

## ADMINISTRATION AND FINANCE COMMITTEE

**DATE:** March 24, 2009  
**CALLED TO ORDER:** 5:30 p.m.  
**ADJOURNED:** 6:09 p.m.

### ATTENDANCE

#### ATTENDING MEMBERS

Marilyn Pfisterer, Chairwoman  
Paul Bateman  
Susie Day  
Barbara Malone  
Jackie Nytes  
Ryan Vaughn

#### ABSENT MEMBERS

Joanne Sanders

### AGENDA

PROPOSAL NO. 74, 2009 - determines the need to lease approximately 26,254 square feet of office space at 3733 Commercial Drive for use as a traffic court, clerk's office and probation office of the Marion Superior Court  
"Postpone" until April 14, 2009 Vote: 5-0

PROPOSAL NO. 103, 2009 - amends the Code to allow the controller to designate a person to discharge duties with respect to commercial and business regulations and licenses  
"Do Pass" Vote: 6-0

## ADMINISTRATION AND FINANCE COMMITTEE

The Administration and Finance Committee of the City-County Council met on Tuesday, March 24, 2009. Chairwoman Marilyn Pfisterer called the meeting to order at 5:30 p.m. with the following members present: Paul Bateman, Susie Day, Barbara Malone, Jackie Nytes, and Ryan Vaughn. Joanne Sanders was absent.

PROPOSAL NO. 74, 2009 - determines the need to lease approximately 26,254 square feet of office space at 3733 Commercial Drive for use as a traffic court, clerk's office and probation office of the Marion Superior Court

Councillor Day moved, seconded by Councillor Nytes, to "Postpone" Proposal No. 74, 2009 until the next Administration and Finance Committee Meeting on April 14, 2009. The motion carried by a vote of 5-0.

PROPOSAL NO. 103, 2009 - amends the Code to allow the controller to designate a person to discharge duties with respect to commercial and business regulations and licenses

Mark Mertz, Office of Corporation Counsel, said that this proposal will allow the controller to designate the director of the Office of Code Enforcement (OCE) to administer the city's licensing program. Currently, the Revised Code assigns a general responsibility for licensing functions to the City Controller. He said that this function includes taking applications, payment, and fees, reviewing the application request, issuing or denying the requested license, and in some cases, holding hearings on these decisions. Mr. Mertz said that the responsibility that is currently assigned to the Controller has been transferred to OCE by Executive Order No. 6, 2008. That Executive Order made the administration of these license programs subject to the direction of the director of the OCE. Since that time, the administration of these license programs has been discharged by the director of OCE. Mr. Mertz said the reason for this proposal is to ensure that the person who is discharging these duties is the person who is legally responsible for doing so. Executive Order No. 6, 2008 already designates a person, and this proposal asks the Council to change the Revised Code to also designate that person as the responsible party. The Revised Code allows the City Controller to handle this, but does not mandate the City Controller to take care of this responsibility. Mr. Mertz said of particular interest is the holding of Controller Hearings when the Controller makes a decision, typically denying a license to someone, and that person wishes to appeal the ruling. They would appeal that decision to the Controller which will generate a Controller's Hearing. Currently, the Revised Code says the Controller shall officiate and administer that hearing. Mr. Mertz said that this can be a significant amount of time that the Controller would have to spend on a licensing function, rather than his other assigned duties. He said that on or before January 1, 2010, an ordinance to amend the Revised Code with respect to all of the licensing functions, is expected to transfer all those functions to OCE. He said that Proposal No. 103, 2009 is a necessary step. Mr. Mertz said that Rick Powers is the Director of OCE, and he has expressed full support of this ordinance.

[Clerk's note: Councillor Bateman arrived at 5:44 p.m.]

Councillor Vaughn asked if the current Revised Code allows the City Controller to designate someone to handle these functions. Mr. Mertz answered in the negative. Councillor Vaughn asked if there is a full job description of the person that will be in charge of OCE. Mr. Mertz answered in the negative.

Administration and Finance Committee

March 24, 2009

Page 2

Councillor Nytes asked if the city has communicated with the public about the changes in process with the OCE and the licensing division. Jason Dudich, Deputy Controller, said that the transition of the licensing department from the Controller's Office to OCE is one that went very well. The operations have been moved out to 1200 South Madison Avenue. He said that they have been very vocal in telling people who come in for permits and licensing that these services have been moved to Madison Avenue. He said that there were mailings sent out to inform the public of the changes. Mr. Dudich said that this proposal allows Mr. Powers and his group to oversee those hearings that occur based on appeals for denial of licenses. Councillor Nytes asked if the hearings are only one of the things that are affected with this ordinance. Mr. Mertz answered in the affirmative.

Councillor Malone asked if the person who will oversee the denial hearings will be the same person to oversee the other things that OCE handles. Mr. Dudich said that this ordinance will only affect the licensing portion of OCE. Mr. Mertz said that there will be a different appeal procedure for the different licenses. Mr. Powers said the other type of licensing that is handled under OCE is contractor licensing. He said that these hearings will remain the same, and this addition of the appeal hearings will delegate the authority to handle these hearings for business licenses.

Chairwoman Pfisterer asked if this change will speed up the appeals denial hearings. Mr. Mertz answered in the affirmative.

Councillor Bateman asked if the hearing would take place at 1200 South Madison Avenue. Mr. Dudich answered in the affirmative.

Councillor Nytes asked why there is a need to single out this portion of Executive Order No. 6, 2008. Mr. Dudich said that because of the move of the licensing department to OCE, there is an urgent need to allow someone from OCE to be at those meetings.

Councillor Malone asked if a vendor or commercial business can apply for a license online. Mr. Powers said that there is some licensing available online, depending on the type of license. Mr. Powers said that the public can get to the licensing link on the [www.indygov.org](http://www.indygov.org) website, or through [www.logoindiana.com](http://www.logoindiana.com).

Councillor Vaughn moved, seconded by Councillor Nytes, to send Proposal No. 103, 2009 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 6-0.

There being no further business, and upon motion duly made, the meeting was adjourned at 6:09 p.m.

Respectfully Submitted,

---

Marilyn Pfisterer, Chairwoman

MP/rjp