councillor Borst, the following:

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 489, 1982, by deleting the introduced version and substituting therefor the proposal entitled, "Proposal No. 489, 1982, Committee Recommendations".

Councillor Clark

Council consent was given on the amendment. The President called for a public hearing at 8:19 p.m. There being no one present to testify, Councillor Clark moved, seconded by Councillor Borst, for adoption. Proposal No. 489, 1982, As Amended, was adopted on the following roll call vote; viz:

27 YEAS: *Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Sawyers, Schneider, SerVaas, Stewart, Strader, Vollmer, West*

NO NAYS

2 NOT VOTING: *Jones, Tintera*

Proposal No. 489, 1982, As Amended, was retitled GENERAL RESOLUTION NO. 10, 1982, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 10, 1982

A GENERAL RESOLUTION modifying the operating budget of the Capital Improvements Board of Managers of Marion County, Indiana, by amending City-County General Resolution No. 7, 1981, As Amended.

WHEREAS, IC 1971, 36-3-6-9 empowers the City-County Council to amend the budget of the Capital Improvements Board of Managers of Marion County; and

WHEREAS, the Capital Improvements Board of Managers of Marion County has requested an approval for an additional expenditure for 1982 in the General Operating Fund for the payment of personal services for temporary help, mechanical workers and service workers and a reduction in Other Services and Charges; now, therefore:

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

SECTION 1. City-County General Resolution No. 7, 1981, As Amended, is amended by allowing the following additional expenditure:

100 Personal Services	<u>\$35,000</u>
Total Additional Expenditure	<u>\$35,000</u>

SECTION 2. The said additional expenditure is funded by the following reduction:

300 Other Services & Charges	<u>\$35,000</u>
Total Decrease Expenditure	<u>\$35,000</u>

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

### SPECIAL ORDERS, FINAL ADOPTION

PROPOSAL NO. 189, 1982. This proposal authorizes the issuance of \$2,996,000 Economic Development Revenue Bonds for Lombard Associates. Councillor Tintera reported that the Economic Development Committee amended and passed Proposal No. 189, 1982, by a vote of 3-0 on December 13, 1982. He moved, seconded by Councillor Gilmer, the following:

#### CITY-COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 189, 1982, by deleting the introduced version and substituting therefor the proposal entitled, "Proposal No. 189, 1982, Committee Recommendations".

Councillor Tintera

Consent was given on the amendment. Councillor Tintera moved, seconded by Councillor Gilmer, for adoption. Proposal No. 189, 1982, As Amended, was adopted on the following roll call vote; viz:

28 YEAS: *Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Sawyers, Schneider, SerVaas, Stewart, Strader, Tintera, Vollmer, West*

NO NAYS

1 NOT VOTING: *Jones*

Proposal No. 189, 1982, As Amended, was retitled SPECIAL ORDINANCE NO. 37, 1982, and reads as follows:

#### CITY-COUNTY SPECIAL ORDINANCE NO. 37, 1982

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "City of Indianapolis, Indiana Economic Development Revenue Bonds Series 1982 (Lombard Associates Project)" in the total principal amount of Two Million Nine Hundred Ninety-six Thousand dollars (\$2,996,000) and approving and authorizing other actions in respect thereto.

WHEREAS, the Indianapolis Economic Development Commission has rendered reports of the Indianapolis Economic Development Commission concerning the proposed financing of economic development facilities for the Project, and the Metropolitan Development Commission of Marion County has commented thereon; and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on December 13, 1982 adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the financing of certain economic development facilities to be developed by Lombard Associates complies with the purposes and provisions of Indiana Code 36-7-12 and that such financing will be of benefit to the health and welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the Loan Agreement, Mortgage and Security Agreement, Indenture of Trust, First Mortgage Note, and the City of Indianapolis, Indiana Economic Development Revenue Bonds Series 1982 (A, B, C, D, E, F, G, H and I) (Lombard Associates Project) in the total principal amount of Two Million Nine Hundred Ninety-six Thousand dollars (\$2,996,000) by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

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

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement, Mortgage and Security Agreement previously approved by the Indianapolis Economic Development Commission and presented to this City-County Council, the issuance and sale of revenue bonds, the loan of the net proceeds thereof to Lombard Associates for the purpose of financing the economic development facilities under renovation or to be renovated in Indianapolis, Indiana, and the repayment of said loan by Lombard Associates will be of benefit to the health and welfare of the City of Indianapolis and its citizens and does comply with the purposes and provisions of Indiana Code 36-7-12.

SECTION 2. The forms of the Loan Agreement, Mortgage and Security Agreement, Indenture of Trust, First Mortgage Note, and the form of the City of Indianapolis, Indiana Economic Development Revenue Bonds, Series 1982 (A, B, C, D, E, F, G, H and I) (Lombard Associates Project) in the total principal amount of Two Million Nine Hundred Ninety-Six Thousand dollars (\$2,996,000), approved by the Indianapolis Economic Development Commission are hereby approved and all such documents shall be incorporated herein by reference and shall be inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City Controller. Two (2) copies of the Loan Agreement, Mortgage and Security Agreement, Indenture of Trust, First Mortgage Note, and the form of the City of Indianapolis, Indiana Economic Development Revenue Bonds, Series 1982 (A, B, C, D, E, F, G, H and I) (Lombard Associates Project) in the total principal amount of Two Million Nine Hundred Ninety-six Thousand dollars (\$2,996,000) are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The City of Indianapolis shall issue its City of Indianapolis, Indiana Economic Development Revenue Bonds, Series 1982 (A, B, C, D, E, F, G, H and I) (Lombard Associates Project) in the total principal amount of Two Million Nine Hundred Ninety-six Thousand dollars (\$2,996,000) maturing as set forth in the Indenture of Trust but in any event not later than eleven (11) years from the day the Bonds are dated for the purpose of procuring funds to loan to Lombard Associates in order to finance the economic development facilities, as more particularly set out in the Loan Agreement, Mortgage and Security Agreement incorporated herein by reference which Bonds will be payable as to principal, premium, if any, and interest solely from the payments made by Lombard Associates on its promissory note in the principal amount of Two Million Nine Hundred Ninety-six Thousand dollars (\$2,996,000) which will be executed and delivered by Lombard Associates to evidence and secure said loan, and as otherwise provided in the above described Loan Agreement, Mortgage and Security Agreement, Indenture of Trust and First Mortgage Note. The Bonds are issuable as coupon Bonds registrable as to principal only in denominations of \$5,000 or any authorized multiple thereof and as registered Bonds without coupons in denominations of \$5,000 and any

authorized multiple thereof, except that there may be one registered Bond without coupons of the Series 1982-I which is not in such denomination. Subject to the limitations and upon payment of the charges provided in the Indenture of Trust, registered Bonds without coupons may be exchanged for a like aggregate principal amount of coupon Bonds of the same series and the same maturity, bearing all unmatured coupons (and any matured coupons in default) or for a like aggregate principal amount of registered Bonds without coupons of the same series and the same maturity of other authorized denominations, and coupon Bonds bearing all unmatured coupons (and any matured coupons in default) may be exchanged for a like aggregate principal amount of registered Bonds without coupons of the same series and the same maturity of authorized denominations. The Bonds shall be redeemed as provided in Article III of the Indenture of Trust and shall be dated as set forth in Section 202 of the Indenture of Trust. Payments of principal and interest and the premium, if any, payable upon redemption, are payable at the office of Merchants National Bank and Trust Company of Indianapolis, as Trustee, in the City of Indianapolis, Indiana, or at the principal office of any successor trustee or additional paying agent appointed under the Indenture of Trust. Principal, premium, if any, and interest are payable in lawful money of the United States of America. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City of Indianapolis. It is recognized that the aggregate amount of Bonds herein authorized may not be sufficient to complete the economic development facilities and that the documents relating to the bond issue permit the issuance of additional bonds from time to time to complete the economic development facilities, to add to the economic development facilities, or to refund such bonds, if refunding such bonds is then permitted by law.

SECTION 4. The City Clerk or City Controller are authorized and directed to sell such Bonds to purchasers thereof at a price not less than 100% of the principal amount thereof, plus accrued interest, if any, and at a stated per annum rate of interest on the Series 1982-A Bonds equal to 9.50%, Series 1982-B Bonds equal to 9.75%, Series 1982-C Bonds equal to 10.00%, Series 1982-D Bonds equal to 10.50%, Series 1982-E Bonds equal to 11.00%, Series 1982-F Bonds equal to 11.50%, Series 1982-G Bonds equal to 12.00%, Series 1982-H Bonds equal to 12.50%, Series 1982-I Bonds equal to 13.00% or at such higher rate as may be provided for in the Loan Agreement, Mortgage and Security Agreement, Indenture of Trust, First Mortgage Note or the Bonds.

SECTION 5. The Mayor and City Clerk are authorized and directed to execute the Loan Agreement, Mortgage and Security Agreement, Indenture of Trust, Endorsement to First Mortgage Note and the City of Indianapolis, Indiana Economic Development Revenue Bonds, Series 1982 (A, B, C, D, E, F, G, H and I) (Lombard Associates Project) in the total principal amount of Two Million Nine Hundred Ninety-six Thousand dollars (\$2,996,000) approved herein, and their execution is hereby confirmed, on behalf of the City of Indianapolis and any other document which may be necessary or desirable to consummate the transaction. The signatures of the Mayor and City Clerk on the Bonds, may be facsimile signatures. The City Clerk or City Controller are authorized to arrange for the delivery of such Bonds to the trustee named in the Indenture of Trust, payment for which will be made to the trustee named in the Indenture of Trust. The execution and delivery of the Bonds shall occur on or before December 31, 1982. The Mayor and City Clerk may by their execution of the Loan Agreement, Mortgage and Security Agreement, Indenture of Trust, Endorsement to First Mortgage Note and imprinting of their facsimile signatures on the Bonds or their manual execution thereof approve changes therein and in the First Mortgage Note without further approval of this City-County Council or the Indianapolis Economic Development Commission if such changes do not affect terms set forth in I.C. 36-7-12-27 (a) (1) through (a) (11).

SECTION 6. The provisions of this ordinance and the Indenture of Trust shall constitute a contract binding between the City of Indianapolis and the holders of the City of Indianapolis, Indiana Economic Development Revenue Bonds, Series 1982 (A, B, C, D, E, F, G, H and I) (Lombard Associates Project) in the total principal amount of Two Million Nine Hundred Ninety-six Thousand dollars (\$2,996,000) and after the issuance of said Bonds this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder so long as said Bonds or the interest thereon remains unpaid.

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

PROPOSAL NO. 440, 1982. This proposal adds a new section to the Code to provide for surety bonds for city and county officials. Councillor Dowden reported that the Administration Committee recommended passage on November 24, 1982, by a vote of 5-0. He moved, seconded by Councillor Gilmer, for adoption. Proposal No. 440, 1982, was adopted on the following roll call vote; viz:

28 YEAS: *Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Sawyers, Schneider, SerVaas, Stewart, Strader, Tintera, Vollmer, West*

NO NAYS

1 NOT VOTING: *Jones*

Proposal No. 440, 1982, was retitled GENERAL ORDINANCE NO. 122, 1982, and reads as follows:

**CITY—COUNTY GENERAL ORDINANCE NO. 122, 1982**

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", by adding a new Section 2-194 to provide for surety bonds for city and county officials.

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

SECTION 1. Division 1 of Article V of Chapter 2 of the "Code of Indianapolis and Marion County, Indiana", is hereby amended by adding a new Section 2-194 to read as follows:

Sec. 2-194. Surety bonds for city and county officials.

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

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

<u>Official</u>	<u>Bond Amount</u>
County Coroner	\$ 8,500
Supervisor Barrett Law	\$ 60,000
City Controller	\$300,000
County Treasurer	\$300,000
County Treasurer (ex officio city treasurer)	\$300,000
County Surveyor	\$ 8,500
County Assessor	\$ 8,500
County Auditor	\$300,000
County Clerk	\$300,000
County Recorder	\$ 8,500
County Sheriff	\$ 90,000
County Prosecutor	\$ 8,500
Decatur Township Assessor	\$ 8,500
Wayne Township Assessor	\$ 8,500
Warren Township Assessor	\$ 8,500
Washington Township Assessor	\$ 8,500
Perry Township Assessor	\$ 8,500
Pike Township Assessor	\$ 8,500
Franklin Township Assessor	\$ 8,500
Lawrence Township Assessor	\$ 8,500
Center Township Assessor	\$ 8,500

(c) Pursuant to I.C. 5-4-1-18(b) the City-County Council authorizes the purchase of blanket bonds to cover the faithful performance of city and county officials not covered by individual bonds. The amount of these blanket bonds shall be left to the discretion of the Director of the Department of Administration.

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

PROPOSAL NO. 442, 1982. This proposal adds a new section to the Code to provide for the appropriation of funds for membership in civic associations. Councillor Dowden reported that this proposal is necessary due to the change in Home Rule. He stated that the Administration Committee recommended passage by a vote of 5-0 on November 24, 1982. Councillor Dowden moved, seconded by Councillor Howard, for adoption. Proposal No. 442, 1982, was adopted on the following roll call vote; viz:

27 YEAS: *Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Sawyers, Schneider, SerVaas, Stewart, Strader, Tintera, Vollmer, West*

NO NAYS

2 NOT VOTING: *Borst, Jones*

Proposal No. 442, 1982, was retitled GENERAL ORDINANCE NO. 123, 1982, and reads as follows:

**CITY-COUNTY GENERAL ORDINANCE NO. 123, 1982**

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", by adding a new Section 2-412 to provide for appropriation of funds for membership in civic associations.

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

**SECTION 1.** Division 5 of Article X of Chapter 2 of the "Code of Indianapolis and Marion County, Indiana", is hereby amended by adding a new Section 2-412 to read as follows:

**Sec. 2-412. Membership in civic associations.**

(a) It is hereby declared to be the purpose of this chapter to provide for the membership of the city and the county in civic associations.

(b) The city-county council may appropriate necessary funds to provide membership of the city and the county and the elected and appointed officials of the city and county, members of the city-county council and members of the city's and county's boards, departments or agencies in local, regional, state and national associations of a civic, educational or governmental nature which have as their purpose the betterment

and improvement of municipal operations. The city-county council shall designate the associations to which dues may be paid. The city and county may participate through duly designated representatives in the meetings and activities of such associations, and the city-county council may appropriate necessary funds to pay the expenses of such representatives in connection therewith.

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

PROPOSAL NO. 444, 1982. This proposal transfers \$2,230 for the Mayor's Office to purchase supplies and printing costs. Councillor Dowden reported that the Administration Committee recommended passage by a vote of 5-0 on November 24, 1982. He moved, seconded by Councillor Cottingham, for adoption. Proposal No. 444, 1982, was adopted on the following roll call vote; viz:

24 YEAS: *Brinkman, Campbell, Clark, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Rader, Rhodes, Sawyers, Schneider, SerVaas, Stewart, Strader, Vollmer, West*  
2 NAYS: *Boyd, Page*  
3 NOT VOTING: *Borst, Jones, Tintera*

Proposal No. 444, 1982, was retitled FISCAL ORDINANCE NO. 107, 1982, and reads as follows:

**CITY-COUNTY FISCAL ORDINANCE NO. 107, 1982**

A FISCAL ORDINANCE amending the City-County Annual Budget for 1982 (City-County Fiscal Ordinance No. 78, 1981) transferring and appropriating Two Thousand Two Hundred Thirty dollars (\$2,230) in the City General Fund for purposes of the Office of the Mayor and reducing certain other appropriations for that division.

**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 1.03 of the City-County Annual Budget for 1982, be, and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing a transfer of funds for the purchase of supplies and printing.

**SECTION 2.** The sum of Two Thousand Two Hundred Thirty dollars (\$2,230) 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:

<b>OFFICE OF THE MAYOR</b>	<b>CITY GENERAL FUND</b>
2. Supplies	\$2,230
Total Increase	\$2,230

SECTION 4. The said increased appropriation is funded by the following reductions:  
OFFICE OF THE MAYOR CITY GENERAL FUND

4. Capital Outlay	\$2,230
Total Reduction	\$2,230

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

PROPOSAL NO. 445, 1982. This proposal provides Perfect Attendance Leave for 1983 and thereafter. Councillor Dowden reported that the Administration Committee recommended passage by a vote of 5-0 on November 24, 1982. The Director of Administration, Mr. Donald McPherson, gave the Council a brief report of the statistics for employee attendance with the use of the Perfect Attendance Leave. After discussion, Councillor Dowden moved, seconded by Councillor Miller, for adoption. Proposal No. 445, 1982, was adopted on the following roll call vote; viz:

16 YEAS: Brinkman, Campbell, Cottingham, Dowden, Durnil, Hawkins, Howard, Journey, McGrath, Miller, Nickell, Rader, Sawyers, SerVaas, Tintera, Vollmer

10 NAYS: Clark, Coughenour, Gilmer, Holmes, Page, Rhodes, Schneider, Stewart, Strader, West

3 NOT VOTING: Borst, Boyd, Jones

Proposal No. 445, 1982, was retitled GENERAL ORDINANCE NO. 124, 1982, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 124, 1982

A GENERAL ORDINANCE extending Perfect Attendance Leave for city and county employees.

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

SECTION 1. To avoid the repeal provided in Section 3 of City-County General Ordinance No. 38, 1981, Section 23-35 of the "Code of Indianapolis and Marion County, Indiana", shall from and after January 1, 1983, continue to read as follows:

Sec. 23-35. Perfect attendance leave.

a. Full-time employees shall receive one perfect attendance day (eight (8) hours for Unigov departments and appropriate county and township assessors' offices or seven and five tenths (7.5) hours for the appropriate county and township assessors' offices) for each four (4) month period in which no sick time or unpaid leave of absence time has been used.

January 1 - April 30

May 1 - August 30

September 1 - December 31

Such leave shall be credited to the employee's account May 1, September 1, and January 1, following the trimester worked.

b. If the perfect attendance leave is not used prior to December 31, of each calendar year, it is automatically converted to sick leave and added to the employees accumulated sick leave bank.

c. Prior approval to take such leave must be obtained from the appropriate supervisor.

d. Part-time employees shall receive perfect attendance leave on a pro-rata basis depending upon the percent of the work week the employee is scheduled to work in each four (4) month period.

e. Temporary/seasonal and part-time/temporary employees shall not receive perfect attendance leave.

f. New hires will receive perfect attendance leave upon completing a full calendar trimester as defined in (1).

g. Perfect attendance leave may only be charged in one full work day increments.

h. Perfect attendance leave cannot be earned while on any leave without pay status or while on sick leave.

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

PROPOSAL NO. 449, 1982. This proposal authorizes the issuance of \$3,500,000 Economic Development Revenue Bonds for Engineering Research, Inc. Project. Councillor Tintera reported that the Economic Development Committee recommended to amend and pass Proposal No. 449, 1982, by a vote of 4-0 on December 10, 1982. Councillor Tintera moved, seconded by Councillor Brinkman, the following:

**CITY—COUNTY COUNCIL MOTION**

**Mr. President:**

**I move to amend Proposal No. 449, 1982, by deleting the introduced version and substituting therefor the proposal entitled, "Proposal No. 449, 1982, Committee Recommendations.**

**Councillor Tintera**

Council consent was given on the amendment. Councillor Tintera moved, seconded by Councillor Brinkman, for adoption. Proposal No. 449, 1982, As Amended, was adopted on the following roll call vote; viz:

*22 YEAS: Borst, Boyd, Brinkman, Campbell, Clark, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Journey, McGrath, Miller, Nickell, Page, Rhodes, Schneider, SerVaas, Stewart, Tintera, Vollmer, West*

**NO NAYS**

*7 NOT VOTING: Cottingham, Holmes, Howard, Jones, Rader, Sawyers, Strader*

Proposal No. 449, 1982, As Amended, was retitled SPECIAL ORDINANCE NO. 38, 1982, and reads as follows:

**CITY—COUNTY SPECIAL ORDINANCE NO. 38, 1982**

**A SPECIAL ORDINANCE authorizing the issuance and sale of \$3,500,000 in aggregate principal amount of City of Indianapolis, Indiana Economic Development Revenue Bonds (Engineering Research, Inc. Project) (The Bendix Corporation -Guarantor), Series 1982 for the purpose of making a loan to assist Engineering Research, Inc. in the financing of the cost of an "Economic Development Facility" within the meaning of Title 36,**

Article 7, Chapter 12 of the Indiana Code; authorizing the execution and delivery of a loan agreement pertaining to the project, a trust indenture securing the payment of said bonds, and a bond purchase agreement; approving the forms of a note and a guaranty agreement; authorizing the issuance of additional bonds; and authorizing incidental action in connection therewith.

WHEREAS, the City of Indianapolis, Indiana (the "Issuer"), a municipal corporation and political subdivision duly organized and validly existing under the laws of the State of Indiana, by virtue of the laws of said State, including Title 36, Article 7, Chapter 12 of the Indiana Code (the "Act"), is authorized and empowered, among other things, (a) to issue its revenue bonds for the purpose of making a loan to assist in the financing of the cost of the acquisition, construction or installation of "economic development facilities", as defined in the Act, (b) to enter into an agreement and to provide for revenues and other receipts and payments sufficient to pay the principal of and premium, if any, and interest on such revenue bonds, (c) to secure such revenue bonds by a trust indenture as provided for herein, and (d) to enact this Ordinance and enter into the Indenture, the Agreement and the Bond Purchase Agreement all as hereinafter defined; and

WHEREAS, pursuant to City-County Special Ordinance No. 40, 1981 passed by this Council on December 14, 1981, the Issuer was authorized to issue its \$3,500,000 Economic Development Revenue Bond (Engineering Research, Inc. Project) which bond was never issued for various corporate reasons and it is now desirable that the financing be completed but due to a change in form and terms it is necessary to substitute this Special Ordinance for Special Ordinance No. 40, 1981; and

WHEREAS, the Issuer has been requested to enter into a bond purchase agreement (the "Bond Purchase Agreement") among the Issuer, Morgan Guaranty Trust Company of New York, New York (the "Original Purchaser") and Engineering Research, Inc. an Indiana Corporation (the "Company"), pursuant to which the Issuer will sell and the Original Purchaser will purchase the bonds of the Issuer in the aggregate principal amount of \$3,500,000 (the "Bonds"); and

WHEREAS, in order to consummate the aforesaid financing the Issuer has been requested to enter into (a) the Loan Agreement dated as of December 1, 1982 (the "Agreement") with the Company, pursuant to which the Issuer will loan the proceeds of the Bonds to the Company in order to assist the Company in the financing of the cost of the acquisition and installation of certain machinery and equipment (the "Project"); and (b) the Trust Indenture dated as of December 1, 1982 (the "Indenture") with 1st Source Bank, South Bend, Indiana, as Trustee (the "Trustee") pursuant to which the Bonds will be issued and pursuant to which the Issuer will assign substantially all of its right, title and interest in and to the Agreement to the Trustee; and

WHEREAS, the payment obligation of the Company under the Agreement, which is evidenced by a promissory note of the Company (the "Note") delivered to the Trustee, is in the same amount as the principal of, interest and any premium on the Bonds; and

WHEREAS, the payment obligation of the Company under the Agreement is to be unconditionally guaranteed by The Bendix Corporation (the "Guarantor"), which wholly owns Bendix International Finance Corporation which in turn wholly owns the Company, pursuant to a Guaranty Agreement dated as of December 1, 1982 (the "Guaranty") from the Guarantor to the Trustee; and

WHEREAS, following the completion of proper proceedings under the Act, the Indianapolis Economic Development Commission has, by resolution, found and determined that the Project constitutes an "economic development facility" within the meaning of the Act and that the proposed financing thereof as herein authorized will be of benefit to the health and welfare of the Issuer and the City of Lawrence, Indiana (wherein the Project is located) and complies with the purposes and provisions of the Act; and

WHEREAS, by such resolution, a certified copy of which has been transmitted to and received by this City-County Council (the "Legislative Authority"), the Indianapolis

Economic Development Commission has also approved the form and terms of the Agreement, the Note, the Indenture, the Bonds, the Guaranty and the Bond Purchase Agreement and the financing as herein contemplated; now, therefore:

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

**SECTION 1. DETERMINATIONS OF LEGISLATIVE AUTHORITY.** The Legislative Authority has heretofore determined, by a special resolution duly adopted July 20, 1981, and does hereby redetermine that (a) the promotion of diversification of economic development and job opportunities in and near the Issuer, and in Marion County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; (b) it is in the public interest that the Indianapolis Economic Development Commission and the Issuer take such action as they lawfully may to encourage diversification of industry and promotion of job opportunities in and near the Issuer; and (c) the issuance and sale of revenue bonds of the Issuer in an amount not to exceed \$3,500,000 under the Act for the loaning of the proceeds of such financing to the Company for the equipping of the Project will serve the public purposes referred to above, will be of benefit to the issuer and the City of Lawrence and will be in accordance with the Act; and it is hereby determined that (d) the provision of loan assistance in the financing of such costs will require the issuance, sale and delivery of the Bonds in the aggregate principal amount of \$3,500,000, which shall be payable and secured as provided herein and in the Agreement and the Indenture.

**SECTION 2. AUTHORIZATION AND TERMS OF BONDS.** It is determined to be necessary to, and the Issuer shall, issue, sell and deliver, as provided and authorized herein and pursuant to the authority of the Act, the Bonds for the purpose of making a loan to assist the Company in the financing of costs of acquiring and installing the Project. The Bonds shall be designated "Economic Development Revenue Bonds (Engineering Research, Inc. Project) (The Bendix Corporation -Guarantor), Series 1982".

(a) **Time and Manner of Execution.** The Bonds shall be executed in their official capacities by the Mayor and the Clerk of the Legislative Authority (the "Clerk"), provided that either or both of such signatures may be facsimiles, and shall bear the seal or a facsimile of the seal of the Issuer. The Bonds shall be executed and delivered on or about December 16, 1982, and in any event within 120 days after passage of this Ordinance.

(b) **Term and Interest Rate.** The Bonds shall mature on December 1, 2002. The Bonds shall bear interest payable on March 1, June 1, September 1, and December 1, of each year commencing March 1, 1983 (each, an "Interest Payment Date") at the following rate:

(i) Interest on the Bonds will first accrue from and including the date of their initial delivery to and payment for by the Original Purchaser to and including November 30, 1983 and thereafter from and including each December 1 to and including the succeeding November 30 (each such period, an "Interest Period").

(ii) The Bonds will bear interest for each Interest Period to and including November 30 of the following years at a rate per annum equal to the following percentages, for each such Interest Period, of that rate of interest publicly announced by the Original Purchaser in New York City from time to time as its Prime Rate (the "Prime Rate"), adjusting automatically with each change in the Prime Rate:

<u>To and including November 30,</u>	<u>Percentage</u>
1986	65%
1990	68
1992	70

As more fully described in the Bonds, each of the Original Purchaser and any Permitted Transferee (as defined in the Bonds) has the right (the "Original Option") to continue to hold, from and after December 1, 1992 (the "Original Put Date") until

maturity, all Bonds held by it on October 1, 1992. If any such party exercises the Original Option then the Bonds held by that party (but only such Bonds) will bear interest for each Interest Period from and including the Original Put Date to and including November 30 of the following years at a rate per annum equal to the following percentages, for each such Interest Period, of the Prime Rate, adjusting automatically with each change in the Prime Rate:

<u>To and including November 30,</u>	<u>Percentage</u>
1996	65%
2000	68
2002	70

(iii) After the Original Put Date, for each Interest Period (including that Interest Period beginning on the Original Put Date) in which the Fixed Interest Rate (as herein-after described) is not in effect, the interest rate on those Bonds as to which the Original Option has been waived, but only those Bonds, shall be that rate per annum equal to the Interest Index (as hereinafter described) for such Interest Period, which Interest Index will be determined by the Trustee as the seventh business day preceding the first day of such Interest Period.

The Interest Index during each Interest Period will be equal to seventy percent (70%) of the bond equivalent yield of one-year United States Treasury bills determined on the basis of the average per annum discount rate at which such one-year Treasury bills shall have been sold at the most recent Treasury auction held during the period of not less than eighteen nor more than eight business day preceding the first day of such Interest Period; or, if no such auction shall have been conducted during such period, the bond equivalent yield of one-year United State Treasury bills shall be determined on the basis of the arithmetic average of the mean between the closing bid and asked per annum market discount rates for the issue of Treasury bills or other Treasury obligations with a maturity date closest to one year from the date of quotation (selecting the bills with the earlier maturity in the case of two issues with maturity dates equally close to one year), as reported daily on a composite basis by the Federal Reserve Bank of New York for the eighth, ninth and tenth business days preceding the first day of such Interest Period.

(iv) The interest rate on those Bonds as to which the Original Option has been waived, but only those Bonds, will be converted to the Fixed Interest Rate, on a one-time basis, upon receipt by the Issuer and the Trustee of a direction from the Company specifying the date the Fixed Interest Rate is to be determined (which shall not be less than seven business days prior to the effective date thereof) and the effective date thereof (which shall be the first business day of a calendar month) delivered to the Issuer and the Trustee not less than 20 days prior to such effective date. Upon the date stated in such direction, the Fixed Interest Rate shall be determined as that rate per annum equal to the sum of (a) the "20 Bond Index" as most recently published by The Bond Buyer, New York, New York, during the seven day period preceding such date, plus (b) 0.25 percentage points. Should publication of the 20 Bond Index have been discontinued prior to such date, the Fixed Interest Rate shall be established on the basis of such other comparable index of tax-exempt yield prices as the Remarketing Agent (as defined in the Indenture) may, with the consent of the Issuer and the Company, select. If, in the Remarketing Agent's judgment, no comparable index is available, or the Issuer or the Company does not consent to such index, the Fixed Interest Rate shall be determined by the Remarketing Agent at a rate per annum equal to 75% of the daily yield to maturity of Treasury securities adjusted to a constant maturity of 10 years as most recently published during the seven day period preceding such date by the Board of Governors of the Federal Reserve System. In the event no such data is so released by the Board of Governors of the Federal Reserve System, then the Fixed Interest Rate shall be determined by the Remarketing Agent as the rate per annum equal to 75% of the arithmetic average of the yields to maturity of the closing bids for the first, second and third business days immediately preceding the date on which the Fixed Interest Rate is determined, for marketable Treasury securities (other than securities which can, at the option of the holder, be surrendered at face value in payment of any federal estate tax) with a maturity date most closely approximating the remaining maturity of such Bonds as quoted daily for each such business day in New York, New York (or if daily quotations shall not be generally available, the arithmetic average of the yields to maturity of the

closing bids for all business days for which quotations are available in the seven day period preceding such date) by at least three recognized United States government securities dealers selected by the Remarketing Agent.

(c) Forms, Denominations and Dates. The Bonds shall be issuable only in fully registered form, in substantially the form thereof set forth in Appendix A to the Indenture. The Bonds shall be in the denomination of \$5,000 or any integral multiple thereof, shall be initially issued as a single fully registered bond in the denomination of \$3,500,000, shall be initially dated as of the date of delivery thereof to and payment therefor by the Original Purchaser and shall be thereafter dated as of the Interest Payment Date next preceding the date of their authentication except that if authenticated on an Interest Payment Date they shall be dated as of such date of authentication; provided that if at the time of authentication interest thereon is in default, they shall be dated as of the date to which interest has been paid.

(d) Registration Privileges. All Bonds shall be registered as to principal and interest on registration books kept for that purpose at the principal corporate trust office of the Trustee as Bond Registrar. Any Bond or portion thereof may be transferred only in accordance with the provisions of the Indenture and only upon an assignment duly executed by the registered holder or his duly authorized attorney in such form as shall be satisfactory to the Bond Registrar, such transfer to be made on such books and endorsed on the Bond by the Bond Registrar.

(e) Redemption Provisions.

(i) Loss of Tax Exemption Redemption. Those Bonds as to which the Original Option has been waived, but only those Bonds, will, after the Original Put Date, be subject to special mandatory redemption by the Issuer should there occur any "Final Determination" as hereinafter defined that, as a result of a failure by the Company to observe its agreement contained in Section 5.7 of the Agreement, interest on such Bonds is includable for federal income tax purposes in the gross income of the holders of such Bonds (other than because a holder is a "substantial user" of the Project or a "related person" thereof as those terms are used in Section 103(b) of the Internal Revenue Code of 1954, as amended (the "Code")). If at any time such a Final Determination occurs, all of such Bonds then outstanding will be redeemed at a redemption price equal to 100% of the principal amount thereof plus accrued interest to the redemption date, at the earliest practicable date selected by the Trustee, after consultation with the Company, but in no event later than 180 days following the Trustee's notification of such Final Determination.

As used herein, a "Final Determination" shall be deemed to have occurred upon the receipt by the Trustee of a ruling or a technical advice by the Internal Revenue Service in which the Company has participated or a written opinion by an attorney or firm of attorneys of recognized standing on the subject of municipal bonds selected by the Trustee and approved by the Company, which approval should not be unreasonably withheld.

(ii) Optional Redemption. The Bonds are also subject to optional redemption by and at the option of the Issuer, at the direction of the Company, prior to stated maturity in whole or in part at any time, at par plus accrued interest to the date fixed for redemption.

If less than all of the outstanding Bonds are called for redemption at one time, the selection of such Bonds or portions thereof shall be made by lot by the Trustee in such manner as the Trustee may determine.

(f) Medium and Place of Payment. The Bonds are payable in lawful money of the United States of America at, subject to variation by Agreement with any Bondholder, the principal corporate trust office of the Trustee in South Bend, Indiana, except that interest on Bonds shall be paid by check or draft mailed to each registered owner thereof at his address as it appears on the registration books of the Issuer. By the Indenture, the Issuer has agreed that, so long as the Original Purchaser or a Permitted Transferee is the owner of all or any of the Bonds, all payments of principal of and interest on the Bonds owned by the Original Purchaser or Permitted Transferee shall be paid in immediately available funds by the Company directly to such party, as appropriate.

**SECTION 3. APPROVAL OF DOCUMENTS.** The forms of the Bond Purchase Agreement, Agreement and Indenture presented at the meeting at which this Ordinance is finally adopted, two copies of which have been filed with the Clerk for public inspection, are hereby approved, and the Mayor and the Clerk, as appropriate, are hereby authorized and directed to execute, acknowledge, accept, deliver and (as appropriate) affix the corporate seal of the Issuer to such documents in substantially such forms, with such changes therein not inconsistent with this Ordinance and not substantially adverse to the Issuer as may be approved by the officers executing the same, such approval and that such changes are not substantially adverse to the Issuer to be conclusively evidenced by the execution of such documents.

The forms of the Note and the Guaranty presented at the meeting at which this Ordinance is finally adopted, two copies of which have been filed with the Clerk for public inspection, are hereby approved, with such changes therein not inconsistent with this Ordinance and not substantially adverse to the Issuer as the officers executing the Bonds may approve, such approval and that such changes are not substantially adverse to the Issuer to be conclusively evidenced by such execution of the Bonds.

**SECTION 4. LIMITATION OF LIABILITY.** The Bonds shall be payable solely from the Revenues, as defined in the Indenture, and shall be secured by a pledge of the Revenues and by the Indenture. The Bonds shall be further secured by (i) the Note of the Company delivered by the Company to the Trustee pursuant to the Agreement and (ii) the Guaranty. Anything in this Ordinance, the Indenture, the Bond Purchase Agreement or the Bonds to the contrary notwithstanding, neither this Ordinance, the Bonds, the Indenture, the Bond Purchase Agreement nor the Agreement shall constitute an indebtedness or a charge against the general credit of the Issuer, and the Bonds shall contain on the face thereof a statement to that effect and that the Bonds are not in any respect general obligations of the Issuer or payable in any manner from taxes; provided, that nothing herein shall be deemed to prohibit the Issuer, on its own volition, from using to the extent lawfully authorized to do so any other resources from the fulfillment of any of the terms, conditions or obligations of the Indenture, this Ordinance or any of the Bonds.

**SECTION 5. SALE OF BONDS.** The Bonds are sold and awarded to the Original Purchaser at a purchase price of \$3,500,000, in accordance with the Bond Purchase Agreement. The Mayor and the Clerk, as appropriate, are authorized and directed to make the necessary arrangements with the Original Purchaser to establish the date, location, procedure and conditions for the delivery of the Bonds to the Original Purchaser, and to take all steps necessary to effect due execution, authentication and delivery to the Original Purchaser of the Bonds under the terms of this Ordinance, the Indenture and the Bond Purchase Agreement. It is hereby determined that the price for and the terms of the Bonds, and sale thereof, all as provided in the Indenture and the Bond Purchase Agreement, are in the best interests of the Issuer and in compliance with all legal requirements.

**SECTION 6. TRANSCRIPT OF PROCEEDINGS.** The Clerk or other appropriate officer of the Issuer is hereby directed to furnish to the Original Purchaser a true transcript of proceedings, certified by said officer, of all proceedings had with reference to the issuance of the Bonds along with such information from the records as is necessary to determine the regularity and validity of the issuance of the Bonds.

**SECTION 7. INCIDENTAL ACTION; POWER OF ATTORNEY.** The officers of the Issuer are hereby authorized and directed to take such further action and to execute and deliver such additional documents as may be necessary or desirable in order to issue the Bonds and complete the closing in accordance with the Bond Purchase Agreement, the Agreement and the Indenture.

**SECTION 8. ADDITIONAL BONDS.** At the request of the Company, provided that the Company is not then in default under the Agreement or the Note, and to the extent then permitted by law, including the Act, the Issuer shall use its best efforts to provide for the issuance of revenue bonds of the Issuer in addition to and on a parity with the Bonds for the purposes and upon the terms and conditions set forth in the Indenture.

**SECTION 9. FEDERAL TAX ELECTION.** This Legislative Authority elects to have the provisions specified in Section 103(b)(6)(D) of the Code applied to the Bonds, and the execution and filing with the Internal Revenue Service of a statement regarding such election, as provided for in the Code and the rules and regulations of the Internal Revenue Service, by the Mayor or the Clerk is hereby authorized, approved, ratified and affirmed.

**SECTION 10. COMPLIANCE WITH OPEN MEETING REQUIREMENTS.** It is hereby found and determined that all official and final actions of this Legislative Authority concerning and relating to the adoption of this Ordinance were adopted in meetings of this Legislative Authority open to the public, in compliance with all legal requirements, including Title 5, Article 14, Chapter 1.5 of the Indiana Code.

**SECTION 11. REPEAL OF PRIOR SPECIAL ORDINANCE.** City-County Special Ordinance No. 40, 1981 passed by this Council on December 14, 1981, which authorized the Issuer to issue its \$3,500,000 Economic Development Revenue Bond (Engineering Research, Inc. Project) which bond was never issued for various corporate reasons is hereby repealed.

**SECTION 12.** This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 451, 1982. This proposal authorizes the issuance of \$1,650,000 Economic Development First Mortgage Revenue Bonds, Series 1982 for Midwest Management. Councillor Tintera reported that the Economic Development Committee recommended to amend and pass Proposal No. 451, 1982, by a vote of 5-0 on December 10, 1982. Councillor Tintera moved, seconded by Councillor Gilmer, the following:

**CITY-COUNTY COUNCIL MOTION**

**Mr. President:**

I move to amend Proposal No. 451, 1982, by deleting the introduced version and substituting therefor the proposal entitled, "Proposal No. 451, 1982, Committee Recommendations".

**Councillor Tintera**

Council consent was given on the amendment. After discussion, Councillor Tintera moved, seconded by Councillor Gilmer, for adoption. Proposal No. 451, 1982, As Amended, was adopted on the following roll call vote; viz:

27 YEAS: *Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, McGrath, Miller, Nickell, Page, Rader, Rhodes, Sawyers, Schneider, SerVaas, Stewart, Strader, Tintera, Vollmer, West*

NO NAYS

2 NOT VOTING: *Jones, Journey*

Proposal No. 451, 1982, As Amended, was retitled SPECIAL ORDINANCE NO. 39, 1982, and reads as follows:

**CITY—COUNTY SPECIAL ORDINANCE NO. 39, 1982**

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue its "Economic Development First Mortgage Revenue Bonds, Series 1982 (Midwest Management Project)" in the principal amount of One Million Six Hundred Fifty Thousand dollars (\$1,650,000) and authorizing other actions in respect thereto.

WHEREAS, the Indianapolis Economic Development Commission has rendered a report of the Indianapolis Economic Development Commission concerning the proposed financing of economic development facilities for Midwest Management and the Metropolitan Development Commission of Marion County has commented thereon; and

WHEREAS, the Indianapolis Economic Development Commission, after a public hearing conducted on December 1, 1982, adopted a Resolution on that date, which Resolution has been previously transmitted hereto, finding that the financing of certain economic development facilities to be developed by Midwest Management complies with the purposes and provisions of Indiana Code 36-7-12 and that such financing and leasing will be of benefit to the health and welfare of the City of Indianapolis and its citizens; and

WHEREAS, the Indianapolis Economic Development Commission has approved the final forms of the Promissory Note and Loan Agreement (such documents being hereinafter collectively referred to as the "Financing Agreement" referred to in Indiana Code 36-7-12) and the City of Indianapolis Economic Development First Mortgage Revenue Bonds, Series 1982 (Midwest Management Project), and the Mortgage and Indenture of Trust by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

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

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement, previously approved by the Indianapolis Economic Development Commission and presented to this City-County Council, the issuance and sale of revenue bonds, the loan of the net proceeds thereof to Midwest Management for the purposes of financing the economic development facilities under renovation or to be renovated in Indianapolis, Indiana, and the repayment of said loan by Midwest Management and the leasing of such facilities will be of benefit to the health and welfare of the City of Indianapolis and its citizens and does comply with the purposes and provisions of Indiana Code 36-7-12.

SECTION 2. The forms of the Promissory Note and Loan Agreement, (collectively referred to as the "Financing Agreement" referred to in Indiana Code 36-7-12), the Mortgage and Indenture of Trust, and the form of the City of Indianapolis Economic Development First Mortgage Revenue Bonds, Series 1982 (Midwest Management Project), approved by the Indianapolis Economic Development Commission are hereby approved and all such documents shall be inserted in the minutes of the City-County Council and kept on file by the Clerk of the Council or City Controller. Two (2) copies of the Financing Agreement and the form of the City of Indianapolis Economic Development First Mortgage Revenue Bonds, Series 1982 (Midwest Management Project), and the Mortgage and Indenture of Trust are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The City of Indianapolis shall issue its Economic Development First Mortgage Revenue Bonds, Series 1982 (Midwest Management Project) in the principal amount of One Million Six Hundred Fifty Thousand dollars (\$1,650,000) for the purpose of procuring funds to loan to Midwest Management in order to finance the economic development facilities, as more particularly set out in the Loan Agreement incorporated herein by reference, which Bonds will be payable as to principal, premium, if any, and interest solely from the payments made by Midwest Management on its Promissory Note in the principal amount of One Million Six Hundred

Fifty Thousand dollars (\$1,650,000) which will be executed and delivered by Midwest Management to evidence and secure said loan, and as otherwise provided in the above described Promissory Note, Loan Agreement, and Mortgage and Indenture of Trust. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City of Indianapolis.

SECTION 4. The City Clerk or City Controller are authorized and directed to sell such Bonds to the purchasers thereof at a price equal to 100% of the principal amount thereof, plus accrued interest, if any, and at a stated per annum rate of interest on the Bonds equal initially to fourteen percent (14%), or at such higher rate as may be provided for in the Loan Agreement, Mortgage and Indenture of Trust or the Bonds. The term of said Bonds shall be fifteen (15) years from the date thereof, shall be dated December 15, 1982 or thereafter, shall be in denominations of \$5,000 or whole multiples thereof, shall be in registered form, and shall contain terms of redemption as provided in the Financing Agreement, Mortgage and Indenture of Trust and Promissory Note. Principal and interest thereon shall be payable in the lawful money of the United States of America at the principal office of the Trustee named in the Mortgage and Indenture of Trust or by wire transfer to the holder of the Bonds.

SECTION 5. The Mayor and City Clerk are authorized and directed to execute the documents constituting the Financing Agreement and the City of Indianapolis Economic Development First Mortgage Revenue Bonds, Series 1982 (Midwest Management Project), and the Mortgage and Indenture of Trust approved herein, and their execution is hereby confirmed on behalf of the City of Indianapolis and any other documents which may be necessary or desirable to consummate the transaction. The signatures of the Mayor and City Clerk on the Bonds may be facsimile signatures. The City Clerk or City Controller are authorized to arrange for the delivery of such Bonds to the Trustee named in the Mortgage and Indenture of Trust, payment for which will be made to the trustee named in the Mortgage and Indenture of Trust. The execution and delivery of the Bonds shall occur on or before December 31, 1982. The Mayor and City Clerk may by their execution of the Financing Agreement, Mortgage and Indenture of Trust, and imprinting of their facsimile signatures on the Bonds or their manual execution thereof approve changes therein without further approval of this City-County Council or the Indianapolis Economic Development Commission if such changes do not affect terms set forth in I.C. 36-7-12-27 (a)(1) through (a)(11).

SECTION 6. The provisions of this ordinance and the Mortgage and Indenture of Trust shall constitute a contract binding between the City of Indianapolis and the holder of the Economic Development First Mortgage Revenue Bonds, Series 1982 (Midwest Management Project), and after the issuance of said Bonds this ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder so long as said Bonds or the interest thereon remains unpaid.

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

PROPOSAL NO. 468, 1982. This proposal amends the Code by creating the Office of Equal Opportunity. Councillor Dowden reported that the Administration Committee recommended to amend and pass Proposal No. 468, 1982, by a vote of 5-0 on December 10, 1982. He moved, seconded by Councillor Rhodes, the following:

#### CITY-COUNTY COUNCIL MOTION

Mr. President:

I move to amend Proposal No. 468, 1982, by deleting the introduced version and substituting therefor the proposal entitled, "Proposal No. 468, 1982, Committee Recommendations".

Councillor Dowden

Council consent was given on the amendment. After discussion, Councillor Dowden moved, seconded by Councillor Rhodes, for adoption. Proposal No. 468, 1982, As Amended, was adopted on the following roll call vote; viz:

*23 YEAS: Borst, Boyd, Brinkman, Campbell, Clark, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, McGrath, Miller, Nickell, Rader, Rhodes, Sawyers, SerVaas, Stewart, Strader, Tintera, West*

*5 NAYS: Cottingham, Journey, Page, Schneider, Vollmer*

*1 NOT VOTING: Jones*

Proposal No. 468, 1982, As Amended, was retitled GENERAL ORDINANCE NO. 125, 1982, and reads as follows:

**CITY—COUNTY GENERAL ORDINANCE NO. 125, 1982**

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", by creating an Office of Equal Opportunity.

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

SECTION 1. Chapter 16 of the "Code of Indianapolis and Marion County, Indiana", is hereby amended by repealing the current Chapter 16 and replacing it as follows:

**CHAPTER 16. THE OFFICE OF EQUAL OPPORTUNITY.**

**Sec. 16-1. Policies and purposes.**

It is the purpose of this ordinance to carry out the following policies of the City of Indianapolis and Marion County:

1. To provide equal employment opportunity in all City and County jobs without regard to race, color, religion, handicap, national origin, ancestry, age, sex, disabled veteran, or Vietnam era veteran status;

2. To encourage the hiring of the handicapped in both the public and the private sectors and to provide equal access to the handicapped to public accommodations;

3. To utilize minority owned businesses, securing goods and services for the City and County in a dollar amount equal to at least 10% of monies spent by the City of Indianapolis and Marion County;

4. To utilize women-owned businesses and encourage the utilization of women in construction and industry;

5. To protect employers, labor organizations, employment agencies, property owners, real estate brokers, builders, lending institutions, governmental and educational agencies and other persons from unfounded charges of discrimination;

6. To provide all citizens of the City of Indianapolis and Marion County equal opportunity for education, employment, access to public accommodations without regard to race, religion, color, handicap, sex, national origin, ancestry, age, or disabled veteran or Vietnam era veteran status; and

7. To provide all citizens of the City of Indianapolis and Marion County equal opportunity for acquisition through purchase or rental of real property including, but not limited to housing without regard to race, sex, religion or national origin.

**Sec. 16-2. Nondiscrimination clauses.**

1. Every contract to which one of the parties is the city or the county, or any board, department or office of either the city or county, including franchises granted to public utilities, shall contain a provision requiring the governmental contractor and subcontractors not to discriminate against any employee or applicant for employment in the performance of the contract, with respect to hire, tenure, terms, conditions or

privileges of employment, or any matter directly or indirectly related to employment, because of race, sex, religion, color, national origin, ancestry, age, handicap, disabled veteran status and Vietnam era veteran status. Breach of this provision may be regarded as a material breach of the contract.

2. All applications, postings, announcements, and advertisements recruiting applicants for employment with the City or County, shall conspicuously post in the bottom margin of such recruiting bids, a clause as follows:

**An Affirmative Action  
Equal Employment Opportunity Employer**

**Sec. 16-3. Definitions.**

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

“Acquisition of real estate” shall mean the sale, rental, lease, sublease, construction or financing, including negotiations and any other activities or procedures incident thereto, of:

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

“Appointing authorities” shall mean and include the mayor, city-county council and such other person or agency as may be entitled to appoint any member of the Equal Opportunity Advisory Board created in this chapter.

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

“Board” shall mean the Equal Opportunity Advisory Board.

“Complainant” shall mean any person who signs a complaint on his/her own behalf alleging that he/she has been aggrieved by a discriminatory practice.

“Complaint” shall mean a written grievance filed with the Office of Equal Opportunity, either by a complainant or by the Board of Office, which meets all the requirements of Sec. 16-19.

“Discriminatory practice” shall mean and include the following:

1. The exclusion from or failure or refusal to extend to any person equal opportunities or any difference in the treatment of any person by reason of race, sex, religion, color, national origin or ancestry, handicap, age, disabled veteran or Vietnam era veteran status.
2. The exclusion from or failure or refusal to extend to any person equal opportunities or any difference in the treatment of any person, because the person filed a complaint alleging a violation of this chapter, testified in a hearing before any members of the Board or otherwise cooperated with the Office or Board in the performance of its duties and functions under this chapter, or requested assistance from the Board in connection with any alleged discriminatory practice, whether or not such discriminatory practice was in violation of this chapter;

3. In the case of a real estate broker or real estate salesperson or agent, acting in such a capacity in the ordinary course of his/her business or occupation, who does any of the following:
  - a. Any attempt to prevent, dissuade or discourage any prospective purchaser, lessee or tenant of real estate from viewing, buying, leasing or renting the real estate because of the race, sex, religion or national origin of:
    1. Students, pupils or faculty of any school or school district;
    2. Owners or occupants, or prospective owners or occupants, of real estate in any neighborhood or on any street or block; provided, however, this clause shall not be construed to prohibit disclosure in response to inquiry by any prospective purchaser, leasee or tenant of:
      - (i) Information reasonably believed to be accurate regarding such race, sex, religion or national origin; or
      - (ii) The honest professional opinion or belief of the broker, salesperson or agent regarding factors which may affect the value or desirability of property available for purchase or lease.
  - b. Any solicitation, promotion or attempt to influence or induce any owner to sell, lease or list for sale or lease any real estate, which solicitation, promotion or attempted inducement includes representations concerning:
    1. Race, sex, religion or national origin or present prospective or possible purchasers or occupants of real estate in any area, neighborhood or particular street or block;
    2. Present, prospective or possible neighborhood unrest, tension or change in the race, sex, religion or national origin of occupants or prospective occupants of real estate in any neighborhood or any street or block;
    3. Present, prospective or possible decline in market value of any real estate by reason of the present, prospective or possible entry into any neighborhood, street or block of persons of a particular race, sex, religion or national origin;
    4. Present, prospective or possible decline in the quality of education offered in any school or school district by reason of any change in the race, sex, religion or national origin of the students, pupils or faculty of such school or district.

“Education” shall mean the construction, maintenance or operation of any school or educational facility utilized or intended to be utilized for the education or training of persons residing within the territorial jurisdiction of the Office and controlled by a public governmental board or agency which operates one or more elementary or secondary schools.

“Employer” shall mean:

1. Any political subdivision within the county, not represented by the corporation counsel, pursuant to Indiana Code 18-4-7-5, and any separate municipal corporation which has territorial jurisdiction primarily within the county; and
2. Any person who employs at the time of any alleged violation six (6) or more employees within the territorial jurisdiction of the Office.

“Employment” shall mean a service performed by an individual for compensation on behalf of an employer, except that such services shall not include the following:

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

"Employment agency" shall mean and include any person undertaking, with or without compensation, to procure, recruit, refer or place any individual for employment.

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

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

"Office" shall mean The Office of Equal Opportunity created by this chapter.

"Owner" shall mean and include the titleholder of record, a contract purchaser, lessee, sublessee, managing agent or other person having rights of ownership or possession, or the right to sell, rent or lease real estate.

"Person" shall mean and include one or more individuals, partnerships, associations, organizations, cooperatives, legal representatives, trustees, trustees in bankruptcy, receivers, governmental agencies and other organized groups of persons.

"Public accommodation" shall mean any establishment which caters to or offers its services, facilities or goods to the general public.

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

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

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

"Respondent" shall mean one or more persons against whom a complaint is filed under this chapter, and who the complaint alleges has committed or is committing a discriminatory practice.

Sec. 16-4. Office created; purpose.

There is hereby created a section of the Legal Division of the Department of Administration entitled the Office of Equal Opportunity. This Office and its Board are empowered as provided in this article to carry out the public policy of the State as stated in Section 2 of the Indiana Civil Rights Act, within the territorial boundaries of Marion County.

**Sec. 16-5. Composition of office; functions.**

The Office shall be directed by a Chief Officer who shall also be the Affirmative Action Officer for the City and County. The Chief Officer shall be appointed by and serve at the pleasure of the Mayor, and shall be responsible for performing the following functions:

1. To monitor internal employment practices as follows:
  - a. By ensuring that city and county government offers equal employment opportunities to persons regardless of race, religion, color, sex, national origin, ancestry, age, handicap, or disabled veteran or Vietnam era veteran status;
  - b. By providing a vehicle through which employees may seek redress for alleged discriminatory acts by city and county government and/or retaliatory acts by city or county government for filing or assisting in the discrimination complaint process;
  - c. By establishing affirmative action goals for city and county government;
  - d. By complying with Federal reporting requirements concerning affirmative action and equal opportunity; and
  - e. By reviewing policies and procedures of the city and the county to eliminate discriminatory practices.
2. To monitor contract compliance as follows:
  - a. By ensuring compliance with Federal grant requirements respective to the utilization of Minority Business Enterprises (MBE) and Women Business Enterprises (WBE);
  - b. By reviewing city-county contracts to assure compliance with relevant Federal, State and local laws and regulations on Affirmative Action and Equal Employment;
  - c. By functioning as a liaison between the city-county and its contractors by providing technical assistance in developing Affirmative Action goals and monitoring these compliance efforts to meet established goals; and
  - d. By managing and implementing the MBE/WBE Programs, and by monitoring city and county purchasing as specified in Sec. 16-1 (3).
3. To receive, investigate and adjudicate community complaints as specified in Secs. 16-18 through 16-28.

**Sec. 16-6. General powers and duties.**

In addition to the functions previously mentioned in Sec. 16-5, the Office shall have the following powers and duties:

1. To gather and distribute information for the purpose of improving human relations and removing inequities to protected groups in the areas of housing, recreation, education, employment, law enforcement, vocational guidance and related matters.
2. To assist other governmental and private agencies, groups and individuals in reducing community tensions and preventing conflicts between persons of different racial, ethnic and religious groups.
3. To discourage persons from engaging in discriminatory practices through informal methods of persuasion and conciliation and through programs of public information and education.
4. To furnish technical assistance upon request to persons to assist them in eliminating discriminatory practices or otherwise implementing the policy and purposes of the Indiana Civil Rights Act.
5. To make such general investigations, studies and surveys as the office shall deem necessary for the performance of its duties.

6. To prepare and submit at least annually a report of its activities to the Mayor and to the public, which report shall describe the investigations and proceedings conducted by the office, the outcome thereof and the progress and achievements of the office and the community toward elimination of discriminatory practices.

7. To cooperate with the Indiana State Civil Rights Commission, any appropriate federal, state or local agencies, and with private organizations, individuals and neighborhood associations in order to effectuate the purposes of this chapter and to further compliance with federal, state and local laws and ordinances prohibiting discriminatory practices.

8. To perform any other duties assigned by ordinance or the Mayor.

**Sec. 16-7. Board created; purpose.**

There is hereby created an Equal Opportunity Advisory Board empowered as provided in this chapter to carry out the public policy of the state as stated in section 2 of the Indiana Civil Rights Act, within the territorial boundaries of Marion County.

**Sec. 16-8. Composition of board; appointment and terms of members.**

1. The Board shall consist of twenty-two (22) members. Fourteen (14) members shall be appointed by the mayor and eight (8) members shall be appointed by the city-county council. In addition, the chief officer shall be an ex officio member of the board. In making appointments, the mayor and the city-county council shall consider the following:

- a. No more than seven (7) members of the Board appointed by the mayor shall be from any one (1) political party. No more than four (4) members of the Board appointed by the city-county council shall be from any one (1) political party.
- b. In making appointments to the Board, the mayor and the city-county council shall take into consideration all interests in the community, including but not limited to age, racial, ethnic, sexual, religious and economic groups, business, labor, the handicapped and the general public.

2. A Board member may be removed for just cause, including non-attendance, by a two-thirds (2/3) vote of the Board.

3. In the event of the death, resignation or removal of any member of the Board prior to the expiration of his/her term, the appointing authority shall make an appointment to fill the vacancy for the unexpired term of the member.

4. In making the original appointments to the Board, the Mayor shall designate five (5) appointees to serve three (3) year terms; five (5) appointees to serve two (2) year terms and four (4) appointees to serve one (1) year terms; and the city-county council shall designate three (3) appointees to serve three (3) year terms; three (3) appointees to serve two (2) year terms and two (2) appointees to serve one (1) year terms. Subsequent appointments shall be for three (3) year terms beginning on the first day of January and ending three (3) years later on the last day of December. Any member of the Board whose term has expired may continue in office until a successor has been appointed.

5. The Mayor shall appoint from the membership of the Board, a chairperson who shall serve a one (1) year term and until his/her successor is appointed and qualified, but serves at the pleasure of the Mayor.

6. The chairperson shall appoint a vice-chairperson and a secretary to serve during his/her term of office.

**Sec. 16-9. Meetings; vote required for board action.**

The Board shall hold regular meetings every two (2) months on a day agreed upon by the Board. The Board shall hold special meetings as may be called by two-thirds (2/3) of the membership. One-half (1/2) of the members of the Board, excluding vacancies, shall constitute a quorum at any meeting. A majority vote of those in attendance shall be necessary for action, except in the case of a determination after hearing provided in Sec. 16-26, when a majority of the members of the Board not disqualified from participation in such determination shall be required. The Chief Officer shall not be allowed to vote, except in case of a tie, when the Chief Officer may cast the deciding vote.

**Sec. 16-10. General powers and duties.**

The Board shall have the following powers and duties:

1. To appoint an Executive Committee, a majority of which shall constitute a quorum, which committee shall be authorized to act upon emergency matters between meetings of the Board; provided, however, the Executive Committee shall not take any action inconsistent with action previously taken or policies adopted by the Board, and the Executive Committee shall not exercise any of the powers or functions of the Board under Secs. 16-17 through 16-27. All officers of any Executive Committee appointed by the Board must be members of the Board.

2. To establish three (3) standing committees, composed of seven (7) Board members each, to deal with the following subject matter:

- a. internal employment practices,
- b. contract compliance,
- c. complaint adjudication.

The chairperson shall appoint the board members to each committee. No Board member shall serve on more than one (1) committee. The chairperson shall be an ex officio member of each committee but have voting privileges only in case of a tie, when he/she may cast the deciding vote. The Board may establish any additional committees as in its judgment will aid the Board in effectuating the purposes of this chapter.

3. To advise the Office in formulating policies designed to effectuate the purposes of this chapter and to make such recommendations to the mayor and the city-county council as the Board shall deem appropriate to implement such policies.

4. To adopt, amend and rescind procedural and substantive rules and regulations for the conduct of its affairs, not inconsistent with the provisions or intent and purposes of this chapter, as the Board shall deem necessary or appropriate. The rules or regulations shall be adopted only after notice is given and a hearing is held thereon in the manner provided by state law relating to rule-making by state agencies. Any rule or regulation adopted by the Board shall be submitted to the Corporation Counsel for approval as to legality. Upon approval by the Corporation Counsel, the Board shall cause the rule or regulation to be printed or duplicated in such a manner as to be readily available to interested persons and the public, and shall thereupon file the original approved copy and one (1) duplicate with the clerk and the clerk of any other city or town which has adopted this chapter. The rule or regulation shall be effective as of the date and time of filing the original approved copy with the clerk.

j 5. To exercise such additional powers or functions as may be delegated to the Board by ordinance or by executive order validly adopted and promulgated by the mayor of the consolidated city.

6. To generally advise the Office in the area of equal opportunity which shall include but not be limited to recommending new programs and program objectives, reviewing problem areas and recommending changes in existing programs.

**Sec. 16-11. Internal employment practices committee; duties.**

1. A committee on internal employment practices is hereby established. The committee shall be composed of seven (7) members of the Board appointed by the chairperson of the Board. The committee shall meet quarterly and at such other times as its members deem necessary. The committee shall have the power to establish and adopt rules for the conduct of its affairs.

2. The duties of the Internal Employment Practices Committee shall include:

- a. To review employment policies and procedures of the city and county and make recommendations to eliminate discriminatory employment practices.
- b. To review internal employment programs in the area of equal employment opportunity and affirmative action and make recommendations concerning their effective and efficient operation.
- c. To provide recommendations for establishing and achieving affirmative action goals.

**Sec. 16-12. Contract compliance committee; duties.**

1. A committee on contract compliance is hereby established. The committee shall be composed of seven (7) members of the Board. The committee shall meet

quarterly and at such other times as the members of the committee shall deem necessary. The committee shall have the power to establish and adopt rules for the conduct of its affairs.

2. The duties of the Contract Compliance Committee shall include:

- a. To review contract compliance procedures and make recommendations concerning their effective and efficient operation.
- b. To make recommendations for improving the utilization of minority and women businesses by the City and County.

**Sec. 16-13. Complaint adjudication; territorial application.**

This chapter shall apply within the territorial limits of the consolidated city and within the territorial limits of the county, with respect to any discriminatory practice occurring within such territorial limits and which relates to:

1. acquisition of real estate; or
2. employment; or
3. education controlled by any public board or agency; or
4. public accommodations.

**Sec. 16-14. Unlawful acts other than discriminatory practices; penalty.**

1. It shall be unlawful for any person to discharge, expel or otherwise discriminate against any other person because that person:

- a. has filed a complaint alleging a violation of Sec. 16-15;
- b. has testified in a hearing before the Board or any committee thereof;
- c. has otherwise cooperated with the Board or Office in the performance of their duties and functions;
- d. has requested assistance from the Board or Office in connection with any alleged discriminatory practice, whether or not the discriminatory practice was in violation of Sec. 16-15.

2. It shall be unlawful for any person willfully to file a complaint alleging a violation of Sec. 16-15 with knowledge that the complaint is false in any material respect.

3. Any person who violates any of the provisions of this section shall, upon conviction, be subject to fine in an amount not less than ten dollars (\$10.00) nor more than three hundred dollars (\$300.00); provided, however, no such fine shall be imposed upon any person against whom the Board or Office has proceedings under this chapter with respect to any violation of subsection (1), which violation is also a discriminatory practice. Any proceeding to impose a penalty under this section shall be commenced within six (6) months after the date the violation occurred.

**Sec. 16-15. Discriminatory practices declared unlawful.**

Each discriminatory practice as defined in Sec. 16-3 shall be considered unlawful unless it is specifically exempted by this chapter.

**Sec. 16-16. Persons and activities to which Secs. 16-14 and 16-15 do not apply.**

1. Secs. 16-14 and 16-15 shall not apply to employment performed for the consolidated city and department or agency thereof, or any employment performed for the county or agency thereof which is represented by the Corporation Counsel pursuant to Indiana Code 18-4-7-5.

2. The provisions of Secs. 16-14 and 16-15 shall not include any not-for-profit corporation or association organized exclusively for fraternal or religious purposes, nor any school, educational, charitable or religious institution owned or conducted by, or affiliated with, a church or religious institution, nor any exclusively social club, corporation or association that is not organized for profit and is not in fact open to the general public.

3. Secs. 16-14 and 16-15 shall not apply to the rental of rooms in a boarding-house or rooming house or single-family residential unit; provided, however, the owner of the building or unit actually maintains and occupies a unit or room in the building as his/her residence and, at the time of the rental the owner intends to continue to so occupy the unit or room therein for an indefinite period subsequent to the rental.

4. The following shall not be discrimination of the basis of sex:

- a. For any person to maintain separate restrooms or dressing rooms for the exclusive use of either sex;
- b. For an employer to hire and employ employees; for an employment agency to classify or refer for employment any individual; for a labor organization to classify its membership or to classify or refer for employment any individual; or for an employer, labor organization or joint labor-management committee, controlling apprenticeship or other training or retraining programs, to admit or employ any individual in any such program; on the basis of sex in those certain instances where sex is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

Sec. 16-17. Grounds for complaint; persons who may file; persons against whom complaint may be made.

A complaint charging that any person has engaged in or is engaging in a discriminatory practice prohibited by Secs. 16-14 and/or 16-15 may be filed with the Office by any person claiming to be aggrieved by the practice, or by one or more members of the Board or employees of the Office who have reasonable cause to believe that a violation of Secs. 16-14 and/or 16-15 has occurred, in any of the following instances:

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

Sec. 16-18. Contents of complaint.

To be acceptable by the Office, a complaint shall be sufficiently complete so as to reflect properly the full name and address of the complainant or other aggrieved person or persons; the full name and address of the person against whom the complaint is made; the alleged discriminatory practice and a statement of particulars thereof; the date or dates of the alleged discriminatory practice; if the alleged discriminatory practice is of a continuing nature, the dates between which the continuing discriminatory practices are alleged to have occurred; a statement as to any other action, civil or criminal, instituted before any other administrative agency, commission, department or court, whether state or federal, based upon the same grievance alleged in the complaint, with a statement as to the status or disposition of any such other action; and in the case of alleged employment discrimination a statement that the employer employs six (6) or more employees in the territorial jurisdiction of the Office.

Sec. 16-19. Execution and verification of complaint.

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

Sec. 16-20. Timeliness of complaint.

No complaint shall be valid unless filed within ninety (90) calendar days from the date of occurrence of the alleged discriminatory practice or, in the case of a continuing discriminatory practice, during the time of the occurrence of the alleged practice; but not more than ninety (90) calendar days from the date of the most recent alleged discriminatory act.

Sec. 16-21. Referral of complaint to Indiana State Civil Rights Commission.

The Chief Officer may, in his/her discretion, prior to scheduling of the complaint

for hearing under Sec. 16-26, refer any complaint to the Indiana State Civil Rights Commission for proceedings in accordance with the Indiana Civil Rights Act.

**Sec. 16-22. Receipt of complaint from Indiana State Civil Rights Commission.**

The Office is hereby authorized to receive any complaint referred to it by the Indiana State Civil Rights Commission pursuant to section 11a of the Indiana Civil Rights Act, and to take such action with respect to any such complaint as is authorized or required in the case of a complaint filed under Sec. 16-17.

**Sec. 16-23. Service of complaint or respondent; answer.**

The Chief Officer shall cause a copy of the complaint to be served by certified mail upon the respondent, who may file a written response to the complaint at any time prior to the close of proceedings with respect thereto, except as otherwise provided in Sec. 16-26. The complaint and any response received shall not be made public by the Chief Officer, the Board or any member thereof or any agent or employee of the Office, unless and until a public hearing is scheduled thereon as provided in Sec. 16-26.

**Sec. 16-24. Investigation and conciliation.**

1. Investigation. Within ten (10) working days after the receipt of a complaint filed pursuant to this chapter, the Chief Officer shall initiate an investigation of the alleged discriminatory practice charged in the complaint. All such investigations shall be made by the Office at the direction of the Chief Officer and may include informal conferences or discussions with any party to the complaint for the purpose of obtaining additional information or attempting to resolve or eliminate the alleged discriminatory practice by conciliation or persuasion. The Office shall have the authority to initiate discovery, including but not limited to interrogatories, request for production of documents and subpoenas, on approval of the Chief Officer at any time within ten (10) working days after filing of a complaint. Any request by the Office to compel discovery may be by appropriate petition to the Marion County Circuit or Superior Courts.

2. Report of investigation; determination by panel. Unless the complaint has been satisfactorily resolved prior thereto, the Chief Officer shall, within thirty (30) working days after the date of filing of a complaint pursuant to Sec. 16-17, report the results of the investigation made pursuant to subsection (1) to a panel of three (3) members of the Board designated by the chairperson or vice-chairperson or pursuant to the rules of the Board, which panel shall not include any member of the Board who initiated the complaint, who might have participated in the investigation of the complaint, or who is a member of the Complaint Adjudication Committee. The Chief Officer shall make a recommendation as to whether there is reasonable cause to believe that the respondent has violated Secs. 16-14 and/or 16-15. The chairperson, vice-chairperson or such other member of the panel so designated may, for good cause shown, extend the time for making such report. Such extension thereof shall be evidenced in writing, and the Office shall serve a copy of the extension on both the complainant and the respondent. The panel shall then determine by majority vote whether reasonable cause exists to believe that any respondent has violated Secs. 16-14 and/or 16-15. In making such a determination, the panel shall consider only the complaint, the response, if any, and the Chief Officer's report; provided, however, the panel may request the Chief Officer to make a supplemental investigation and report with respect to any matter which it deems material to such determination.

3. Action when violation found. If the panel, pursuant to subsection (2) determines that reasonable cause exists to believe that any respondent has violated Secs. 16-14 and/or 16-15, it shall direct the Chief Officer to endeavor to eliminate the alleged discriminatory practice through a conciliation conference. At least one (1) panel member shall be present at any conciliation conference at which both the complainant and respondent are present or represented. If the complaint is satisfactorily resolved through conciliation, the terms of any agreement reached or undertaking given by any party shall be reduced to writing and signed by the complainant, respondent and the Chief Officer. Any disagreement between the respondent and the Chief Officer in regard to the terms or conditions of a proposed conciliation agreement may be referred to the panel which considered the complaint, and the decision of the panel with respect to such terms or conditions shall be final for purposes of conciliation proceedings under this subsection, but shall not be binding upon the respondent without his written consent thereto. No action taken or statement made in connection

with any proceedings under this subsection, and no written conciliation agreement or any of the terms thereof, shall be made public by the Board or any member thereof, or any agent or employee of the Officer, without the written consent of the parties, nor shall any such action, statement or agreement be admissible in evidence in any subsequent proceedings; provided, however, the Board or Officer may institute legal proceedings under this article for enforcement of any written agreement or undertaking executed in accordance with this subsection.

**Sec. 16-25. Complaint adjudication committee; duties.**

A Complaint Adjudication Committee is hereby established. The committee shall be composed of seven (7) members of the Board. The committee shall meet for the purpose of holding public hearings on citizens' complaints, which shall be at such times as its members deem necessary.

**Sec. 16-26. Hearings, findings and recommendations when conciliation not effected.**

1. Hearing to be held; notice. If a complaint filed pursuant to this article has not been satisfactorily resolved within a reasonable time through informal proceedings pursuant to Sec. 16-24, the Complaint Adjudication Committee may hold a public hearing thereon upon not less than ten (10) working days written notice to the complainant or other aggrieved person, and to the respondent. If the respondent has not previously filed a written response to the complaint, he may file such response and serve a copy thereof upon the complainant and the Office not later than five (5) working days prior to the date of the hearing.

2. Powers; rights of parties at hearing. In connection with a hearing held pursuant to subsection (1), the Complaint Adjudication Committee shall have power upon any matter pertinent to the complaint or response thereto, to subpoena witnesses and compel their attendance; to require the production of pertinent books, papers or other documents; and to administer oaths. The complainant and respondent shall have the right to appear in person at the hearing, to be represented by an attorney or any other person, to subpoena and compel the attendance of witnesses, and to examine and cross-examine witnesses. The Complaint Adjudication Committee may adopt appropriate rules for the issuance of subpoenas and the conduct of hearings under this section. The Complaint Adjudication Committee and the Board shall have the power to enforce discovery and subpoenas by appropriate petition to the Marion County Circuit or Superior Courts.

3. Statement of evidence; exceptions; arguments. Within thirty (30) working days from the close of the hearing, the Complaint Adjudication Committee shall prepare a report containing written recommended findings of fact and conclusions and file such report with the Office. A copy of the report shall be furnished to the complainant and respondent, each of whom shall have an opportunity to submit written exceptions within such time as the rules of the Complaint Adjudication Committee shall permit. The Complaint Adjudication Committee may, in its discretion, upon notice to each interested party hear further evidence or argument upon the issues presented by the report and exceptions, if any.

4. Findings of fact; sustaining or dismissing complaint. If, upon the preponderance of the evidence, the Committee shall be of the opinion that any respondent has engaged or is engaging in a discriminatory practice in violation of the chapter, it shall state its findings of fact and conclusions and serve a copy thereof upon the complainant and the respondent. If, upon the preponderance of the evidence, the Committee shall be of the opinion that any respondent has not engaged in a discriminatory practice in violation of this chapter it shall state its findings of fact and conclusions and serve a copy thereof upon the complainant and the respondent, and dismiss the complaint. Findings and conclusions made by the Committee shall be based solely upon the record of the evidence presented at the hearing.

5. Appeal to the Board. Within thirty (30) working days after the issuance of findings and conclusions by the Committee, either the complainant or the respondent may file a written appeal of the decision of the Committee to the Board; however, in the event that the Committee requires a respondent to correct or eliminate a discriminatory practice within a time period less than thirty (30) working days, then that respondent must file his/her appeal within that time period. After considering the record of the evidence presented at the hearing and the findings and conclusions of the Committee, the Board may affirm the decision of the Committee and adopt the findings and conclusions of the Committee, or it may affirm the decision of the Committee and make supplemental findings and conclusions of its own, or it may reverse

the decision of the Committee and make findings of fact and conclusions to support its decision. The Board must take any of the above actions within thirty (30) working days after the appeal is filed.

6. Members of Board who are ineligible to participate. No member of the Board who initiated a complaint under this chapter or who participated in the investigation thereof shall participate in any hearing or determination under this section as a member of either a hearing panel, the Complaint Adjudication Committee or of the Board.

7. Applicability of state law; judicial review. Except as otherwise specifically provided in this section or in rules adopted by the Board or the Complaint Adjudication Committee under this chapter, the applicable provisions of the Administrative Adjudication Act, I.C. 4-22-1, shall govern the conduct of hearings and determinations under this section, and findings of the Board hereunder shall be subject to judicial review as provided in that act.

#### Sec. 16-27. Court enforcement.

1. Institution of action. In any case where the Board or the Committee has found that a respondent has engaged in or is engaging in a discriminatory practice in violation of Secs. 16-14 and/or 16-15, and such respondent has failed to correct or eliminate such discriminatory practice within the time limit prescribed by the Board or the Committee and the time limit for appeal to the Board has elapsed, the Board may file in its own name in the Marion County Circuit or Superior Courts a complaint against the respondent for the enforcement of Sec. 16-26. Such complaint may request such temporary or permanent injunctive relief as may be appropriate and such additional affirmative relief or orders as will effectuate the purposes of this chapter and as may be equitable, within the powers and jurisdiction of the court.

2. Record of hearing; evidentiary value. In any action filed pursuant to this section, the Board may file with the court a record of the hearing held by the Complaint Adjudication Committee pursuant to Sec. 16-26, which record shall be certified by the Secretary of the Board as a true, correct and complete record of the proceedings upon which the findings of the Complaint Adjudication Committee and/or the Board were based. The court may, in its discretion, admit any evidence contained in the record as evidence in the action filed under subsection (1), to the extent such evidence would be admissible in court under the rules of evidence if the witness or witnesses were present in court, without limitation upon the right of any party to offer such additional evidence as may be pertinent to the issues and as the court shall, in its discretion, permit.

3. Temporary judicial relief upon filing of complaint. Upon the filing of a complaint pursuant to Sec. 16-17 by a person claiming to be aggrieved, the Chief Officer, in the name of the Board and in accordance with such procedures as the Board shall establish by rule, may seek temporary orders for injunctions in the Marion County Circuit or Superior Courts to prevent irreparable harm to the complainant, pending resolution of the complaint by the Office, Complaint Adjudication Committee and the Board.

4. Enforcement of conciliation agreements. If the Board determines that any party to a conciliation agreement approved by the Chief Officer under Sec. 16-24 has failed or refused to comply with the terms of the agreement, it may file a complaint in the name of the Board in the Marion County Circuit or Superior Courts seeking an appropriate decree for enforcement of the agreement.

SECTION 2. (a) The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted. (b) An offense committed before the effective date of this ordinance, under any ordinance expressly or impliedly repealed or amended by this ordinance shall be prosecuted and remains punishable under the repealed or amended ordinance as if this ordinance 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 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 full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 482, 1982. This proposal amends the Code by adding a new Section 2-220, creating a Department of Administration Board. Councillor Dowden reported that the Administration Committee recommended to amend the proposal and passed Proposal No. 482, 1982, by a vote of 6-0 on December 7, 1982. He moved, seconded by Councillor Cottingham, the following:

**CITY-COUNTY COUNCIL MOTION**

**Mr. President:**

I move to amend Proposal No. 482, 1982, by deleting the introduced version and substituting therefor the proposal entitled, "Proposal No. 482, 1982, Committee Recommendations".

**Councillor Dowden**

Council consent was given on the amendment. Councillor Durnil moved to further amend the proposal by changing the name to the "City-County Administrative Board", seconded by Councillor Dowden. Council consent was given on the amendment to change the name. Councillor Dowden moved, seconded by Councillor Durnil, for adoption. Proposal No. 482, 1982, As Amended, was adopted on the following roll call vote; viz:

25 YEAS: *Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Dowden, Durnil, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Rader, Rhodes, Sawyers, SerVaas, Stewart, Strader, Tintera, Vollmer, West*

3 NAYS: *Borst, Page, Schneider*

1 NOT VOTING: *Jones*

Proposal No. 482, 1982, As Amended, was retitled GENERAL ORDINANCE NO. 126, 1982, and reads as follows:

**CITY-COUNTY GENERAL ORDINANCE NO. 126, 1982**

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", by adding a new Section 2-220 to provide for the establishment of a City-County Administrative Board.

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

**SECTION 1.** Division 2, of Article V of Chapter 2 of the "Code of Indianapolis and Marion County, Indiana", is hereby amended by adding a new Section 2-220, to read as follows:

**Sec. 2-220. City-County administrative board.**

(1) Members: The City-County Administrative Board (Board) shall consist of the Director of the Department of Administration who shall serve as its presiding officer, the

County Auditor, the Controller and two (2) members appointed by the City-County Council. Each appointed member shall serve a one (1) year term, however, all such appointed members shall serve at the pleasure of the appointing authority. If a vacancy occurs on the Board, the appointing authority shall appoint a replacement for the remainder of the unexpired term.

(2) Meetings: Regular meetings of the Board shall be held at least once a month at times and places established by resolution of the Board or incorporated in its rules. No notice need be given any Board member for holding or taking any action at a regular meeting.

Special meetings of the Board shall be held on call of its presiding officer or by 40% of its members. Each member shall be notified of the time and place of such a meeting by a written notice delivered to each member personally or sent by mail or telegram. Such notice shall be delivered to each member or his agent at least seventy-two (72) hours before the meeting. Such notice may be waived by the members, by their presence at the meeting or by written notice executed either before or after the meeting. A majority of the members of the Board constitutes a quorum. Any action taken by the Board must be approved by three (3) members, acting in person and not by representatives.

(3) The powers of the Board shall be as follows:

(a) The Board shall approve the following contracts for the Department of Administration and any other city or county office which does not currently have a board to approve the award of contracts, subject to the authority of the executive:

- i. Contracts for the lease or purchase of capital equipment or other property if such lease or purchase is required to be bid under I.C. 36-1-9;
- ii. Contracts for acquisition of and leases for real estate;
- iii. Any contract for public construction which must be bid under I.C. 36-1-12.

(b) The Board shall act as the "disposing agent" under I.C. 36-1-11 when a City or County board of office has determined that property shall be disposed of under I.C. 36-1-11-6.

(c) The Board shall review insurance and surety bond coverage for all officers, agents, employees, departments and agencies of City and County government.

- i. All officers and agencies of City and County government shall furnish complete information to the Board respecting all insurance and surety bond coverage.
- ii. The Board may hire or contract for the services of a professional insurance advisor, auditor or consultant to assist in compiling records and making recommendations on types, kinds or amounts of coverage.
- iii. The Board shall determine, subject to the approval of the Mayor and the City-County Council, and subject to I.C. 5-4-1 the appropriate kind, amount, coverage, acquisition and consolidation of the insurance and surety bonds of those governmental departments and officials subject to the Board.
- iv. The Board may designate an ex officio subcommittee composed of the presiding officer of the Board, the president of the Indianapolis Professional Firefighters Union local 416, the president of the Indianapolis Police Department, FOP 86, the presidents of AFSCME, locals 725, 1831, 1887, and 3131 or their duly appointed representatives. The ex officio subcommittee shall review and make recommendations to the Board as to medical and life insurance for employees, and other such related employee benefits.
- v. In addition the Board may designate any additional ex officio subcommittees as in its judgment will aid the Board in effectuating the purposes of subsection (3)(c).

SECTION 2. (a) The expressed or implied repeal or amendments of this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted. (b) An offense committed before the effective date of this ordinance, under any ordinance expressly or impliedly repealed or amended by this ordinance shall be prosecuted and remains punishable under the repealed or amended ordinance as if this ordinance had not been adopted.

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

PROPOSAL NO. 483, 1982. This proposal amends the Code by repealing Sections 2-287 through 2-293 and adding a new subsection (b) to Section 2-203. Councillor Dowden reported that the Administration Committee recommended this proposal for passage by a vote of 5-0 on December 7, 1982. He moved for adoption, seconded by Councillor Tintera. Proposal No. 483, 1982, was adopted on the following roll call vote; viz:

26 YEAS: *Borst, Boyd, Brinkman, Campbell, Clark, Cottingham, Coughenour, Dowden, Gilmer, Hawkins, Holmes, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Sawyers, Schneider, SerVaas, Stewart, Strader, Tintera, Vollmer, West*  
NO NAYS

3 NOT VOTING: *Durnil, Howard, Jones*

Proposal No. 483, 1982, was retitled GENERAL ORDINANCE NO. 127, 1982, and reads as follows:

**CITY-COUNTY GENERAL ORDINANCE NO. 127, 1982**

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", by repealing Sections 2-287 through 2-293 and amending Section 2-203.

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

**SECTION 1.** Sections 2-287 through 2-293 of Division 2, of Article VII of Chapter 2 of the "Code of Indianapolis and Marion County, Indiana", are hereby repealed.

**SECTION 2.** Section 2-203 of Division 2 of Article V of Chapter 2 of the "Code of Indianapolis and Marion County, Indiana", is hereby amended by inserting the words underlined as follows:

**Sec. 2-203.** Administrative services for certain division; records of insurance and surety bonds.

(a) Included in the department of administration for administrative purposes shall be the finance division and the legal division.

(b) The director's office of the department of administration shall compile and maintain accurate records of all insurance and surety bonds purchased by or for the city and county and any of their officers or employees.

**SECTION 3.** (a) The expressed or implied repeal or amendments of this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted. (b) An offense committed before the effective date of this ordinance, under any ordinance expressly or impliedly repealed or amended by this ordinance shall be prosecuted and remains punishable under the repealed or amended ordinance as if this ordinance had not been adopted.

**SECTION 4.** Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid

for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the council in adopting this ordinance. To this end the provisions of this ordinance are severable.

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

**PROPOSAL NO. 501, 1982.** This proposal changes the councilmanic districts following the United States Government Census. Councillor Cottingham reported the action taken by the Rules and Policy Committee and moved, seconded by Councillor Miller, to send Proposal No. 501, 1982, back to the Committee. Consent was given to postpone Proposal No. 501, 1982, until December 23, 1982, at 5:00 p.m.

**PROPOSAL NOS. 536-539, 1982.** Rezoning ordinances certified from the Metropolitan Development Commission on December 2, 1982. Proposal Nos. 536-539, 1982, were adopted by consent and retitled **REZONING ORDINANCE NO. 83-86, 1982**, and read as follows:

**REZONING ORDINANCE NO. 83, 1982 82-Z-94 WARREN TOWNSHIP  
COUNCILMANIC DISTRICT NO. 13  
502 SOUTH FRANKLIN ROAD, INDIANAPOLIS**  
Cardinal Industries Development Corp., by William F. LeMond, requests rezoning of 5.00 acres, being in SU-1 district, to D-6 II classification, to provide for construction of one-story garden apartments.

**REZONING ORDINANCE NO. 84, 1982 82-Z-96 WARREN TOWNSHIP  
COUNCILMANIC DISTRICT NO. 12  
1420 NORTH ARLINGTON AVENUE, INDIANAPOLIS**  
Taco Bell, by Charles J. Simpson, requests rezoning of 0.16 acre, being in D-7 district, to C-3 classification, to provide for addition to an existing restaurant of a drive-thru window and additional parking area.

**REZONING ORDINANCE NO. 85, 1982 82-Z-98 DECATUR TOWNSHIP  
COUNCILMANIC DISTRICT NO. 19  
3315 KENTUCKY AVENUE, INDIANAPOLIS**  
Marwood Tire Center, Inc., by Richard Mann, requests rezoning of 1.47 acres, being in D-5 district, to C-4 classification, to conform zoning for existing business, with expansion.

**REZONING ORDINANCE NO. 86, 1982 82-Z-100 PERRY TOWNSHIP  
COUNCILMANIC DISTRICT NO. 25  
1250 EAST COUNTY LINE ROAD, INDIANAPOLIS**  
Irwin W. Cauble and Marcella Cauble, by Michael J. Kias, request rezoning of 4.55 acres, being in A-2 district, to HD-2 classification, to permit development and use for medical and other offices dealing with public health and related permitted activities.

**PROPOSAL NOS. 544-545, 1982.** Rezoning ordinances certified from the Metropolitan Development Commission on December 13, 1982. Proposal Nos. 544-545, 1982, were adopted by consent and retitled **REZONING ORDINANCE NO. 87-88, 1982**, and read as follows:

**REZONING ORDINANCE NO. 87, 1982 82-Z-71 PERRY TOWNSHIP  
COUNCILMANIC DISTRICT NO. 25  
1801 thru 2399 WEST THOMPSON ROAD, INDIANAPOLIS**  
Henry & Nellie Pence, by Thomas Blankenship, request rezoning of 140.00 acres, being in I-3-S district, to SU-23 classification, to permit excavation of sand and gravel.

**REZONING ORDINANCE NO. 88, 1982 82-Z-72 PERRY TOWNSHIP  
COUNCILMANIC DISTRICT NO. 25**

**1801 thru 2399 WEST THOMPSON ROAD, INDIANAPOLIS**

**Henry & Nellie Pence, by Thomas Blankenship, requests rezoning of 140.00 acres,  
being in I-3-S district, to G-S-B (Secondary) classification, for sand and gravel excavation  
in conjunction with the SU-23 primary use.**

**ANNOUNCEMENTS AND ADJOURNMENT**

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:20 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the City-County Council of Indianapolis-Marion County, Indiana, held at its Regular Meeting on the 13th day of December, 1982.

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

ATTEST:

  
President

  
Clerk of the City-County Council

(SEAL)