

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

**REGULAR MEETINGS
MONDAY, DECEMBER 8, 2008**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:01 p.m. on Monday, December 8, 2008, with Councillor Cockrum presiding.

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

ROLL CALL

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

27 PRESENT: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), Mansfield, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Speedy, Vaughn
2 ABSENT: Malone, Smith

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

President Cockrum welcomed new Councillor Maggie Lewis, who was elected to serve in the seat vacated by former Councillor Pryor.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Mansfield recognized the United States Marines in attendance. Councillor Vaughn congratulated Abdul Hakim Shabazz, media and radio personality, on his recent engagement. Councillor Nytes recognized Rufus “Bud” Myers, executive director of the Indianapolis Housing Agency. Councillor Cain recognized former Councillor Jim Bradford. Councillor Minton-McNeill recognized Carol Rhinehart, owner of Longs Bakery. Councillor Evans recognized Lizzie Grace of Smoke Free Indy. Councillor Speedy introduced Mayor of Southport, Rob Feldman. Councillor Oliver recognized executive director of the Arts Council, Greg Charleston,

and new Councilwoman Lewis' husband, Leroy Lewis. Councillor Gray recognized westside activist Marshall Lewis.

OFFICIAL COMMUNICATIONS

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

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

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, December 8, 2008, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Bob Cockrum
President, City-County Council

November 21, 2008

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Wednesday, November 26, 2008, a copy of a Notice of Public Hearing on Proposal Nos. 522, 523, 526, 552, 555-557, 574 and 575, 2008, said hearing to be held on Monday, December 8, 2008, at 7:00 p.m. in the City-County Building.

Respectfully,
s/Melissa Thompson
Clerk of the City-County Council

November 26, 2008

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

Ladies and Gentlemen:

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

FISCAL ORDINANCE NO. 69, 2008 – appropriates \$383,187 in the 2008 Budget of the Office of the Mayor (Federal Grants Fund) for a program to recruit leaders to implement education reform in the community in conjunction with the Indianapolis Center for Education Entrepreneurship, funded by a grant from the U. S. Department of Education

FISCAL ORDINANCE NO. 70, 2008 - approves an appropriation of \$100,000 in the 2008 Budget of the Department of Parks and Recreation (Federal Grants Fund) to fund an increase in meals provided to children through the Summer Lunch Program, financed by reimbursements from the U.S. Department of Agriculture

FISCAL ORDINANCE NO. 71, 2008 – approves a transfer and appropriation of \$1,444,477 in the 2008 Budgets of the Departments of Public Works, Public Safety, Metropolitan Development and Parks and Recreation (Transportation General, IMPD General, Consolidated County and Parks General Funds) to offset expenses incurred due to the Federal Emergency Management Agency (FEMA) declared disasters that occurred between May 30 and June 7 of this year, funded by a federal grant from FEMA

FISCAL ORDINANCE NO. 72, 2008 – approves a transfer and appropriation of \$35,000 in the 2008 Budget of the Department of Public Safety (Consolidated County Fund) to purchase needed supplies and materials for the city's animal shelter and to provide pre-adoption spay/neuter services for animals in the shelter, funded by a transfer and grant from PetSmart Charities, Inc.

December 8, 2008

FISCAL ORDINANCE NO. 73, 2008 - approves an appropriation of \$802,105 in the 2008 Budget of the Department of Public Works (Consolidated County Fund) to offset expenses incurred due to an expanded scope of service and increases in wrecker and other fees for vehicles towed by the Indianapolis Metropolitan Police Department (IMPD), funded by revenues generated through the program

FISCAL ORDINANCE NO. 74, 2008 – approves a transfer of \$302,000 in the 2008 Budget of the Information Services Agency (Information Services Fund) to pay contractual expenses related to technology initiatives not initially included in the agency's budget

FISCAL ORDINANCE NO. 76, 2008 - : approves a transfer of \$144,768 in the 2008 Budget of the Marion County Community Corrections Agency (Home Detention User Fee Fund) to cover additional salaries and benefits not originally budgeted for the Duvall Residential Center

FISCAL ORDINANCE NO. 78, 2008 - approves a transfer of \$290,000 in the 2008 Budget of the Department of Public Works (Consolidated County Fund) to fund the necessary maintenance services needed to continue to repair and maintain aging City/County vehicles through the end of the year

FISCAL ORDINANCE NO. 79, 2008 - approves a transfer of \$1,118,575 in the 2008 Budget of the Department of Public Works (Solid Waste Collection Fund) to fund chargeback payments for vehicle fuel and maintenance

SPECIAL RESOLUTION NO. 48, 2008 – recognizes the Indy Hurling Team as the 2008 U.S. National Irish Hurling Champions

SPECIAL RESOLUTION NO. 49, 2008 – recognizes the Junior Brotherhood and Sister 2 Sister Ministries of Mt. Olive Church

SPECIAL RESOLUTION NO. 50, 2008 - recognizes Officer Jason Fishburn and the many men and women who work in Public Safety

SPECIAL RESOLUTION NO. 51, 2008 - an inducement resolution for GMF - Stonekey, LLC in an amount not to exceed \$7,000,000 for the acquisition and renovation of the existing 170-unit multi-family housing residential rental project known as the Stonekey Apartments located at 1504 Renton Street (District 16)

SPECIAL RESOLUTION NO. 52, 2008 - approves the amounts, locations and programmatic operation of certain projects to be funded from Community Development Grant Funds

Respectfully,
s/Gregory A. Ballard, Mayor

ADOPTION OF THE AGENDA

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

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of November 17, 2008. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 596, 2008. The proposal, sponsored by Councillors Pfisterer, Gray, Lutz, McHenry, Lewis and McNeill, recognizes West Indy's 10th Annual Steak 'n Shake's Breakfast with Santa. Councillor Pfisterer read the proposal and presented representatives with copies of the document and Council pins. Marshall Lewis, director of the event, invited Councillors and the public to attend and thanked all the sponsors for making this event happen. He introduced Bob Schneider, Chapel Hill Lions Club; Rodney Hall, Speedway Lions Club; Tammy Robinson, Indy Solutions; Joe Luther, district manager with Steak 'N Shake; Sue Yeske, Westfield Medical Campus; First Sargeant Hess, coordinator of the U.S. Marines Toys for Tots; and Carol Rhinehart, Longs Bakery, who all emphasized their pride in participating in this event. Councillor

Pfisterer moved, seconded by Councillor Gray for adoption. Proposal No. 596, 2008 was adopted by a unanimous voice vote.

Proposal No. 596, 2008 was retitled SPECIAL RESOLUTION NO. 53, 2008, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 53, 2008

A SPECIAL RESOLUTION recognizing West Indy's 10th Annual Steak n' Shake's Breakfast with Santa.

WHEREAS, in past, many local businesses and individuals have hosted a special event known as Breakfast with Santa; and

WHEREAS, this annual occasion has given much joy to over 30,000 children and their families to date since its inception; and

WHEREAS, the 2008 Breakfast with Santa will be held Saturday, December 20th from 9:00 a.m. until 3:00 p.m. at the Emergency Services Education Center, 400 North High School Road; and

WHEREAS, Breakfast with Santa sponsors for this year's event include: Chapel Hill Lion's Club/Bob Snyder and members; Steak n' Shake Restaurants; Speedway Lion's Club/Brockton Brown and members; Hands on Interpreting/Jim and Pam Cole; Prairie Farms Dairy/Kevin Sifko; Toys for Tots U.S. Marine Corp/1st Sgt William Hess and Sgt. Jimmy Leiva; Long's Bakery/Michael and Carol Rinehart; Westview Hospital/Sue Yeskie; Barbara Internal Medicine/Dr. Michael Barbara; Engaging Solutions/Fammy Robinson and DeVonne Richburg; WalMart Corporation/Lafayette Road; Wayne Township Schools; Wayne Township Fire Department; Rich and Lynn Elston; and United Water/Eugene Anderson; and

WHEREAS, special thanks go to Helen Ford, Cheryl Lewis, Tonna Thomas, Channel 16, Westlake Church of Christ, Enterprise Trucking, Marci Goldman, Costumes by Margie, Rev. Tommie Brown, host on WTLC radio, and all volunteers of Friends of Santa; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes and commends all who make the annual Breakfast with Santa event possible, especially Marshall Lewis (the founder of this event) and the Friends of Santa Breakfast Committee: Sgt. Jimmy Leiva, 1st Sgt. William Hess, Bob Snyder, Jim Halstead, Scott Stiegemeyer, Chris and Vicki Walker, Brocky Brown, David Tsareff, Tammy Robinson, Joe Leuthold, Shania Suggs, Ryan Feasel, Alicia Adams, Tempie Jones, Ann Johnson, Bev Welch, Ron Green, Gloria Hubbuch, Sue Yeskie, Cheryl Greene, Mary Clark, Connie Bayles, James Tanniehill, Jim Halstead, Jamie Meredith, Ron Cranfield, JoAnn Threat, DeVonne Richburg, Debbie Chenoweth, Alicia Adams, and Fay Bunker.

SECTION 2. For all of the time, expense, and energy that goes into planning and hosting this breakfast for the children, a sweet smile from a little child at Christmas is all the reward necessary for a job well done.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

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

PROPOSAL NO. 597, 2008. The proposal, sponsored by Councillor Cain, recognizes Indy SurviveOars. Councillor Cain read the proposal and presented representatives with copies of the document and Council pins. Team Captain, Etta Eyeloon stated that they have 40 to 50 members partaking in this fastest growing sport in the world, where 20 members paddle together at one time. She thanked the Council for the recognition. Councillor Cain moved, seconded by Councillor Pfisterer for adoption. Proposal No. 597, 2008 was adopted by a unanimous voice vote.

December 8, 2008

Proposal No. 597 2008 was retitled SPECIAL RESOLUTION NO. 54, 2008, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 54, 2008

A SPECIAL RESOLUTION recognizing Indy SurviveOars.

WHEREAS, launched on April 13, 2008, Indy SurviveOars is a dragon boat racing team started by breast cancer survivors from Indianapolis and surrounding areas; and

WHEREAS, Dragon boat racing began more than 2,000 years ago in China, and made its way to North America in the 1980's; and

WHEREAS, in dragon boat racing, sleek, skinny boats with a dragon head are propelled by 20 paddlers working in unison, while the drummer beats out the pace and a steer person guides the 48-foot-long boat on its course; and

WHEREAS, the mission of Indy SurviveOars is to help provide breast cancer survivors a strong message of hope, inspiration and encouragement by creating a "floating support group"; and

WHEREAS, the Indy SurviveOars practice on Geist Reservoir three days a week, competed in three competitions this summer, and made it to the championship round at their first International event in Windsor, Canada; now, therefore:

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

SECTION 1. The Indianapolis City-County Council proudly recognizes all of the members of Indy SurviveOars and their many accomplishments since establishing the team.

SECTION 2. The Council encourages Indy SurviveOars to continue in their efforts to provide hope, inspiration and encouragement to all breast cancer survivors.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

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

PROPOSAL NO. 598, 2008. The proposal, sponsored by Councillors Nytes, Scales and Cardwell, recognizes the Summer Arts for Youth program of Young Audiences of Indiana on receiving the Coming Up Taller Award. Councillor Nytes read the proposal and presented representatives with copies of the document and Council pins. Joellen Raspaugh, executive director of the Summer Arts program, recognized board members and staff and thanked the Council for the recognition. Councillor Bateman expressed his appreciation for the Summer Arts for Youth program. Councillor Nytes moved, seconded by Councillor Cardwell, for adoption. Proposal No. 598, 2008 was adopted by a unanimous voice vote.

Proposal No. 598, 2008 was retitled SPECIAL RESOLUTION NO. 55, 2008, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 55, 2008

A SPECIAL RESOLUTION recognizing the Summer Arts for Youth program of Young Audiences of Indiana on receiving the Coming Up Taller Award.

WHEREAS, the Coming Up Taller Award is an initiative which recognizes and supports outstanding community arts and humanities programs that celebrate the creativity of America's young people and provide them with new learning opportunities and a chance to contribute to their communities; and

WHEREAS, Young Audiences of Indiana's Summer Arts for Youth program is being honored nationally at a White House ceremony with the prestigious *Coming Up Taller Award* from the President's Committee on the Arts and the Humanities; and

WHEREAS, the Summer Arts for Youth program, the first Indiana winner of this distinguished award, offers Indianapolis-area young people a chance to work with teams of artists to improve and develop literacy and leadership skills during the summer to build a foundation for success in the coming school year; and

WHEREAS, participation in arts activities can help at-risk youth communicate and resolve conflicts more effectively, work in teams, improve their self-esteem, practice essential problem-solving and social skills, gain a sense of pride in their accomplishments, and decrease the frequency of delinquent behavior; and

WHEREAS, engaging young people in the community by offering opportunities to congregate in positive ways, offering positive ways to express themselves and aggressively using arts education programs as a way to keep kids out of trouble when they are out of school is proven to make a tremendous impact on a child's developmental growth; and

WHEREAS, taking a creative approach to learning by offering children and youth an outlet for self-expression improves literacy, math and science skills, cultivates a love of books and the arts, and strengthens reading skills; now, therefore:

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

SECTION 1. The Indianapolis City-County Council proudly recognizes the Young Audiences of Indiana's Summer Arts for Youth program for its efforts and contributions to providing the youth with alternate opportunities for successful futures.

SECTION 2. The Council heartily congratulates the Summer Arts for Youth program on its accomplishment of achieving the Coming Up Taller Award.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

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

PROPOSAL NO. 599, 2008. The proposal, sponsored by Councillor Cardwell, recognizes Dr. Charles (Dr. Chuck) Dietzen and the Timmy Foundation. Councillor Cardwell read the proposal and presented representatives with copies of the document and Council pins. Dr. Dietzen stated that it is a pleasure to be here and serve and recognized Jimmy, an ambassador for the Timmy Foundation, who thanked Dr. Dietzen and the foundation for all their hard work. Councillor Cardwell moved, seconded by Councillor Plowman, for adoption. Proposal No. 598, 2008 was adopted by a unanimous voice vote.

Proposal No. 599, 2008 was retitled SPECIAL RESOLUTION NO. 56, 2008, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 56, 2008

A SPECIAL RESOLUTION recognizing Dr. Charles (Dr. Chuck) Dietzen and the Timmy Foundation.

WHEREAS, while working in India in 1997, Dr. Chuck Dietzen was blessed to meet Mother Teresa, and she stressed the importance of giving hope to people that cannot be cured. Mother Teresa told him that "We can do no great things, only simple things with great love"; and

WHEREAS, shortly after meeting Mother Teresa, Dr. Chuck started the Timmy Foundation, named after his brother, as a deep personal commitment to assist the medically underserved children he met while conducting medical missions in Haiti and India; and

December 8, 2008

WHEREAS, the Timmy Foundation's mission is to build healthy futures worldwide, one child at a time, by strengthening community-based health and education initiatives and by empowering young people to share their energy and compassion; and

WHEREAS, Dr. Chuck dedicated the work of the Foundation as a living legacy to all of his pediatric hospice patients, and since its inception, the Foundation has served thousands of children and the communities in which they live, throughout Central Indiana, in Central and South America, the Caribbean, Africa, and Asia; and

WHEREAS, the Foundation's success relies on the generosity, creativity, charisma and passion of its volunteers, who are lead to serve the needs of children within their communities and in developing countries; and

WHEREAS, there are a host of Timmy Foundation Chapters in existence at many colleges and universities, including Indiana University, Ball State University, Hanover College, Purdue University, Tufts University, University of Colorado, DePauw University, Butler University, Davidson College, and the University of Kentucky; and

WHEREAS, over 20 international medical service trips have been taken by the Timmy Foundation Chapters; now, therefore:

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

SECTION 1. The Indianapolis City-County Council proudly recognizes Dr. Chuck Dietzen and the Timmy Foundation for playing a major part in making the world a place in which basic healthcare and education are available to all children.

SECTION 2. The Council congratulates Dr. Chuck and the Timmy Foundation for over ten years of respectful service, promoting empowerment, collaboration, solidarity with the poor, mutual healing and youth involvement with the world as their community.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

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

PROPOSAL NO. 600, 2008. The proposal, sponsored by Councillors Cain and B. Mahern, recognizes Indianapolis-area high school students who are learning culinary skills at Shepherd Community Center. Councillor Cain read the proposal and presented representatives with copies of the document and Council pins. Former Councillor Jim Bradford thanked the Council for the recognition and stated that the winning dessert will be sold at Applebee's through December 31, 2008, who will be donating half of the proceeds to Shepherd Community Center. Councillor Cain moved, seconded by Councillor B. Mahern, for adoption. Proposal No. 600, 2008 was adopted by a unanimous voice vote.

Proposal No. 600, 2008 was retitled SPECIAL RESOLUTION NO. 57, 2008, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 57, 2008

A SPECIAL RESOLUTION recognizing Indianapolis-area high school students who are learning culinary skills at Shepherd Community Center.

WHEREAS, On Thursday, October 30, 2008, Applee's Indiana Market hosted their very first Dessert Contest for "Desserts for Education" program at Shepherd Community Center; and

WHEREAS, twelve near-eastside middle school and high school kids from Shepherd Community's Culinary classes competed in a dessert competition; and

WHEREAS, the winning creation will be featured in over 17 Applebee's restaurant locations in the Indianapolis area; and

WHEREAS, Applebee's will donate \$1.00, which is half of the price of the winning dessert, back to Shepherd Community when anyone purchases the winning dessert during the entire month of December; now, therefore:

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

SECTION 1. The Indianapolis City-County Council proudly recognizes the following people from Applebees: Monty Davis, Chuck Spahn, Rick Harris, Ryan Hickle, and Fabby Andrzejczyk, and the following people from Shepherd Community Center: Felicia Ford, DeNiece Harrison-Hudson, Maria Hernandez, Jenna Height, Flor Valdez, Ruth Huss, Katherine Quintanilla, Yasmin Razo, Josh Monday, Chris Gomes, and Josue Valdez.

SECTION 2. The Council congratulates the winners for their hard work and determination and wishes all students and volunteers continued success in the future.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

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

Councillor Pfisterer reported that the Administration and Finance Committee heard Proposal Nos. 517, 519, 520 and 521, 2008 on November 18, 2008. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 517, 2008. The proposal, sponsored by Councillor Pfisterer, reappoints Thomas Grinslade to the County Property Tax Assessment Board of Appeals. PROPOSAL NO. 519, 2008. The proposal, sponsored by Councillor Pfisterer, reappoints Sheriff Frank Anderson to the Information Technology Board. PROPOSAL NO. 520, 2008. The proposal, sponsored by Councillor Pfisterer, reappoints Michael Rodman to the Information Technology Board. PROPOSAL NO. 521, 2008. The proposal, sponsored by Councillor Pfisterer, reappoints Beth White to the Information Technology Board. By 5-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Pfisterer moved, seconded by Councillor McQuillen, for adoption. Proposal Nos. 517, 519, 520, and 521, 2008 were adopted on the following roll call vote; viz:

27 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), Mansfield, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Speedy, Vaughn

0 NAYS:

2 ABSENT: Malone, Smith

Proposal No. 517, 2008 was retitled COUNCIL RESOLUTION NO. 113, 2008, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 113, 2008

A COUNCIL RESOLUTION reappointing Thomas Grinslade to the County Property Tax Assessment Board of Appeals.

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 County Property Tax Assessment Board of Appeals, the Council reappoints:

Thomas Grinslade

December 8, 2008

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2009. The person appointed by this resolution shall serve until his successor is appointed and qualifies.

Proposal No. 519, 2008 was retitled COUNCIL RESOLUTION NO. 114, 2008, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 114, 2008

A COUNCIL RESOLUTION reappointing Sheriff Frank Anderson to the Information Technology Board.

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

SECTION 1. As a member of the Information Technology Board, the Council reappoints:

Sheriff Frank Anderson

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2009. The person appointed by this resolution shall serve at the pleasure of the Council and until his successor is appointed and qualifies.

Proposal No. 520, 2008 was retitled COUNCIL RESOLUTION NO. 115, 2008, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 115, 2008

A COUNCIL RESOLUTION reappointing Michael Rodman to the Information Technology Board.

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

SECTION 1. As a member of the Information Technology Board, the Council reappoints:

Michael Rodman

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2009. The person appointed by this resolution shall serve at the pleasure of the Council and until his successor is appointed and qualifies.

Proposal No. 521, 2008 was retitled COUNCIL RESOLUTION NO. 116, 2008, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 116, 2008

A COUNCIL RESOLUTION reappointing Beth White to the Information Technology Board.

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

SECTION 1. As a member of the Information Technology Board, the Council reappoints:

Beth White

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2009. The person appointed by this resolution shall serve at the pleasure of the Council and until her successor is appointed and qualifies.

Councillor McQuillen reported that the Economic Development Committee heard Proposal Nos. 527-529, 531, and 533, 2008 on November 24, 2008. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 527, 2008. The proposal, sponsored by Councillor Cardwell, reappoints Susan J. Powers to the Indianapolis City Market Corporation Board of Directors. PROPOSAL NO. 528, 2008. The proposal, sponsored by Councillor Cardwell, reappoints Wayne Schmidt to the Indianapolis City Market Corporation Board of Directors. PROPOSAL NO. 529, 2008. The proposal, sponsored by Councillor Cardwell, reappoints Janet Amos to the Indianapolis City Market Corporation Board of Directors. PROPOSAL NO. 531, 2008. The proposal, sponsored by Councillor Cardwell, reappoints Randall Faulkner to the Indianapolis City Market Corporation Board of Directors. PROPOSAL NO. 533, 2008. The proposal, sponsored by Councillor Cardwell, reappoints Richard D. VanParis, II to the Indianapolis City Market Corporation Board of Directors. By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Cardwell moved, seconded by Councillor McQuillen, for adoption. Proposal Nos. 527-529, 531 and 533, 2008 were adopted on the following roll call vote; viz:

27 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), Mansfield, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Speedy, Vaughn

0 NAYS:

2 ABSENT: Malone, Smith

Proposal No. 527, 2008 was retitled COUNCIL RESOLUTION NO. 117, 2008, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 117, 2008

A COUNCIL RESOLUTION reappointing Susan J. Powers to the Indianapolis City Market Corporation Board of Directors.

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

SECTION 1. As a member of the Indianapolis City Market Corporation Board of Directors, the Council reappoints:

Susan J. Powers

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2010. The person appointed by this resolution shall serve at the pleasure of the Council and until his successor is appointed and qualifies.

Proposal No. 528, 2008 was retitled COUNCIL RESOLUTION NO. 118, 2008, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 118, 2008

A COUNCIL RESOLUTION reappointing Wayne Schmidt to the Indianapolis City Market Corporation Board of Directors.

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

SECTION 1. As a member of the Indianapolis City Market Corporation Board of Directors, the Council reappoints:

Wayne Schmidt

December 8, 2008

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2010. The person appointed by this resolution shall serve at the pleasure of the Council and until his successor is appointed and qualifies.

Proposal No. 529, 2008 was retitled COUNCIL RESOLUTION NO. 119, 2008, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 119, 2008

A COUNCIL RESOLUTION reappointing Janet Amos to the Indianapolis City Market Corporation Board of Directors.

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

SECTION 1. As a member of the Indianapolis City Market Corporation Board of Directors, the Council reappoints:

Janet Amos

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2010. The person appointed by this resolution shall serve at the pleasure of the Council and until her successor is appointed and qualifies.

Proposal No. 531, 2008 was retitled COUNCIL RESOLUTION NO. 120, 2008, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 120, 2008

A COUNCIL RESOLUTION reappointing Randall Faulkner to the Indianapolis City Market Corporation Board of Directors.

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

SECTION 1. As a member of the Indianapolis City Market Corporation Board of Directors, the Council reappoints:

Randall Faulkner

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2010. The person appointed by this resolution shall serve at the pleasure of the Council and until his successor is appointed and qualifies.

Proposal No. 533, 2008 was retitled COUNCIL RESOLUTION NO. 121, 2008, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 121, 2008

A COUNCIL RESOLUTION reappointing Richard D. VanParis, II to the Indianapolis City Market Corporation Board of Directors.

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

SECTION 1. As a member of the Indianapolis City Market Corporation Board of Directors, the Council reappoints:

Richard D. VanParis, II.

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2010. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Councillor Day reported that the Parks and Recreation Committee heard Proposal Nos. 541 and 542, 2008 on November 20, 2008. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 541, 2008. The proposal, sponsored by Councillor Day, reappoints Diana M. Hall to the Board of Parks and Recreation. PROPOSAL NO. 542, 2008. The proposal, sponsored by Councillor Day, reappoints Joseph E. Mayes to the Board of Parks and Recreation. By 6-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Day moved, seconded by Councillor Hunter, for adoption. Proposal Nos. 541 and 542, 2008 were adopted on the following roll call vote; viz:

27 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), Mansfield, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Speedy, Vaughn

0 NAYS:

2 ABSENT: Malone, Smith

Proposal No. 541, 2008 was retitled COUNCIL RESOLUTION NO. 122, 2008, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 122, 2008

A COUNCIL RESOLUTION reappointing Diana M. Hall to the Board of Parks and Recreation.

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 Board of Parks and Recreation, the Council reappoints:

Diana M. Hall.

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2009. The person appointed by this resolution shall serve at the pleasure of the Council and until a successor is appointed and qualified.

Proposal No. 542, 2008 was retitled COUNCIL RESOLUTION NO. 123, 2008, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 123, 2008

A COUNCIL RESOLUTION reappointing Joseph E. Mayes to the Board of Parks and Recreation.

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 Board of Parks and Recreation, the Council reappoints:

Joseph E. Mayes

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2009. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Councillor Hunter reported that the Public Works Committee heard Proposal Nos. 560-562, 2008 on December 4, 2008. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 560, 2008. The proposal, sponsored by Councillor Hunter, reappoints Dennis Rosebrough to the Board of Public Works. PROPOSAL NO. 561, 2008. The proposal, sponsored by Councillor Hunter, reappoints Kenneth W. Hughes to the Board of Public Works. PROPOSAL NO. 562, 2008. The proposal, sponsored by Councillor Hunter, reappoints Robert Parrin to the Board of Public Works. By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Hunter moved, seconded by Councillor Day, for adoption. Proposal Nos. 560-562, 2008 were adopted on the following roll call vote; viz:

27 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), Mansfield, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Speedy, Vaughn
0 NAYS:
2 ABSENT: Malone, Smith

Proposal No. 560, 2008 was retitled COUNCIL RESOLUTION NO. 124, 2008, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 124, 2008

A COUNCIL RESOLUTION reappointing Dennis Rosebrough to the Board of Public Works.

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 Board of Public Works, the Council reappoints:

Dennis Rosebrough

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2009. The person appointed by this resolution shall serve at the pleasure of the Council and until a successor is appointed and qualified.

Proposal No. 561, 2008 was retitled COUNCIL RESOLUTION NO. 125, 2008, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 125, 2008

A COUNCIL RESOLUTION reappointing Kenneth W. Hughes to the Board of Public Works.

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 Board of Public Works, the Council reappoints:

Kenneth W. Hughes

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2009. The person appointed by this resolution shall serve at the pleasure of the Council and until a successor is appointed and qualified.

Proposal No. 562, 2008 was retitled COUNCIL RESOLUTION NO. 126, 2008, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 126, 2008

A COUNCIL RESOLUTION reappointing Robert Parrin to the Board of Public Works.

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 Board of Public Works, the Council reappoints:

Robert Parrin

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2009. The person appointed by this resolution shall serve at the pleasure of the Council and until a successor is appointed and qualified.

PROPOSAL NO. 564, 2008. Councillor Lutz reported that the Rules and Public Policy Committee heard Proposal No. 564, 2008 on December 2, 2008. The proposal, sponsored by Councillor Lutz, reappoints Jennifer L. Ping to the Alcoholic Beverage Board of Marion County. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Lutz moved, seconded by Councillor Speedy, for adoption. Proposal No. 564, 2008 was adopted on the following roll call vote; viz:

27 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), Mansfield, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Speedy, Vaughn

0 NAYS:

2 ABSENT: Malone, Smith

Proposal No. 564, 2008 was retitled COUNCIL RESOLUTION NO. 127, 2008, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 127, 2008

A COUNCIL RESOLUTION reappointing Jennifer L. Ping to the Alcoholic Beverage Board of Marion County.

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 Alcoholic Beverage Board of Marion County, the Council reappoints:

Jennifer L. Ping.

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2009. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 581, 2008. Introduced by Councillor Plowman. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Mindy Westrick to the Metropolitan Board of Zoning Appeals, Division II"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 582, 2008. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which confirms the Marion County Community Correction Agency's appointment of Thomas Louis Marendt as Executive Director of the Marion

County Community Corrections Agency"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 583, 2008. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Marcus Henderson to the Animal Care and Control Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 584, 2008. Introduced by Councillor Sanders. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Jose Evans to the Early Intervention Planning Council"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 585, 2008. Introduced by Councillors Hunter and Cain. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which authorizes and approves the execution of an agreement between the Consolidated City of Indianapolis, Marion County with Hamilton county for the construction of highway and drainage improvements in Marion and Hamilton Counties"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 586, 2008. Introduced by Councillor Brown. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at the intersection of Heather Hills Road and Rockford Road (District 18)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 587, 2008. Introduced by Councillor Oliver. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at the intersection of 36th Street and Drexel Avenue (District 10)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 588, 2008. Introduced by Councillor MahernD. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at the intersection of Miller Street and Moreland Avenue (District 19)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 589, 2008. Introduced by Councillor Coleman. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on Auburn Road between 34th Street and 34th Place (District 7)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 590, 2008. Introduced by Councillor Plowman. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls in the Southern Ridge subdivision, Sections 2, 3 and 4 (District 25)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 591, 2008. Introduced by Councillor Hunter. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls in the Creekside Meadows subdivision, Sections 2 and 3 (District 21)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 592, 2008. Introduced by Councillor Plowman. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls in the

Amber Ridge subdivision, Section 2 (District 25)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 593, 2008. Introduced by Councillor Hunter. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls in The Woods at Liberty Park (District 21)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 594, 2008. Introduced by Councillor Cockrum. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls in the Shannon Lakes at Murphy's Landing subdivision, Sections 1, 2A, 2B, 3, 4, 5 and 6 (District 22) "; and the President referred it to the Public Works Committee.

PROPOSAL NO. 595, 2008. Introduced by Councillor Plowman. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a 20-mile-per-hour speed limit in the Arlington Commons subdivision (District 25)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 605, 2008. Introduced by Councillors Speedy and Hunter. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code regarding possession and discharge of weapons on property of the department of waterworks"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 606, 2008. Introduced by Councillor Lutz. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to provide exemptions from making parking meter payments for certain persons while they are performing official business for the city or county"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 607, 2008. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at the intersection of 69th Street and Hillside Avenue (District 3)"; and the President referred it to the Public Works Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NOS. 601-604, 2008. Introduced by Councillor Plowman. Proposal Nos. 601-604, 2008 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on November 26, 2008. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 139-142, 2008, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 139, 2008.
2008-ZON-055
1375 SOUTH MICKLEY AVENUE (*Approximate Address*), INDIANAPOLIS
WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 13
ROMAN CATHOLIC ARCHDIOCESE OF INDIANAPOLIS requests REZONING of 8.461
acres, from the D-5 District, to the SU-1 classification to legally establish a religious use.

December 8, 2008

REZONING ORDINANCE NO. 140, 2008.

2008-ZON-077

11119 EAST WASHINGTON STREET (*Approximate Address*), INDIANAPOLIS
WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 21

DEH PROPERTIES, LLC, by Robert R. Hill, requests REZONING of 2.13 acres, from the D-5 District, to the C-4 classification to provide for community-regional commercial uses.

REZONING ORDINANCE NO. 141, 2008.

2008-ZON-090

4950 WEST 34TH STREET, AND 4913, 4921, 4927 AND 4933 WEST 34TH PLACE
(*Approximate Address*), INDIANAPOLIS

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 7

SCHOOLHOUSE FINANCE, LLC, by David Kingen, requests REZONING of 4.21 acres, from the SU-1 District, to the SU-2 classification to provide for educational uses.

REZONING ORDINANCE NO. 142, 2008.

2008-ZON-852

2401 EAST 10TH STREET, AND 941 AND 947 NORTH KEYSTONE AVENUE (*Approximate Address*), INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 16

RILEY AREA DEVELOPMENT CORPORATION AND JOHN BONER COMMUNITY CENTER, INC., by David Kingen requests REZONING of 0.75 acre, from the C-2 District, to the C-3C classification to provide for corridor commercial uses.

Councillor Cardwell reported that the Economic Development Committee heard Proposal Nos. 578-580, 2008 on November 24, 2008. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 578, 2008. The proposal, sponsored by Councillor Cardwell, is a final bond ordinance for GMF-Stonekey, LLC in an amount not to exceed \$7,000,000 for the purpose of financing the acquisition and renovation of an existing 170-unit multifamily housing residential rental project known as the Stonekey Apartments located at 1504 Renton Street (District 16). PROPOSAL NO. 579, 2008. The proposal, sponsored by Councillor Cardwell, is a final bond ordinance for GMF-Mann Village, LLC in an amount not to exceed \$15,000,000 for the purpose of refunding the outstanding City of Indianapolis, Indiana Multifamily Housing Revenue Bonds (GMF-Mann Village Apartments Project), Series 2008A and 2008B and the prior mortgage which were issued to finance the acquisition, renovation and equipping of the existing 336-unit multifamily housing residential rental project known as the Mann Village Apartments located at 4010 Mann Village Road (District 22). PROPOSAL NO. 580, 2008. The proposal, sponsored by Councillor Cardwell, is a final bond ordinance for Sexton Lockefield, LLC in an amount not to exceed \$15,000,000 for the purpose of refunding the outstanding City of Indianapolis, Indiana Economic Development Revenue Refunding Bonds (Lockefield Associates, L.P. Project), Series 1996A which refunded the previously issued City of Indianapolis, Indiana Economic Development Revenue Bonds, Series 1985 (Lockefield Associates Project) the proceeds of which were used for the purpose of financing the acquisition, construction, redevelopment, and equipping of a 492-unit multifamily housing residential rental project known as the Lockefield Gardens Apartments, located at 737 Lockefield Lane (District 15). By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

Councillor Oliver asked if the Lockefield Gardens units are open to the public or are set aside for hospital staff. Councillor Cardwell stated that he does not know. Councillor Minton-McNeill stated that she believes that question was asked in committee and the units are open to the public. Councillor Nytes stated that this project is a refinancing and not a new project. They are simply trying to lower the interest rate.

Councillor Cardwell moved, seconded by Councillor Moriarty Adams, for adoption. Proposal Nos. 578-580, 2008 were adopted on the following roll call vote; viz:

25 YEAS: Bateman, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), Mansfield, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Speedy, Vaughn

0 NAYS:

2 NOT VOTING: Brown, Gray

2 ABSENT: Malone, Smith

Proposal No. 578, 2008 was retitled SPECIAL ORDINANCE NO. 6, 2008, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 6, 2008

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue up to \$7,000,000 City of Indianapolis, Indiana Multifamily Housing Refunding Revenue Bonds (GMF - Stonekey Apartments Project), Series 2008A and Series 2008B (the "Bonds") and approving and authorizing other actions in respect thereto.

WHEREAS, Indiana Code Title 36, Article 7, Chapters 11.9 and 12 (collectively, the "Act") declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, the Act provides that an issuer may, pursuant to the Act, issue revenue bonds and lend the proceeds thereof to a developer for the purpose of financing, reimbursing or refinancing the costs of economic development facilities, for diversification of economic development and creation or retention of opportunities for gainful employment; and

WHEREAS, the Act provides that such bonds may be secured by a trust indenture between an issuer and a corporate trustee; and

WHEREAS, a representative of GMF - Stonekey, LLC, a Tennessee limited liability company (the "Company") has requested that the City of Indianapolis, Indiana (the "Issuer") issue bonds and lend the proceeds thereof to the Company in order to enable the Company to undertake and complete the acquisition, renovation and equipping of a multifamily housing facility known as Stonekey Apartments consisting of 170 apartment units, together with functionally related and subordinate facilities such as recreational facilities and parking areas, located at 1504 Renton Street, in Indianapolis, Indiana (the "Project") in Council District 16 of the City-County Council of the City of Indianapolis and of Marion County, Indiana (the "City-County Council"); and

WHEREAS, the Indianapolis Economic Development Commission (the "Commission") has rendered a report concerning the proposed financing or refinancing of economic development facilities for the Company and the Metropolitan Development Commission of Marion County has been given the opportunity to comment thereon; and

WHEREAS, the Commission, after a public hearing conducted on November 12, 2008, pursuant to Indiana Code Title 36, Article 7, Chapter 12, Section 24 and Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), found that the financing of the Project complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of the Issuer and its citizens through the requirement that the Project serve persons and families of low and moderate income; and

WHEREAS, the financing will not have an adverse competitive effect or impact on any similar facility or facility of the same kind already constructed or operating in the same market area or in or about Marion County, Indiana; and

WHEREAS, pursuant to and in accordance with the Act, the Issuer desires to provide funds to finance the Project by issuing not to exceed \$7,000,000 aggregate principal amount of the Bonds and the interest on the Series 2008A Bonds shall be tax-exempt and the interest on the Series 2008B Bonds shall be taxable; and

WHEREAS, the Issuer intends to issue the Bonds in one or more series pursuant to a Trust Indenture (the "Indenture") dated as of December 1, 2008, by and between the Issuer and The Bank of

December 8, 2008

New York Mellon Trust Company, N.A., as Trustee (the "Trustee") in order to obtain funds to lend to the Company for the purpose of the acquisition, renovation and equipping of the Project pursuant to a Loan Agreement with respect to the Bonds among the Issuer, the Trustee and the Company (the "Loan Agreement") dated as of December 1, 2008, provided, however, that the aggregate principal amount of the Bonds shall not exceed \$7,000,000; and

WHEREAS, the Loan Agreement provides for the repayment by the Company of the loan of the proceeds of the Bonds pursuant to which the Company will agree to make payments sufficient to pay the principal and interest on the Bonds as the same become due and payable and to pay administrative expenses in connection with the Bonds; and

WHEREAS, no member of the Council has any pecuniary interest in any employment, financing agreement or other contract made under the provisions of the Act and related to the Bonds authorized herein, which pecuniary interest has not been fully disclosed to the Council and no such member has voted on any such matter, all in accordance with the provisions of Indiana Code 36-7-12-6; and

WHEREAS, there has been submitted to the Commission for its approval substantially final forms of the Indenture, Loan Agreement, Bond Purchase Agreement, Regulatory Agreement and Preliminary Official Statement and forms of the Bonds (hereinafter referred to collectively as the "Financing Documents") and this proposed form of ordinance which are by this reference incorporated herein by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; and

WHEREAS, the Borrower owns and will continue to own real property, improvements located thereon and the equipment constituting the Project, and the Borrower will be liable for the debt described in the Loan Agreement; and

WHEREAS, based upon the resolution adopted by the Commission pertaining to the Project, the Issuer hereby finds and determines that the funding approved by the Commission for the Project will be of benefit to the health and general welfare of the citizens of the Issuer, complies with the provisions of the Act and the amount necessary to finance the costs of the Project, will require the issuance, sale and delivery of two series of economic development revenue bonds in an aggregate combined principal amount not to exceed \$7,000,000; 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 Financing Documents consisting of the Project, the issuance and sale of the Bonds, the loan of the net proceeds thereof to the Company for the purposes of the acquisition, renovation and equipping of the Project, and the repayment of said loan by the Company will be of benefit to the health or general welfare of the Issuer and its citizens and does comply with the purposes and provisions of the Act, including in particular, the requirement of promoting a substantial likelihood of creating or retaining opportunities for gainful employment. Furthermore, it is hereby found that the Project will further a public purpose of the Issuer through, among other things, the provision of quality, affordable, multifamily housing.

SECTION 2. The forms of the Financing Documents presented herewith are hereby approved and all such documents shall be kept on file by the Clerk of the Council or City Controller. In compliance with Indiana Code Title 36, Article 1, Chapter 5, Section 4, two (2) copies of the Financing Documents are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Issuer shall issue its Bonds in one or more series, as described above, in the aggregate principal amount not to exceed \$7,000,000, for the purpose of procuring funds to loan to the Company in order to finance the acquisition, renovation and equipping of the Project which Bonds will be payable as to principal and interest solely from the payments made by the Company pursuant to the Financing Documents to evidence and secure said loan and as otherwise provided in the above-described Financing Documents. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

SECTION 4. The Clerk of the Council and City Controller are authorized and directed to sell such Bonds to the purchasers thereof at a price not less than 100% of the aggregate principal amount thereof plus accrued interest, if any, and at a rate of interest not to exceed 8.5% percent per annum. The Bonds will mature no later than 40 years from the date of their issuance.

SECTION 5. The Mayor and Clerk are authorized and directed to execute those Financing Documents approved herein which require the signature of the Mayor and Clerk and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on

behalf of the Issuer. The signatures of the Mayor and the Clerk on the Bonds may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the Issuer. The signatures of the Mayor and the Clerk on the Bonds may be facsimile signatures. The Clerk and City Controller are authorized to arrange for the delivery of such Bonds to the purchaser, payment for which will be made in the manner set forth in the Financing Documents. The Mayor and Clerk may, by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures thereon, approve changes therein and also in those Financing Documents which do not require the signature of the Mayor and/or Clerk without further approval of this City-County Council or the Commission if such changes do not affect terms set forth in Indiana Code Title 36, Article 7, Chapter 12, Section 27(a)(1) through (a)(10).

SECTION 6. The provisions of this ordinance and the Financing Documents shall constitute a contract binding between the Issuer and the holder or holders of the 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 holder or holders so long as said Bonds or the interest thereon remains unpaid.

SECTION 7. Rule 15c2-12(b)(1) of the Securities Exchange Act of 1934, as amended (the "SEC Rule"), provides that, prior to the time a participating underwriter or placement agent bids for, purchases, offers or sells municipal securities, the participating underwriter or placement agent shall obtain and review an official statement that an issuer of such securities deems a "near final" official statement. The Preliminary Official Statement is hereby deemed final as of its date, except for the omission of no more than the following information: the offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, ratings and other terms of the securities depending on such matters. The Mayor, the Clerk or any other officer of the Issuer familiar with the matters with respect to the Issuer set forth in the Preliminary Official Statement is hereby authorized to certify to the underwriter, that the information in the Preliminary Official Statement with respect to the Issuer is deemed to be final within the meaning of the SEC Rule prior to the distribution of the Preliminary Official Statement.

SECTION 8. Subject to the obligations of the Borrower set forth in the Loan Agreement and the Tax Representation Certificate, the Issuer will use its best efforts to restrict the use of the proceeds of the Bonds in such a manner and to expectations at the time the Bonds are delivered to the purchasers thereof, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations promulgated thereunder. The Mayor and the Clerk, or any other officer having responsibility with respect to the issuance of the Bonds, are authorized and directed, alone or in conjunction with any of the foregoing, or with any other officer, employee, consultant or agent of the Issuer, to deliver a certificate for inclusion in the transcript of proceedings for the Bonds, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to said Section 148 of the Code and the regulations thereunder.

SECTION 9. No recourse under or upon any obligation, covenant, acceptance or agreement contained in this ordinance, the Financing Documents or under any judgment obtained against the Issuer or by the enforcement of any assessment or by any legal or equitable proceeding by virtue of any constitution or statute or otherwise, or under any circumstances, under or independent of the Loan Agreement, shall be had against any member, director, or officer or attorney, as such, past, present, or future, of the Issuer, either directly or through the Issuer, or otherwise, for the payment for or to the Issuer or any receiver thereof or for or to any holder of the Bonds secured thereby, or otherwise, of any sum that may remain due and unpaid by the Issuer upon any of such Bonds. Any and all personal liability of every nature, whether at common law or in equity, or by statute or by constitution or otherwise, of any such member, director, or officer or attorney, as such, to respond by reason of any act or omission on his or her part or otherwise for, directly or indirectly, the payment for or to the Issuer or any receiver thereof, or for or to any owner or holder of the Bonds, or otherwise, of any sum that may remain due and unpaid upon the Bonds hereby secured or any at them, shall be expressly waived and released as a condition of and consideration for the execution and delivery of the Loan Agreement and the issuance, sale and delivery of the Bonds.

SECTION 10. The Borrower will indemnify and hold the Issuer, including its officials, attorneys, employees and agents, free and harmless from any loss, claim, damage, tax, penalty, liability, disbursement, litigation expenses, attorneys' fees and expenses and other court costs arising out of, or in any way relating to, the execution or performance of the Financing Documents or other documents in connection therewith or any other cause whatsoever pertaining to the Project or the Bonds, including the issuance and sale of the Bonds or failure to issue or sell the Bonds or other actions taken under the Financing Documents or other documents in connection therewith or any other cause whatsoever pertaining to the Project or the Bonds, all as further described in the Loan Agreement, except in any case as a result of the intentional misrepresentation or willful misconduct of the Issuer.

December 8, 2008

SECTION 11. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 12. All ordinances, resolutions and orders or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

SECTION 13. It is hereby determined that all formal actions of the Council relating to the adoption of this Ordinance were taken in one or more open meetings of the Council, that all deliberations of the Council and of its committees, if any, which resulted in formal action, were in meetings open to the public, and that all such meetings were convened, held and conducted in compliance with applicable legal requirements, including Indiana Code 5-14-1.5 et seq., as amended.

SECTION 14. The Mayor and the Clerk are authorized to take all such further actions or to execute, attest and deliver such further instruments and documents in the name of the Issuer as in their judgment shall be necessary or advisable in order fully to consummate the transaction and carry out the purposes of this Ordinance.

SECTION 15. This Ordinance shall be in full force and effect upon adoption and compliance with Indiana Code Title 36, Article 3, Chapter 4, Section 14.

Proposal No. 579, 2008 was retitled SPECIAL ORDINANCE NO. 7, 2008, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 7, 2008

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue up to \$15,000,000 City of Indianapolis, Indiana Multifamily Housing Refunding Revenue Bonds (GNMA Collateralized - GMF - Mann Village Apartments Project), Series 2008 in one or more series (the "Bonds") and approving and authorizing other actions in respect thereto.

WHEREAS, Indiana Code Title 36, Article 7, Chapters 11.9 and 12 (collectively, the "Act") declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, the Act provides that an issuer may, pursuant to the Act, issue revenue bonds and lend the proceeds thereof to a developer for the purpose of financing, reimbursing or refinancing the costs of economic development facilities, for diversification of economic development and creation or retention of opportunities for gainful employment; and

WHEREAS, the Act provides that such bonds may be secured by a trust indenture between an issuer and a corporate trustee; and

WHEREAS, a representative of GMF - Mann Village, LLC, a Tennessee limited liability company (the "Company") has requested that the City of Indianapolis, Indiana (the "Issuer") issue bonds and lend the proceeds thereof to the Company in order to enable the Company to undertake and complete the refunding of the City of Indianapolis, Indiana Multifamily Housing Revenue Bonds (GMF - Mann Village Apartments Project), Series 2008A and 2008B (the "Prior Bonds"); and

WHEREAS, the Prior Bonds were issued to finance the costs of the acquisition, renovation, development, construction, refurbishment, upgrade and equipping of an apartment complex known as Mann Village Apartments with a total of 336 units, located at 4010 Mann Village Road, in City-County Council District 22 of the City of Indianapolis, Indiana (the "Project"); and

WHEREAS, the Company also incurred a subordinate mortgage (the "Prior Mortgage") in connection with the Prior Bonds; and

WHEREAS, pursuant to and in accordance with the Act, the Issuer desires to provide funds to refund the Prior Bonds and the Prior Mortgage by issuing not to exceed \$15,000,000 City of Indianapolis, Indiana Multifamily Housing Refunding Revenue Bonds (GNMA Collateralized - GMF - Mann Village Apartments Project), Series 2008 in one or more series (the "Bonds"); and

WHEREAS, the Issuer intends to issue the Bonds in one or more series pursuant to a Trust Indenture (the "Indenture") dated as of December 1, 2008, by and between the Issuer and The Bank of New York Mellon Trust Company, N.A., as Trustee (the "Trustee") in order to obtain funds to lend to the Company for the purpose of refinancing the Prior Bonds and the Prior Mortgage pursuant to a Financing

Agreement with respect to the Bonds among the Issuer, the Trustee, the Company and P/R Mortgage & Investment Corp., as lender (the "Lender") (the "Loan Agreement") dated as of December 1, 2008, provided, however, that the aggregate principal amount of the Bonds shall not exceed \$15,000,000; and

WHEREAS, the Loan Agreement provides for the repayment by the Company of the loan of the proceeds of the Bonds pursuant to which the Company will agree to make payments sufficient to pay the principal and interest on the Bonds as the same become due and payable and to pay administrative expenses in connection with the Bonds; and

WHEREAS, the obligation of the Company to repay the loan will be evidenced by a Mortgage Note, which Mortgage Note will be secured by a Mortgage from the Company to the Lender; and

WHEREAS, the Mortgage Note will be secured by a mortgage backed security of the Government National Mortgage Association that will be held by or pledged to the Trustee as additional security for the Bonds; and

WHEREAS, no member of the Council has any pecuniary interest in any employment, financing agreement or other contract made under the provisions of the Act and related to the Bonds authorized herein, which pecuniary interest has not been fully disclosed to the Council and no such member has voted on any such matter, all in accordance with the provisions of Indiana Code 36-7-12-6; and

WHEREAS, there has been submitted to the Indianapolis Economic Development Commission (the "Commission") for its approval substantially final forms of the Indenture, Loan Agreement, Amended and Restated Tax Regulatory Agreement, Bond Purchase Agreement, and forms of the Bonds (hereinafter referred to collectively as the "Financing Documents") and this proposed form of ordinance which are by this reference incorporated herein by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; and:

WHEREAS, the Borrower owns and will continue to own real property, improvements located thereon and the equipment constituting the Project, and the Borrower will be liable for the debt described in the Loan Agreement; and

WHEREAS, based upon the resolution adopted by the Commission pertaining to the Project, the Issuer hereby finds and determines that the refunding approved by the Commission for the Prior Bonds and the Prior Mortgage will be of benefit to the health and general welfare of the citizens of the Issuer, complies with the provisions of the Act and the amount necessary to refinance the costs of the Project, will require the issuance, sale and delivery of one or more series of economic development revenue bonds in an aggregate principal amount not to exceed \$15,000,000; 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 refinancing of the economic development facilities referred to in the Financing Documents consisting of the Project, the issuance and sale of the Bonds, the loan of the net proceeds thereof to the Company for the purposes of refunding the Prior Bonds and the Prior Mortgage, and the repayment of said loan by the Company will be of benefit to the health or general welfare of the Issuer and its citizens and does comply with the purposes and provisions of the Act, including in particular, the requirement of promoting a substantial likelihood of creating or retaining opportunities for gainful employment. Furthermore, it is hereby found that the Project will further a public purpose of the Issuer through, among other things, the provision of quality, affordable, multifamily housing.

SECTION 2. The forms of the Financing Documents presented herewith are hereby approved and all such documents shall be kept on file by the Clerk of the Council or City Controller. In compliance with Indiana Code Title 36, Article 1, Chapter 5, Section 4, two (2) copies of the Financing Documents are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Issuer shall issue its Bonds in one or more series, as described above, in the aggregate principal amount not to exceed \$15,000,000, for the purpose of procuring funds to loan to the Company in order to refund the Prior Bonds and the Prior Mortgage which Bonds will be payable as to principal and interest solely from the payments made by the Company pursuant to the Financing Documents to evidence and secure said loan and as otherwise provided in the above-described Financing Documents. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

SECTION 4. The City Clerk and City Controller are authorized and directed to sell such Bonds to the purchasers thereof at a price not less than 100% of the aggregate principal amount thereof plus accrued

interest, if any, and at a rate of interest not to exceed twelve percent (12%) per annum. The Bonds will mature no later than January 1, 2048.

SECTION 5. The Mayor and City Clerk are authorized and directed to execute those Financing Documents approved herein which require the signature of the Mayor and City Clerk and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the Issuer. The signatures of the Mayor and the City Clerk on the Bonds may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the Issuer. The signatures of the Mayor and the City Clerk on the Bonds may be facsimile signatures. The City Clerk and City Controller are authorized to arrange for the delivery of such Bonds to the purchaser, payment for which will be made in the manner set forth in the Financing Documents. The Mayor and City Clerk may, by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures thereon, approve changes therein and also in those Financing Documents which do not require the signature of the Mayor and/or City Clerk without further approval of this City-County Council or the Commission if such changes do not affect terms set forth in Indiana Code Title 36, Article 7, Chapter 12, Section 27(a)(1) through (a)(10).

SECTION 6. The provisions of this ordinance and the Financing Documents shall constitute a contract binding between the Issuer and the holder or holders of the 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 holder or holders so long as said Bonds or the interest thereon remains unpaid.

SECTION 7. Subject to the obligations of the Borrower set forth in the Loan Agreement and the Tax Representation Certificate, the Issuer will use its best efforts to restrict the use of the proceeds of the Bonds in such a manner and to expectations at the time the Bonds are delivered to the purchasers thereof, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations promulgated thereunder. The Mayor and the Clerk, or any other officer having responsibility with respect to the issuance of the Bonds, are authorized and directed, alone or in conjunction with any of the foregoing, or with any other officer, employee, consultant or agent of the Issuer, to deliver a certificate for inclusion in the transcript of proceedings for the Bonds, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to said Section 148 of the Code and the regulations thereunder.

SECTION 8. No recourse under or upon any obligation, covenant, acceptance or agreement contained in this ordinance, the Financing Documents or under any judgment obtained against the Issuer or by the enforcement of any assessment or by any legal or equitable proceeding by virtue of any constitution or statute or otherwise, or under any circumstances, under or independent of the Loan Agreement, shall be had against any member, director, or officer or attorney, as such, past, present, or future, of the Issuer, either directly or through the Issuer, or otherwise, for the payment for or to the Issuer or any receiver thereof or for or to any holder of the Bonds secured thereby, or otherwise, of any sum that may remain due and unpaid by the Issuer upon any of such Bonds. Any and all personal liability of every nature, whether at common law or in equity, or by statute or by constitution or otherwise, of any such member, director, or officer or attorney, as such, to respond by reason of any act or omission on his or her part or otherwise for, directly or indirectly, the payment for or to the Issuer or any receiver thereof, or for or to any owner or holder of the Bonds, or otherwise, of any sum that may remain due and unpaid upon the Bonds hereby secured or any at them, shall be expressly waived and released as a condition of and consideration for the execution and delivery of the Loan Agreement and the issuance, sale and delivery of the Bonds.

SECTION 9. The Borrower will indemnify and hold the Issuer, including its officials, attorneys, employees and agents, free and harmless from any loss, claim, damage, tax, penalty, liability, disbursement, litigation expenses, attorneys' fees and expenses and other court costs arising out of, or in any way relating to, the execution or performance of the Financing Documents or other documents in connection therewith or any other cause whatsoever pertaining to the Project or the Bonds, including the issuance and sale of the Bonds or failure to issue or sell the Bonds or other actions taken under the Financing Documents or other documents in connection therewith or any other cause whatsoever pertaining to the Project or the Bonds, all as further described in the Loan Agreement, except in any case as a result of the intentional misrepresentation or willful misconduct of the Issuer.

SECTION 10. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 11. All ordinances, resolutions and orders or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

SECTION 12. It is hereby determined that all formal actions of the Council relating to the adoption of this Ordinance were taken in one or more open meetings of the Council, that all deliberations of the Council and of its committees, if any, which resulted in formal action, were in meetings open to the public, and that all such meetings were convened, held and conducted in compliance with applicable legal requirements, including Indiana Code 5-14-1.5 et seq., as amended.

SECTION 13. The Mayor and the Clerk are authorized to take all such further actions or to execute, attest and deliver such further instruments and documents in the name of the Issuer as in their judgment shall be necessary or advisable in order fully to consummate the transaction and carry out the purposes of this Ordinance.

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

Proposal No. 580, 2008 was retitled SPECIAL ORDINANCE NO. 8, 2008, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 8, 2008

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue up to \$15,000,000 City of Indianapolis, Indiana Multifamily Housing Refunding Revenue Bonds (Lockefield Gardens Project), Series 2008 in one or more series (the "Bonds") and approving and authorizing other actions in respect thereto.

WHEREAS, Indiana Code Title 36, Article 7, Chapters 11.9 and 12 (collectively, the "Act") declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, the Act provides that an issuer may, pursuant to the Act, issue revenue bonds and lend the proceeds thereof to a developer for the purpose of financing, reimbursing or refinancing the costs of economic development facilities, for diversification of economic development and creation or retention of opportunities for gainful employment; and

WHEREAS, the Act provides that such bonds may be secured by a trust indenture between an issuer and a corporate trustee; and

WHEREAS, a representative of Sexton Lockefield, LLC, an Indiana Limited Liability Company (the "Company") has requested that the City of Indianapolis, Indiana (the "Issuer") issue bonds and lend the proceeds thereof to the Company in order to enable the Company to undertake and complete the refunding of the City of Indianapolis, Indiana Economic Development Revenue Refunding Bonds (Lockefield Associates, L.P. Project), Series 1996A (the "Prior Bonds"); and

WHEREAS, the Prior Bonds were issued for the purpose of refunding the City of Indianapolis, Indiana Economic Development Revenue Bonds, Series 1985 (Lockefield Associates Project) (the "Original Bonds"); and

WHEREAS, the Original Bonds were issued to finance the costs of the acquisition, construction, redevelopment and equipping of an apartment complex known as Lockefield Apartments with a total of 492 units, located at 737 Lockefield Lane, in City-County Council District 15 of the City of Indianapolis, Indiana (the "Project"); and

WHEREAS, pursuant to and in accordance with the Act, the Issuer desires to provide funds to refund the Prior Bonds by issuing not to exceed \$15,000,000 City of Indianapolis, Indiana Multifamily Housing Refunding Revenue Bonds (Lockefield Gardens Project), Series 2008 in one or more series (the "Bonds"); and

WHEREAS, the Issuer intends to issue the Bonds in one or more series pursuant to an Indenture of Trust (the "Indenture") dated as of December 1, 2008, by and between the Issuer and The Bank of New York Mellon Trust Company, N.A., as Trustee (the "Trustee") in order to obtain funds to lend to the Company for the purpose of refinancing the Prior Bonds pursuant to a Financing Agreement with respect to the Bonds among the Issuer, the Trustee and the Company (the "Financing Agreement") dated as of December 1, 2008, provided, however, that the aggregate principal amount of the Bonds shall not exceed \$15,000,000; and

WHEREAS, the Financing Agreement provides for the repayment by the Company of the loan of the proceeds of the Bonds pursuant to which the Company will agree to make payments sufficient to pay

December 8, 2008

the principal and interest on the Bonds as the same become due and payable and to pay administrative expenses in connection with the Bonds; and

WHEREAS, no member of the Council has any pecuniary interest in any employment, financing agreement or other contract made under the provisions of the Act and related to the Bonds authorized herein, which pecuniary interest has not been fully disclosed to the Council and no such member has voted on any such matter, all in accordance with the provisions of Indiana Code 36-7-12-6; and

WHEREAS, there has been submitted to the Indianapolis Economic Development Commission (the "Commission") for its approval substantially final forms of the Indenture, Financing Agreement, Bond Purchase Agreement, Assignment and Intercreditor Agreement, Disclosure Agreement, Note and Preliminary Official Statement and forms of the Bonds (hereinafter referred to collectively as the "Financing Documents") and this proposed form of ordinance which are by this reference incorporated herein by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; and

WHEREAS, the Borrower owns and will continue to own real property, improvements located thereon and the equipment constituting the Project, and the Borrower will be liable for the debt described in the Financing Agreement; and

WHEREAS, based upon the resolution adopted by the Commission pertaining to the Project, the Issuer hereby finds and determines that the refunding approved by the Commission for the Prior Bonds will be of benefit to the health and general welfare of the citizens of the Issuer, complies with the provisions of the Act and the amount necessary to refinance the costs of the Project, will require the issuance, sale and delivery of one or more series of economic development revenue bonds in an aggregate principal amount not to exceed \$15,000,000; 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 refinancing of the economic development facilities referred to in the Financing Documents consisting of the Project, the issuance and sale of the Bonds, the loan of the net proceeds thereof to the Company for the purposes of refunding the Prior Bonds, and the repayment of said loan by the Company will be of benefit to the health or general welfare of the Issuer and its citizens and does comply with the purposes and provisions of the Act, including in particular, the requirement of promoting a substantial likelihood of creating or retaining opportunities for gainful employment. Furthermore, it is hereby found that the Project will further a public purpose of the Issuer through, among other things, the provision of quality, affordable, multifamily housing.

SECTION 2. The forms of the Financing Documents presented herewith are hereby approved and all such documents shall be kept on file by the Clerk of the Council or City-Controller. In compliance with Indiana Code Title 36, Article 1, Chapter 5, Section 4, two (2) copies of the Financing Documents are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Issuer shall issue its Bonds in one or more series, as described above, in the aggregate principal amount not to exceed \$15,000,000, for the purpose of procuring funds to loan to the Company in order to refund the Prior Bonds which Bonds will be payable as to principal and interest solely from the payments made by the Company pursuant to the Financing Documents to evidence and secure said loan and as otherwise provided in the above-described Financing Documents. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Issuer.

SECTION 4. The City Clerk and City Controller are authorized and directed to sell such Bonds to the purchasers thereof at a price not less than 100% of the aggregate principal amount thereof plus accrued interest, if any, and at a rate of interest not to exceed 12% percent per annum. The Bonds will mature no later than December 1, 2025.

SECTION 5. The Mayor and City Clerk are authorized and directed to execute those Financing Documents approved herein which require the signature of the Mayor and City Clerk and any other document which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the Issuer. The signatures of the Mayor and the City Clerk on the Bonds may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the Issuer. The signatures of the Mayor and the City Clerk on the Bonds may be facsimile signatures. The City Clerk and City Controller are authorized to arrange for the delivery of such Bonds to the purchaser, payment for which will be made in the manner set forth in the Financing Documents. The Mayor and City Clerk may, by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures thereon, approve changes therein and also in those Financing Documents which do not require the signature of the Mayor and/or City Clerk without further approval of

this City-County Council or the Commission if such changes do not affect terms set forth in Indiana Code Title 36, Article 7, Chapter 12, Section 27(a)(1) through (a)(10).

SECTION 6. The provisions of this ordinance and the Financing Documents shall constitute a contract binding between the Issuer and the holder or holders of the 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 holder or holders so long as said Bonds or the interest thereon remains unpaid.

SECTION 7. Rule 15c2-12(b)(1) of the Securities Exchange Act of 1934, as amended (the "SEC Rule"), provides that, prior to the time a participating underwriter or placement agent bids for, purchases, offers or sells municipal securities, the participating underwriter or placement agent shall obtain and review an official statement that an issuer of such securities deems a "near final" official statement. The Preliminary Official Statement is hereby deemed final as of its date, except for the omission of no more than the following information: the offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, ratings and other terms of the securities depending on such matters. The Mayor, the City Clerk or any other officer of the Issuer familiar with the matters with respect to the Issuer set forth in the Preliminary Official Statement is hereby authorized to certify to the underwriter, that the information in the Preliminary Official Statement with respect to the Issuer is deemed to be final within the meaning of the SEC Rule prior to the distribution of the Preliminary Official Statement.

SECTION 8. Subject to the obligations of the Borrower set forth in the Financing Agreement and the Tax Representation Certificate, the Issuer will use its best efforts to restrict the use of the proceeds of the Bonds in such a manner and to expectations at the time the Bonds are delivered to the purchasers thereof, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations promulgated thereunder. The Mayor and the Clerk, or any other officer having responsibility with respect to the issuance of the Bonds, are authorized and directed, alone or in conjunction with any of the foregoing, or with any other officer, employee, consultant or agent of the Issuer, to deliver a certificate for inclusion in the transcript of proceedings for the Bonds, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to said Section 148 of the Code and the regulations thereunder.

SECTION 9. No recourse under or upon any obligation, covenant, acceptance or agreement contained in this ordinance, the Financing Documents or under any judgment obtained against the Issuer or by the enforcement of any assessment or by any legal or equitable proceeding by virtue of any constitution or statute or otherwise, or under any circumstances, under or independent of the Financing Agreement, shall be had against any member, director, or officer or attorney, as such, past, present, or future, of the Issuer, either directly or through the Issuer, or otherwise, for the payment for or to the Issuer or any receiver thereof or for or to any holder of the Bonds secured thereby, or otherwise, of any sum that may remain due and unpaid by the Issuer upon any of such Bonds. Any and all personal liability of every nature, whether at common law or in equity, or by statute or by constitution or otherwise, of any such member, director, or officer or attorney, as such, to respond by reason of any act or omission on his or her part or otherwise for, directly or indirectly, the payment for or to the Issuer or any receiver thereof, or for or to any owner or holder of the Bonds, or otherwise, of any sum that may remain due and unpaid upon the Bonds hereby secured or any at them, shall be expressly waived and released as a condition of and consideration for the execution and delivery of the Financing Agreement and the issuance, sale and delivery of the Bonds.

SECTION 10. The Borrower will indemnify and hold the Issuer, including its officials, attorneys, employees and agents, free and harmless from any loss, claim, damage, tax, penalty, liability, disbursement, litigation expenses, attorneys' fees and expenses and other court costs arising out of, or in any way relating to, the execution or performance of the Financing Documents or other documents in connection therewith or any other cause whatsoever pertaining to the Project or the Bonds, including the issuance and sale of the Bonds or failure to issue or sell the Bonds or other actions taken under the Financing Documents or other documents in connection therewith or any other cause whatsoever pertaining to the Project or the Bonds, all as further described in the Financing Agreement, except in any case as a result of the intentional misrepresentation or willful misconduct of the Issuer.

SECTION 11. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 12. All ordinances, resolutions and orders or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

December 8, 2008

SECTION 13. It is hereby determined that all formal actions of the Council relating to the adoption of this Ordinance were taken in one or more open meetings of the Council, that all deliberations of the Council and of its committees, if any, which resulted in formal action, were in meetings open to the public, and that all such meetings were convened, held and conducted in compliance with applicable legal requirements, including Indiana Code 5-14-1.5 et seq., as amended.

SECTION 14. The Mayor and the Clerk are authorized to take all such further actions or to execute, attest and deliver such further instruments and documents in the name of the Issuer as in their judgment shall be necessary or advisable in order fully to consummate the transaction and carry out the purposes of this Ordinance.

SECTION 15. This ordinance shall be in full force and effect upon adoption and compliance with Indiana Code Title 36, Article 3, Chapter 4, Section 14.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 316, 2008. The proposal, sponsored by Councillor Plowman, was called out by Councillor Plowman for public hearing on June 23, 2008. The proposal is a rezoning ordinance for Franklin Township, Councilmanic District 25, 4211 and 4133 Five Points Road (2007-ZON-029). After several postponements of the public hearing while negotiations continued, the proposal was scheduled for public hearing at this meeting on October 27, 2008.

President Cockrum asked General Counsel Robert Elrod to explain the process for rezoning proposal public hearings, since this is the first such hearing experienced by many of the new Council members. Mr. Elrod explained the process and stated that any rezoning proposal can be called out for a public hearing by any Councillor to overturn the decision of the Metropolitan Development Commission (MDC). He said that it takes 18 votes of the Council to overturn the decision of the MDC. Mr. Elrod said that he has met with the petitioner and remonstrators several times for mediation to come to an agreement, and no agreement has been reached, making a public hearing necessary. He explained the outline of testimony and time limits which apply according to Council rules.

Councillor Plowman said that the MDC approved this rezoning by a vote of 7-2. He said that he was asked by the remonstrators to call this proposal out for a public hearing. He said that there is a lot of undeveloped property in that area, but one of the problems faced is insufficient infrastructure, including schools. He said that the neighbors do not want the project and feel that it is bad for Franklin Township.

David Retherford, attorney for the petitioner, provided a map and packet of information to Councillors and explained other recent developments in the area. He said that the opposition to this case seems unusual, as there are other such developments in the area that have provided fewer commitments that have been approved. He added that the project will help to solve some drainage issues in the area at the cost of the developer. He said that they have made many commitments to try and satisfy the neighbors, and many other neighbors support the project and are satisfied with the commitments the developer has agreed to. He said that the housing is similarly priced to the other homes in the area and they will plant and preserve trees to help with a buffer and transition to the area. He added that there are new sewers that have put into that area, and this project will connect to city sewer. He said that they will not impact traffic in the area, as Five Points Road can easily handle any traffic addition. He stated that the density proposed is 123 homes, which is 80 homes below the bottom end of the comprehensive plan. He added that this project will be sold in the future with more homes proposed in the area.

Frank Hogan, attorney for the remonstrators, provided a packet of information for Councillors and thanked Councillor Plowman for calling this proposal out for a public hearing. He said that

the cluster plan for the property will break up the neighborhood and encroach upon neighbors' property. He said that most of the proposed density will encroach upon the neighbors, who have lived there for many years in rather large lots. While the project proposes some preservation of trees, it is focused on the north end of the project and does nothing for the residents on the south. He said that the original proposal promised funds to the residents on either side of the entrance to the project to alleviate their concerns, but the final proposal does not include those concessions any longer. He said that the project is an intrusion on the neighborhood and not an improvement. He added that there is already backed up traffic on Five Points Road and this will further impede traffic flow. Mr. Hogan said that there are proposed acceleration and deceleration lanes, causing many complications for the neighbors. He said that this project does not conform to four of the eight cluster plat criteria for this area. He added that it is an inappropriate project for the neighborhood and is not a good fit.

President Cockrum called for public testimony. There being none, he allowed the remonstrators and petitioners their remaining time for rebuttal.

Mr. Retherford said that this is a difficult site, because of the railroad and power lines on the south side, and lack of sewage infrastructure. He said that there is also limited frontage available, and what the remonstrators are asking for would result in \$300,000 and \$400,000 homes and would not be feasible. He said that they are proposing the tree preservation as borders to these homes. He said that they have put commitments on the table and they continue to reject them, and that is one reason some of the commitments are no longer on the table, because the remonstrators have not agreed to any commitments they have made. He said that they offered \$1,000 as a property allowance, and they admitted that they wanted more and only asked for it to make a point. He said that they passed through the hearing examiner, and the commission, who all approved the project, and felt they had reached an agreement at the first mediation. However, after drafting a document with commitments, the remonstrators then rejected the agreed to commitments. He said that they are arguing the comprehensive plan, and have not embraced the negotiation process. He said that they have met the access requirements and were rewarded for offering drainage and buffers and preserving trees. He said that they have tried to create the most livable project and buffered the entrances to be sensitive to the neighbors. He said that homes will be in the range of at least \$125,000 and up. He asked Councillors to respect the expertise of their staff, hearing examiner, and commissioners, who have given the project great thought and consideration. He said that the market is not yet ready for the project, but he feels when the market is ready, the neighbors will be glad this project took place instead of others.

Councillor Pfisterer asked if the schools were asked to weigh in on this project. Mr. Retherford said that the schools do not weigh in on these zoning cases.

Councillor McHenry asked why it looks as though there are three access roads. Mr. Retherford explained that it connects to two undeveloped areas, and the city requires that they put in access roads through this undeveloped land. He said that if the undeveloped areas are ever developed, they will be required to connect to their street infrastructure.

Councillor Hunter asked if the density is 2.6 gross or net. Mr. Retherford said that it is gross. Councillor Hunter asked the remonstrators to stand and asked how many households that represents. Mr. Hogan said that it represents about 25 households.

President Cockrum asked if the fire department is comfortable with this project and its access points. Mr. Retherford said that they were contacted and are fine with the project.

Mr. Hogan said that the city requested two stub streets, and not three. He said that this raises the question that the undeveloped Waterman Farm land may be developed in the future and would cause additional concern for the neighbors. He added that Mr. Retherford represents Waterman also, so would not be opposed to further development. He referred to a letter in the packet from Cathy Burton, from the civic league, and said that there is much undeveloped land in Franklin Township due to lack of infrastructure. He said that the neighbors do not want their neighborhood disrespected by density that is unacceptable.

Councillor Oliver said that when the Community Corrections and Juvenile Court were looking for property for re-entry facilities, they were told that Franklin Township was only interested in residential developments. However, now, a residential development is being proposed and has been approved by the commission and staff, and yet the neighbors still do not want development. Mr. Hogan said that he is not aware of that circumstance, and does not believe these neighbors would be opposed to such a development. Councillor Plowman said that not one time in his years on the Council has such a project been proposed in Franklin Township. He added that the comprehensive plan changes every 10 years.

Councillor Scales said that the property was designed for residential, and is no longer being used as farm land. She said that residential seems to be the only feasible use for the project. She asked what would ultimately please the surrounding neighbors or is there just a strict resistance to having open land developed. Mr. Hogan said that some would probably prefer it be undeveloped, but this project splits up the neighborhood and the units will not be compatible with the other brick homes in the area.

Councillor Hunter asked what the density in this area is per the comprehensive plan. Mr. Hogan said that he does not know what it is under the comprehensive plan. He said that he believes it is 3.5 to 5. Councillor Hunter asked if 2.6 density is over what the comprehensive plan authorizes. Mr. Retherford said that it is split, and it is 1.75 to 3.5 on one half and 3.5 to 5 on the other part. He said that they are eight houses under the lowest that is proposed for this area. He said that the mid-range on this site is 181, and they are way under that. He said if the housing market comes back, he does not believe a future project will give them as beneficial a proposal for density.

Councillor Plowman said that they have met several times and could not come to an agreement. He said that traffic has been bad at the four-way stops in that area, but now that there is a stoplight, it has gotten a little better, but he is not sure it can withstand the addition of a new housing addition. He added that there are over 9,000 abandoned homes in Marion County and another 2,000 in foreclosure, so he is not sure additional homes are needed in Marion County at this time. He said that Franklin Township would prefer some commercial development for increased tax revenue without burden on the schools and infrastructure.

The MDC's decision was upheld due to the lack of 18 positive votes to overturn, as per the following roll call vote; viz:

14 YEAS: Bateman, Cain, Cardwell, Evans, Gray, Lewis, Mahern (B), Mahern (D), Mansfield, Moriarty Adams, Nytes, Oliver, Scales, Speedy
12 NAYS: Brown, Cockrum, Coleman, Day, Hunter, Lutz, McHenry, McQuillen, Pfisterer, Plowman, Sanders, Vaughn
1 NOT VOTING: Minton-McNeill
2 ABSENT: Malone, Smith

Proposal No. 316, 2008, pursuant to IC 36-7-4-608, took effect as adopted by the City-County Council, was retitled for identification as REZONING ORDINANCE NO. 143, 2008, the original

copy of which ordinance is on file with the Metropolitan Development Commission, which was certified as follows:

2007-ZON-029
4211 AND 4133 FIVE POINTS ROAD (*Approximate Address*), INDIANAPOLIS
FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 25
RALPH K. ALLEN, By David A. Retherford, requests rezoning of 49.556 acres, from the D-A District, to the D-3 classification to provide for residential uses.

President Cockrum called for a brief recess at 9:15 p.m. President Cockrum reconvened the City-County Council at 9:22 p.m.

Councillor Pfisterer reported that the Administration and Finance Committee heard Proposal Nos. 522 and 523, 2008 on November 18, 2008. Councillor Pfisterer asked for consent to vote on Proposal Nos. 522 and 523, 2008 together. Consent was given.

PROPOSAL NO. 522, 2008. The proposal, sponsored by Councillor Nytes, approves a transfer of \$256,000 in the 2008 Budget of the Marion County Election Board (County General Fund) to fund increased costs for additional human resources to process absentee ballots during the November 4, 2008 General election, financed by transfers from the Marion County Clerk and Marion Superior Court. PROPOSAL NO. 523, 2008. The proposal, sponsored by Councillor Vaughn, approves a transfer of \$556,000 in the 2008 Budget of the Office of Finance and Management to pay for financial audits of Marion County, financed by transfers from Internal Audit, Office of Corporation Counsel, Department of Administration and Equal Opportunity and the City-County Council. By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass as amended, and do pass, respectively.

President Cockrum called for public testimony at 9:28 p.m. There being no one present to testify, Councillor Pfisterer moved, seconded by Councillor Vaughn, for adoption. Proposal No. 522, 2009, as amended, and Proposal No. 523, 2008 were adopted on the following roll call vote; viz:

26 YEAS: *Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), Mansfield, McHenry, McQuillen, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Speedy, Vaughn*
0 NAYS:
1 NOT VOTING: *Minton-McNeill*
2 ABSENT: *Malone, Smith*

Proposal No. 522, 2008, as amended, was retitled FISCAL ORDINANCE NO. 80, 2008, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 80, 2008

A FISCAL ORDINANCE amending the City-County Annual Budget for 2008 (City-County Fiscal Ordinance No. 78, 2007) by appropriating Two Hundred Fifty Six Thousand Dollars (\$256,000) for purposes of the Marion County Election Board.

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 1.04(a) of the City-County Annual Budget for 2008 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Election Board (County General Fund) to fund increased costs incurred conducting the November 4, 2008 General Election, financed by a transfer from the Marion County Clerk and Marion Superior Court's 2008 County General Fund appropriations. Specifically, the funds are needed to pay for the additional human resources required

December 8, 2008

to process the approximately 100,000 mail-in and in-office (including two satellite voting sites) absentee ballots.

SECTION 2. The sum of Two Hundred Fifty Six Thousand Dollars (\$256,000) be, and the same appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

| <u>MARION COUNTY ELECTION BOARD</u> | <u>COUNTY GENERAL FUND</u> |
|-------------------------------------|----------------------------|
| 1. Personal Services | 186,000 |
| 2. Supplies | 0 |
| 3. Other Services and Charges | 70,000 |
| 4. Capital Outlay | <u>0</u> |
| TOTAL INCREASE | 256,000 |

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

| <u>MARION COUNTY CLERK</u> | <u>COUNTY GENERAL FUND</u> |
|-------------------------------|----------------------------|
| 1. Personal Services | 0 |
| 2. Supplies | 0 |
| 3. Other Services and Charges | 50,000 |
| 4. Capital Outlay | <u>0</u> |
| TOTAL DECREASE | 50,000 |

| <u>MARION SUPERIOR COURTS</u> | <u>COUNTY GENERAL FUND</u> |
|-------------------------------|----------------------------|
| 1. Personal Services | 0 |
| 2. Supplies | 0 |
| 3. Other Services and Charges | 206,000 |
| 4. Capital Outlay | <u>0</u> |
| TOTAL DECREASE | 206,000 |

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

Proposal No. 523, 2008 was retitled FISCAL ORDINANCE NO. 81, 2008, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 81, 2008

A FISCAL ORDINANCE amending the City-County Annual Budget for 2008 (Fiscal Ordinance No. 78, 2007) transferring and appropriating Five Hundred Fifty Six Thousand Dollars (\$556,000) in the Consolidated County Fund, for the Office of Finance and Management.

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 City-County Annual Budget for 2008, Section 1.01, be, and is hereby, amended by the increases and reductions hereinafter stated to pay for financial audits of Marion County, financed by transfers between characters within the current budgets of the Office of Finance and Management, Internal Audit, Office of Corporation Counsel, Department of Administration and Equal Opportunity and the City-County Council.

SECTION 2. The sum of Five Hundred Fifty Six Thousand Dollars (\$556,000) be, and the same is hereby transferred and appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

| <u>OFFICE OF FINANCE AND MANAGEMENT</u> | <u>CONSOLIDATED COUNTY FUND</u> |
|---|---------------------------------|
| 1. Personal Services | 0 |
| 2. Supplies | 0 |
| 3. Other Services and Charges | 556,000 |
| 4. Capital Outlay | 0 |
| 5. Internal Charges | <u>0</u> |
| TOTAL INCREASE | 556,000 |

Journal of the City-County Council

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

| <u>OFFICE OF FINANCE AND MANAGEMENT</u> | <u>CONSOLIDATED COUNTY FUND</u> |
|---|---------------------------------|
| 1. Personal Services | 66,000 |
| 2. Supplies | 0 |
| 3. Other Services and Charges | 0 |
| 4. Capital Outlay | 0 |
| 5. Internal Charges | <u>0</u> |
| TOTAL REDUCTION | 66,000 |

| <u>INTERNAL AUDIT</u> | <u>CONSOLIDATED COUNTY FUND</u> |
|-------------------------------|---------------------------------|
| 1. Personal Services | 75,000 |
| 2. Supplies | 0 |
| 3. Other Services and Charges | 0 |
| 4. Capital Outlay | 0 |
| 5. Internal Charges | <u>0</u> |
| TOTAL REDUCTION | 75,000 |

| <u>OFFICE OF CORPORATION COUNSEL</u> | <u>CONSOLIDATED COUNTY FUND</u> |
|--------------------------------------|---------------------------------|
| 1. Personal Services | 225,000 |
| 2. Supplies | 0 |
| 3. Other Services and Charges | 0 |
| 4. Capital Outlay | 0 |
| 5. Internal Charges | <u>0</u> |
| TOTAL REDUCTION | 225,000 |

| <u>CITY-COUNTY COUNCIL</u> | <u>CONSOLIDATED COUNTY FUND</u> |
|-------------------------------|---------------------------------|
| 1. Personal Services | 60,000 |
| 2. Supplies | 0 |
| 3. Other Services and Charges | 10,000 |
| 4. Capital Outlay | 0 |
| 5. Internal Charges | <u>0</u> |
| TOTAL REDUCTION | 70,000 |

| <u>DEPT. OF ADMINISTRATION AND EQUAL OPPORTUNITY</u> | <u>CONSOLIDATED COUNTY FUND</u> |
|--|---------------------------------|
| 1. Personal Services | 120,000 |
| 2. Supplies | 0 |
| 3. Other Services and Charges | 0 |
| 4. Capital Outlay | 0 |
| 5. Internal Charges | <u>0</u> |
| TOTAL REDUCTION | 120,000 |

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

PROPOSAL NO. 526, 2008. In Councillor Smith's absence, Councillor McQuillen reported that the Community Affairs Committee heard Proposal No. 526, 2008 on December 3, 2008. The proposal, sponsored by Councillors Pfisterer and Malone, approves an appropriation of \$4,250,000 in the 2008 Budget of the Division of Family and Children (Family and Children Services Fund) to fund contractual services for child welfare services and programs for the remainder of 2008. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Cockrum called for public testimony at 9:30 p.m. There being no one present to testify, Councillor McQuillen moved, seconded by Councillor Pfisterer, for adoption. Proposal No. 526, 2008 was adopted on the following roll call vote; viz:

December 8, 2008

25 YEAS: Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), Mansfield, McHenry, McQuillen, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Speedy, Vaughn

0 NAYS:

2 NOT VOTING: Bateman, Minton-McNeill

2 ABSENT: Malone, Smith

Proposal No. 526, 2008 was retitled FISCAL ORDINANCE NO. 82, 2008, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 82, 2008

A FISCAL ORDINANCE amending the Child Welfare Services Annual Budget for 2008 (City-County Fiscal Ordinance No. 77, 2007) by appropriating Four Million Two Hundred Fifty Thousand Dollars (\$4,250,000) in the Family and Children Services Fund for purposes of the Division of Family and Children.

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 of the Child Welfare Services Annual Budget for 2008 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Division of Family and Children to fund the following: child welfare services and programs for the remainder of 2008, financed by the fund balance of the Family and Children Services Fund.

SECTION 2. The sum of Four Million Two Hundred Fifty Thousand Dollars (\$4,250,000) be, and the same appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4, where applicable.

SECTION 3. The following increased appropriation is hereby approved:

| <u>DIVISION OF FAMILY AND CHILDREN</u> | <u>FAMILY AND CHILDREN SERVICES FUND</u> |
|--|--|
| 1. Personal Services | 0 |
| 2. Supplies | 0 |
| 3. Other Services and Charges | 4,250,000 |
| 4. Capital Outlay | <u>0</u> |
| TOTAL INCREASE | 4,250,000 |

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

| | <u>FAMILY AND CHILDREN SERVICES FUND</u> |
|-----------------------------------|--|
| Un-appropriated and Unencumbered | |
| Family and Children Services Fund | <u>4,250,000</u> |
| TOTAL DECREASE | 4,250,000 |

SECTION 5. In accordance with section 151-64 of the revised code of the Consolidated City and County, the following fund balance information is provided:

The projected December 31, 2008 ending fund balance for the Family and Children Services Fund (on a budgetary basis) is approximately \$4,764,263. The appropriation authorized in this ordinance will reduce the projected fund balance by \$4,250,000.

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

PROPOSAL NO. 555, 2008. Councillor Vaughn reported that the Public Safety and Criminal Justice Committee heard Proposal No. 555, 2008 on November 19, 2008. The proposal, sponsored by Councillor Vaughn, approves an appropriation of \$38,728 in the 2008 Budget of the Marion County Justice Agency (Law Enforcement Equitable Share Fund) to fund storage expenses of seized evidence, courtroom equipment, laptops and computers for investigation and prosecution by the Prosecutor's Forfeiture Unit. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Cockrum called for public testimony at 9:32 p.m. There being no one present to testify, Councillor Vaughn moved, seconded by Councillor Cain, for adoption. Proposal No. 555, 2008 was adopted on the following roll call vote; viz:

25 YEAS: Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), Mansfield, McHenry, McQuillen, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Speedy, Vaughn
0 NAYS:
2 NOT VOTING: Bateman, Minton-McNeill
2 ABSENT: Malone, Smith

Proposal No. 555, 2008 was retitled FISCAL ORDINANCE NO. 83, 2008, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 83, 2008

A FISCAL ORDINANCE amending the City-County Annual Budget for 2008 (City-County Fiscal Ordinance No. 78, 2007) appropriating Thirty-Eight Thousand Seven Hundred Twenty-Eight Dollars (\$38,728) from the Law Enforcement Equitable Share Fund for purposes of the Marion County Justice Agency.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.06 (d) of the City-County Annual Budget for 2008 be, and is hereby, amended by the increases and reductions hereinafter stated for the amount of \$38,728 in the budget of the Marion County Justice Agency to fund storage expenses of seized evidence, courtroom equipment, laptops and computers for the investigation and prosecution by the Marion County Prosecutor's Office's Forfeiture Unit, financed by the Law Enforcement Equitable Share Fund balance.

SECTION 2. The sum of Thirty-Eight Thousand Seven Hundred Twenty-Eight Dollars (\$38,728) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

| <u>MARION COUNTY JUSTICE AGENCY</u> | <u>LAW ENFORCEMENT EQUITABLE SHARE FUND</u> |
|-------------------------------------|---|
| 1. Personal Services | 0 |
| 2. Supplies | 0 |
| 3. Other Services and Charges | 25,916 |
| 4. Capital Outlay | <u>12,812</u> |
| TOTAL INCREASE | 38,728 |

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

| | <u>LAW ENFORCEMENT EQUITABLE SHARE FUND</u> |
|--------------------------------------|---|
| Unappropriated and Unencumbered | |
| Law Enforcement Equitable Share Fund | <u>38,728</u> |
| TOTAL DECREASE | 38,728 |

SECTION 5. In accordance with section 151-64 of the revised code of the Consolidated City and County, the following fund balance information is provided:

The projected December 31, 2008 ending fund balance for the Law Enforcement Equitable Share Fund (on a budgetary basis) is approximately \$114,620. The appropriation authorized in this ordinance will reduce the projected fund balance by \$38,728.

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

PROPOSAL NO. 556, 2008. Councillor Vaughn reported that the Public Safety and Criminal Justice Committee heard Proposal No. 556, 2008 on November 19, 2008. The proposal,

sponsored by Councillors Moriarty Adams and Pfisterer, approves an appropriation of \$124,803 in the 2008 Budget of the Marion Superior Court (Federal Grants, State Grants and Drug Testing Laboratory Funds) to fund a portion of a community court coordinator salary, the purchase of drug lab supplies, contractual mediators to assist in CHINS cases at the Juvenile Court, and a pilot program designed to track performance measures for the Superior Court, partially financed by grants from the Indiana Judicial Center and the Indiana Supreme Court Division of State Court Administration. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Cockrum called for public testimony at p.m. There being no one present to testify, Councillor Vaughn moved, seconded by Councillor Lutz, for adoption. Proposal No. 556, 2008 was adopted on the following roll call vote; viz:

26 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), Mansfield, McHenry, McQuillen, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Speedy, Vaughn
0 NAYS:
1 NOT VOTING: Minton-McNeill
2 ABSENT: Malone, Smith

Proposal No. 556, 2008 was retitled FISCAL ORDINANCE NO. 84, 2008, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 84, 2008

A FISCAL ORDINANCE amending the City-County Annual Budget for 2008 (City-County Fiscal Ordinance No. 78, 2007) by appropriating Sixty-Two Thousand Eight Hundred Three Dollars (\$62,803) in the Federal Grants Fund, Thirty Thousand Dollars (\$30,000) in the State Grants Fund and Thirty-Two Thousand Dollars (\$32,000) in the Drug Testing Laboratory Fund for purposes of the Marion Superior Court.

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 1.05(f) of the City-County Annual Budget for 2008 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion Superior Court to fund the following: a portion of the salary of the Community Court Program Coordinator position (\$2,803), financed by a transfer between characters in a Community Court grant; the purchase of drug lab supplies (\$32,000), financed by a transfer between characters in the Drug Testing Laboratory Fund; contractual mediators that will assist in CHINS cases at the Juvenile Court (\$60,000) and a pilot program designed to track performance measures of the Marion Superior Court (\$30,000), financed respectively by a Indiana Judicial Center grant and a Indiana Supreme Court Division of State Court Administration grant.

SECTION 2. The sum of One Hundred Twenty-Four Thousand Eight Hundred Three Dollars (\$124,803) be, and the same appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4, where applicable.

SECTION 3. The following increased appropriation is hereby approved:

| <u>MARION SUPERIOR COURT</u> | <u>FEDERAL GRANTS FUND</u> |
|-------------------------------|----------------------------|
| 1. Personal Services | 2,803 |
| 2. Supplies | 0 |
| 3. Other Services and Charges | 60,000 |
| 4. Capital Outlay | <u>0</u> |
| TOTAL INCREASE | 62,803 |

| <u>MARION SUPERIOR COURT</u> | <u>STATE GRANTS FUND</u> |
|-------------------------------|--------------------------|
| 1. Personal Services | 0 |
| 2. Supplies | 0 |
| 3. Other Services and Charges | 30,000 |
| 4. Capital Outlay | 0 |
| TOTAL INCREASE | 30,000 |

| <u>MARION SUPERIOR COURT</u> | <u>DRUG TESTING LABORATORY FUND</u> |
|-------------------------------|-------------------------------------|
| 1. Personal Services | 0 |
| 2. Supplies | 32,000 |
| 3. Other Services and Charges | 0 |
| 4. Capital Outlay | 0 |
| TOTAL INCREASE | 32,000 |

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

| <u>MARION SUPERIOR COURT</u> | <u>FEDERAL GRANTS FUND</u> |
|-------------------------------|----------------------------|
| 1. Personal Services | 0 |
| 2. Supplies | 953 |
| 3. Other Services and Charges | 1,850 |
| 4. Capital Outlay | 0 |
| TOTAL REDUCTION | 2,803 |

| <u>MARION SUPERIOR COURT</u> | <u>DRUG TESTING LABORATORY FUND</u> |
|-------------------------------|-------------------------------------|
| 1. Personal Services | 0 |
| 2. Supplies | 0 |
| 3. Other Services and Charges | 32,000 |
| 4. Capital Outlay | 0 |
| TOTAL REDUCTION | 32,000 |

The said increased appropriation is funded by new revenues, not previously appropriated, that will be deposited into the following fund:

| | <u>FEDERAL GRANTS FUND</u> |
|---|----------------------------|
| New revenues supporting the appropriations in Section 3 | 60,000 |
| TOTAL | 60,000 |

| | <u>STATE GRANTS FUND</u> |
|---|--------------------------|
| New revenues supporting the appropriations in Section 3 | 30,000 |
| TOTAL | 30,000 |

SECTION 5. There is a local match requirement of \$20,000 for the Indiana Judicial Center grant, which is being met by the Superior Court's 2008 County General Fund appropriations.

No local match is associated with the Indiana Supreme Court Division of State Court Administration grant.

SECTION 6. Except to the extent of matching funds approved in the ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriations for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

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

PROPOSAL NO. 557, 2008. Councillor Vaughn reported that the Public Safety and Criminal Justice Committee heard Proposal No. 557, 2008 on November The proposal, sponsored by Councillors Oliver and Malone, approves a transfer of \$586,666 in the 2008 Budget of the Marion County Coroner (County General Fund) to fund utility expenses, increased costs in pathology, toxicology, and histology services, and outstanding legal obligations. By a 5-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Vaughn asked for consent to abstain to avoid the appearance of a conflict of interest. Consent was given.

Councillor Sanders asked for the source of this half million dollars being transferred in the County General Fund, as it seems the courts have a lot of surplus and asked if some areas are more lucrative in revenue than expected. David Reynolds, City Controller, said that this is a transfer from both the courts and the crime lab. Councillor Vaughn said that they had this discussion in both the Administration and Finance and Public Safety and Criminal Justice Committees, and they have asked the courts to report on how they have been able to find these surpluses.

President Cockrum called for public testimony at 9:37 p.m. There being no one present to testify, Councillor Pfisterer moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 557, 2008, as amended, was adopted on the following roll call vote; viz:

25 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), Mansfield, McHenry, McQuillen, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Speedy
0 NAYS:
2 NOT VOTING: Minton-McNeill, Vaughn
2 ABSENT: Malone, Smith

Proposal No. 557, 2008 was retitled FISCAL ORDINANCE NO. 85, 2008, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 85, 2008

A FISCAL ORDINANCE amending the City-County Annual Budget for 2008 (City-County Fiscal Ordinance No. 78, 2007) appropriating Five Hundred Eighty-Six Thousand Six Hundred Sixty-Six Dollars (\$586,666) in the County General Fund for purposes of the Marion County Coroner and reducing certain other accounts for that agency, where applicable.

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 (d) of the City-County Annual Budget for 2008 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Coroner to fund the following: utility expenses; increased costs in pathology, toxicology, and histology services; and outstanding legal obligations for the remainder of the year, financed by a transfer from the Forensic Services Agency's and Marion Superior Court's 2008 County General Fund appropriations.

SECTION 2. The sum of Five Hundred Eighty-Six Thousand Six Hundred Sixty-Six Dollars (\$586,666) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4, where applicable.

SECTION 3. The following additional appropriation is hereby approved:

| <u>MARION COUNTY CORONER</u> | <u>COUNTY GENERAL FUND</u> |
|-------------------------------|----------------------------|
| 1. Personal Services | 0 |
| 2. Supplies | 10,000 |
| 3. Other Services and Charges | 576,666 |
| 4. Capital Outlay | <u>0</u> |
| TOTAL INCREASE | 586,666 |

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

| <u>FORENSIC SERVICES AGENCY</u> | <u>COUNTY GENERAL FUND</u> |
|---------------------------------|----------------------------|
| 1. Personal Services | 310,000 |
| 2. Supplies | 0 |
| 3. Other Services and Charges | 0 |
| 4. Capital | <u>0</u> |
| TOTAL DECREASE | 310,000 |
| | |
| <u>MARION SUPERIOR COURT</u> | <u>COUNTY GENERAL FUND</u> |
| 1. Personal Services | 0 |
| 2. Supplies | 0 |
| 3. Other Services and Charges | 276,666 |
| 4. Capital | <u>0</u> |
| TOTAL DECREASE | 276,666 |

SECTION 5. There is no local match required for this ordinance.

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

Councillor Pfisterer reported that the Administration and Finance Committee heard Proposal Nos. 547 and 575, 2008 on November 18, 2008. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 574, 2008. The proposal, sponsored by Councillor Pfisterer, approves a transfer of \$37,900 in the 2008 Budget of Voter Registration (County General Fund) to pay for increased human resources costs incurred as a result of the November 4, 2008 General Election. PROPOSAL NO. 575, 2008. The proposal, sponsored by Councillor Day, approves a transfer of \$2,500 in the 2008 Budget of the Cooperative Extension Service (County General Fund) to pay for projected personal services for the remainder of 2008. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Cockrum called for public testimony at 9:40 p.m. There being no one present to testify, Councillor Pfisterer moved, seconded by Councillor Cain, for adoption. Proposal Nos. 574 and 575, 2008 were adopted on the following roll call vote; viz:

26 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), Mansfield, McHenry, McQuillen, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Speedy, Vaughn
0 NAYS:
1 NOT VOTING: Minton-McNeill
2 ABSENT: Malone, Smith

Proposal No. 574, 2008 was retitled FISCAL ORDINANCE NO. 86, 2008, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 86, 2008

A FISCAL ORDINANCE amending the City-County Annual Budget for 2008 (City-County Fiscal Ordinance No. 78, 2007) by appropriating Thirty Seven Thousand Nine Hundred Dollars (\$37,900) for purposes of the Voter Registration.

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 1.04(b) of the City-County Annual Budget for 2008 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Voter Registration (County General Fund) to fund increased costs incurred as a result of the November 4, 2008 General Election, financed by a transfer

December 8, 2008

from the Marion Superior Court's 2008 (County General Fund) appropriations. Specifically, the funds are needed to pay for the additional human resources required to process the overwhelming number of new voter registration applications.

SECTION 2. The sum of Thirty Seven Thousand Nine Hundred Dollars (\$37,900) be, and the same appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

| <u>VOTER REGISTRATION</u> | <u>COUNTY GENERAL FUND</u> |
|-------------------------------|----------------------------|
| 1. Personal Services | 37,900 |
| 2. Supplies | 0 |
| 3. Other Services and Charges | 0 |
| 4. Capital Outlay | <u>0</u> |
| TOTAL INCREASE | 37,900 |

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

| <u>MARION SUPERIOR COURTS</u> | <u>COUNTY GENERAL FUND</u> |
|-------------------------------|----------------------------|
| 1. Personal Services | 0 |
| 2. Supplies | 0 |
| 3. Other Services and Charges | 37,900 |
| 4. Capital Outlay | <u>0</u> |
| TOTAL DECREASE | 37,900 |

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

Proposal No. 575, 2008 was retitled FISCAL ORDINANCE NO. 87, 2008, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 87, 2008

A FISCAL ORDINANCE amending the City-County Annual Budget for 2008 (City-County Fiscal Ordinance No. 78, 2007) appropriates and transfers Two Thousand Five Hundred (\$2,500) in the County General Fund for purposes of the Cooperative Extension Service, and reducing certain other accounts for that agency.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.04 (m) of the City-County Annual Budget for 2008 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Cooperative Extension Service to fund a transfer of \$2,500 which will be used for projected personal services for the remainder of 2008, financed by a reduction in the 2008 budget of the Marion Superior Courts.

SECTION 2. The sum of Two Thousand Five Hundred (\$2,500) be, and the same is hereby transferred and appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

| <u>COOPERATIVE EXTENSION SERVICE</u> | <u>COUNTY GENERAL FUND</u> |
|--------------------------------------|----------------------------|
| 1. Personal Services | 2,500 |
| 2. Supplies | 0 |
| 3. Other Services and Charges | 0 |
| 4. Capital Outlay | <u>0</u> |
| TOTAL INCREASE | 2,500 |

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

| <u>MARION SUPERIOR COURTS</u> | <u>COUNTY GENERAL FUND</u> |
|-------------------------------|----------------------------|
| 1. Personal Services | 0 |
| 2. Supplies | 0 |
| 3. Other Services and Charges | 2,500 |
| 4. Capital Outlay | <u>0</u> |
| TOTAL DECREASE | 2,500 |

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

PROPOSAL NO. 577, 2008. Councillor Lutz reported that the Rules and Public Policy Committee heard Proposal No. 577, 2008 on December 2, 2008. The proposal, sponsored by Councillors Vaughn, Lutz, Hunter, Brown, Speedy, Malone and McQuillen, proposes an ordinance of the Marion County Income Tax Council to effect, pursuant to the authority granted by the Department of Local Government Finance, a reduction in the county option income tax rate that was imposed effective October 1, 2007, and to cast the votes of the City-County Council on such ordinance. By a 4-3 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Nytes said that there was no discussion in committee regarding the impact on revenues with property tax caps and how critical public services would be funded. While this might seem like a small amount of money, she said that they have few opportunities to help prepare the city for what might be ahead. She added that this seems to be a pretty cheap attempt to grab headlines, but it really does not amount to much money, and the city is still faced with big problems ahead. She said that they need to take steps to build up the city's reserves, and she urged her colleagues to defeat this proposal.

Councillor Vaughn said that he takes exception to Councillor Nytes' cheap headline comment and stated that if the money is so insignificant in the overall scheme of things to the government, why should it not be returned to the people. He said that this proposal does not return any taxpayer money that was already collected, it simply collects less of taxpayer hard-earned dollars going forward. He said that these are hard economic times, and he chooses not to take from the taxpayers at this time just to build up reserves if it is not absolutely needed for critical services.

Councillor Lutz agreed with Councillor Vaughn and said that whether it is five cents or five thousand dollars, it is not the government's money. The government should only take what it needs to provide essential services and should not take one cent more. He said that he believes the taxpayer can better decide how to use that \$12, and hopefully, putting \$5.7 million back into the economy will help the current situation.

Councillor Brown asked why this proposal was not sent to the Administration and Finance Committee. President Cockrum said that proposals dealing with tax rates normally go to the Rules and Public Policy Committee. Councillor Brown said that he introduced Proposal No. 187, 2008, which was a significant reduction in County Option Income Tax (COIT), and it was sent to the Administration and Finance Committee and then buried. He said that he is glad to finally see the leadership giving some money back to taxpayers.

Councillor Hunter said that there is no way to predict the future and know what revenues and expenses will be. This is not a rebate, but is simply a matter of collecting less. He added that if the Council does not act on this issue now, then the taxpayers will lose out on this reduction for

nine months. He said that it cannot be spent on operating costs now, under the statute, so he feels the government should only take in what they need to spend.

Councillor Oliver stated that this money should be used for crime fighting. He asked what the annual savings would be. Mr. Reynolds said that each taxpayer would realize about a \$12 annual savings. Councillor Oliver said that this amounts to less than twenty-five cents a week, yet corporately, it is over \$5.7 million, which could be used to buy cameras or other crime fighting measures. Mr. Reynolds said that it cannot be used for operating costs, and cannot be used for camera purchasing. Councillor Oliver asked if rescinding it then is the only option. Mr. Reynolds said that he believes it is.

Councillor Sanders said that rescinding it is not the only option, but it could instead be left in the stabilization fund, and the city could have borrowed from that fund to reduce the cost of interest that some agencies now pay to take out tax anticipation notes. Mr. Reynolds said that they do have the option to borrow funds short-term to deal with cash flow issues, but he tends not to borrow from funds held in trust for a short-term fix. He said if the City got to that point, they would have more serious issues than this one. Councillor Sanders stated that with regard to the purchase of cameras, the city seems to have “robbed from Peter to pay Paul” by taking cameras from high-crime neighborhoods to install on the Monon Trail. She said that a short-term project like this could have been funded from this type of borrowing. Mr. Reynolds said that there are all sorts of options to borrow money for priorities, but he is not sure the camera issue is one of them. Councillor Sanders said that she would think crimefighting was a high priority. .

President Cockrum called for public testimony at 10:01 p.m. There being no one present to testify, Councillor Lutz moved, seconded by Councillor Cain, for adoption. Proposal No. 577, 2008 was adopted on the following roll call vote; viz:

20 YEAS: Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), McHenry, McQuillen, Moriarty Adams, Pfisterer, Plowman, Scales, Speedy, Vaughn

6 NAYS: Bateman, Gray, Mansfield, Nytes, Oliver, Sanders

1 NOT VOTING: Minton-McNeill

2 ABSENT: Malone, Smith

Proposal No. 577, 2008 was retitled SPECIAL RESOLUTION NO. 58, 2008, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 58, 2008

A PROPOSAL FOR A RESOLUTION of the City-County Council of Indianapolis and of Marion County, Indiana proposing an ordinance of the Marion County Income Tax Council to effect, pursuant to the authority granted by the Department of Local Government Finance, a reduction in the county option income tax rate that was imposed effective October 1, 2007, and to cast the votes of the City-County Council on such ordinance.

WHEREAS, the Indiana General Assembly established the County Option Income Tax pursuant to IC 6-3.5-6, et seq.; and

WHEREAS, IC 6-3.5-6-2 established the Marion County Income Tax Council; and

WHEREAS, the members of the Marion County Income Tax Council are the City-County Council of the City of Indianapolis and of Marion County, the City Council of Beech Grove, the City Council of the City of Lawrence, the City Council of Southport, and the Town Council of Speedway; and,

WHEREAS, pursuant to IC 6-3.5-6-8, the Marion County Income Tax Council imposed the county option income tax in 1984; and

WHEREAS, the Marion County Income Tax Council adopted an ordinance, effective October 1, 2007, imposing an additional county option income tax rate of two-tenths of one percent (.2%) from October 1, 2007 through September 30, 2008 ("Year One"), and three tenths of one percent (.3%) from October 1, 2008 through September 30, 2009 ("Year Two") and thereafter, which rates were jointly calculated by the Department of Local Government Finance and the Department of State Revenue for Marion County pursuant to IC 6-3.5-1.5-1; and

WHEREAS, the Department of Local Government Finance, by Memorandum dated November 7, 2008, has given counties the option to reduce the county option income tax rate for Year Two to account for (a) the changes made in P.L. 146-2008 to the state's assumption of local property tax levies and (b) the removal of the requirement that the Department of Local Government Finance and the Department of State Revenue round the tax rate upward; and

WHEREAS, the Department of Local Government Finance on November 7, 2008, certified a county option income tax rate for Marion County for Year Two of twenty-seven hundredths of one percent (.27%); and

WHEREAS, the City-County Council wishes to propose an ordinance of the Marion County Income Tax Council to effect a reduction of the county option income tax rate for Year Two pursuant to the authority contained in the Memorandum of the Department of Local Government Finance; 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 proposes an ordinance of the Marion County Income Tax Council to effect a reduction of the county option income tax rate from January 1, 2009 through September 30, 2009 and thereafter pursuant to the authority contained in the November 7, 2008 Memorandum of the Department of Local Government Finance.

SECTION 2. The City-County Council casts its 92.04 votes in favor of the proposed ordinance of the Marion County Income Tax Council, which ordinance is attached hereto and incorporated herein by reference.

SECTION 3. The City Clerk of the City of Indianapolis is hereby ordered to deliver an original executed copy of this Resolution and the proposed ordinance of the Marion County Income Tax Council to the Auditor of Marion County forthwith so that the Auditor of Marion County, after receipt from the City Clerk, shall deliver copies of such proposed ordinance to other members of the Marion County Income Tax Council, namely, the City Council of the City of Beech Grove, the City Council of the City of Lawrence, the Town Council of the Town of Speedway and the City Council of the City of Southport, so that the other members of the Marion County Income Tax Council shall, after receipt from the Auditor of Marion County, vote on such proposed ordinance.

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

EXHIBIT A

**AN ORDINANCE OF THE MARION COUNTY INCOME TAX COUNCIL
TO REDUCE THE COUNTY OPTION INCOME TAX RATE**

WHEREAS, the Indiana General Assembly established the county option income tax pursuant to IC 6-3.5-6, et seq.; and

WHEREAS, IC 6-3.5-6-2 established the Marion County Income Tax Council; and

WHEREAS, the members of the Marion County Income Tax Council are the City-County Council of the City of Indianapolis and of Marion County, the City Council of Beech Grove, the City Council of the City of Lawrence, the City Council of Southport, and the Town Council of Speedway; and,

WHEREAS, IC 6-3.5-6-8 permits the Marion County Income Tax Council to impose the county option income tax on county taxpayers; and,

WHEREAS, the Marion County Income Tax Council imposed the county option income tax in 1984; and

December 8, 2008

WHEREAS, the Marion County Income Tax Council adopted an ordinance, effective October 1, 2007, imposing an additional county option income tax rate of two-tenths of one percent (.2%) from October 1, 2007 through September 30, 2008 ("Year One"), and three tenths of one percent (.3%) from October 1, 2008 through September 30, 2009 ("Year Two") and thereafter, which rates were jointly calculated by the Department of Local Government Finance and the Department of State Revenue for Marion County pursuant to IC 6-3.5-1.5-1; and

WHEREAS, the Department of Local Government Finance, by Memorandum dated November 7, 2008, has given counties the option to reduce the county option income tax rate for Year Two to account for (a) the changes made in P.L. 146-2008 to the state's assumption of local property tax levies and (b) the removal of the requirement that the Department of Local Government Finance and the Department of State Revenue round the tax rate upward; and

WHEREAS, the Department of Local Government Finance on November 7, 2008, certified a county option income tax rate for Marion County for Year Two of twenty-seven hundredths of one percent (.27%); and

WHEREAS, the City-County Council wishes to propose an ordinance of the Marion County Income Tax Council to effect a reduction of the county option income tax rate for Year Two pursuant to the authority contained in the Memorandum of the Department of Local Government Finance; now, therefore:

WHEREAS, the Marion County Income Tax Council wishes to effect a reduction of the county option income tax rate for Year Two pursuant to the authority contained in the Memorandum of the Department of Local Government Finance; now, therefore:

BE IT ORDAINED BY THE
MARION COUNTY INCOME TAX COUNCIL:

SECTION 1. Pursuant to the authority contained in the November 7, 2008 Memorandum of the Department of Local Government Finance regarding county option income tax rates, the Marion County Income Tax Council hereby effects a reduction in the county option income tax rate of three hundredths of one percent (0.03%) from January 1, 2009 through September 30, 2009, and thereafter. This reduction is the remainder of (a) the increase in the county option income tax rate of three tenths of one percent (0.3%) for Year Two that was adopted by the Marion County Income Tax Council effective October 1, 2007, (b) less the rate of twenty-seven hundredths of one percent (.27%) for Year Two that was certified by the Department of Local Government Finance on November 7, 2008.

SECTION 2. The Auditor of Marion County shall send a certified copy of this ordinance to the Department of State Revenue and the Department of Local Government Finance by certified mail.

SECTION 3. This ordinance shall be in full force and effect on and after the first day of January, 2009.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 469, 2008. Councillor Lutz reported that the Rules and Public Policy Committee heard Proposal No. 469, 2008 on October 14, November 11 and December 2, 2008. The proposal, sponsored by Councillors Cain and Pfisterer, censures Councillor Monroe Gray. By a 4-2-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Cockrum gave a brief synopsis of Proposal No. 182, 2007, a council resolution that charged the Council with creating an Investigative Committee regarding ethics violations by then-President Councillor Monroe Gray.

Councillor Mansfield stated that she does not believe Proposal No. 469, 2008 is properly before the Council. She said that this conduct and action took place with a separate elected body, and the censure is not germane to the resolution provided for the Investigative Committee. The resolution creating the committee dealt with allegations regarding ethical conduct, yet this censure refers to a procedural action taken in an open meeting, and she does not believe it is

therefore properly before the Council. She moved, seconded by Councillor Bateman, to strike Proposal No. 469, 2008.

Councillor Plowman asked if General Counsel Robert Elrod can confirm that this proposal is properly before the Council. Mr. Elrod said that this proposal was introduced in 2008, and is therefore properly before this body, as this body was elected to begin their service in 2008. Councillor Hunter said that the investigation did not convene until 2008, and therefore, Councillor Mansfield's argument is not germane and this is an improper use of Robert's Rules of Order.

Councillor Brown said that all allegations were investigated by two committees and found to have no standing, and yet now, members are trying to brink up something that happened in 2007, during a previous Council.

Councillor Vaughn said that he opposes the motion to strike and would like to hear the report of the committee.

Councillor Mansfield said that the Republican minority report got it right the first time when they said that the censure of a separate elected body would be inappropriate, and that is why she feels it is not properly before this body. The issue should have been dealt with before the end of 2007.

Councillor Lutz stated that he understands Councillor Mansfield's concerns, as he shares many of them, but there are numerous examples in legislative history, even in Congress, where censure has been applied to a former body's actions. He said that this is not a statutory matter, but is an internal matter, and the precedent is set to allow this Council to act on this matter in order to uphold the integrity of the body. He said that Proposal No. 469, 2008 is a proposal that was introduced in 2008 and is therefore properly before this body. He said that he opposes the motion to strike.

Councillor Speedy added that he is also against the motion to strike, as supporting that motion would encourage the delay of accountability measures for this body in order to maintain the confidence of the public. The proposal was proposed in March of 2007, but was delayed until October with stall tactics, and he stated that he would like to finally get it behind them. He said if members questioned the validity of the work of this committee, they should have done something in January.

Councillor Mansfield said that she brought the issue up in December, because a proposal was amended to include something not contained in the original proposal, an activity that took place in a public meeting last year. She said that in the event of precedent set by Congress, that was in relation to alleged conduct where an investigation was needed. However, these are not unknown facts, as they took place in a public meeting. She said that the resolution was originally written to investigate violation of ethics form filing, but has now been amended to change the entire focus, where an investigation is not warranted.

The motion to strike Proposal No. 469, 2008 failed on the following roll call vote; viz:....

*12 YEAS: Bateman, Brown, Evans, Lewis, Mahern (B), Mahern (D), Mansfield, Moriarty
Adams, Nytes, Oliver, Plowman, Sanders*

*13 NAYS: Cain, Cardwell, Cockrum, Coleman, Day, Hunter, Lutz, McHenry, McQuillen,
Pfisterer, Scales, Speedy, Vaughn*

2 NOT VOTING: Gray, Minton-McNeill

2 ABSENT: Malone, Smith

Councillor Lutz read the report of the Rules and Public Policy Committee and said that he is not that comfortable with the way this was handled and would simply like to put it behind them and move forward.

Councillors B. Mahern, Evans, and Lewis stated that, as new members of the Council, they will abstain from voting on this issue.

Councillor Brown said that if an abstention is ethical, then it should also apply to other new members. President Cockrum said this would be a personal decision for each new member.

Councillor Lutz stated that this issue will remain before the Council and continue to be rehashed with an indecisive vote.

Councillor Scales asked what the rules are for an abstention. Mr. Elrod said that if a Councillor feels they have a personal conflict, they can request an abstention, and the President can then approve the abstention or not.

Councillor Lutz moved, seconded by Councillor Vaughn, for adoption. Proposal No. 469, 2008 failed on the following indecisive roll call vote; viz:

14 YEAS: Cain, Cardwell, Cockrum, Coleman, Day, Hunter, Lutz, McHenry, McQuillen, Pfisterer, Plowman, Scales, Speedy, Vaughn
8 NAYS: Bateman, Brown, Mahern (D), Mansfield, Moriarty Adams, Nytes, Oliver, Sanders
5 NOT VOTING: Evans, Gray, Lewis, Mahern (B), Minton-McNeill
2 ABSENT: Malone, Smith

President Cockrum said that Proposal No. 469, 2008 will then stay on the calendar under Unfinished Business until a positive vote to either adopt, strike or defeat is forthcoming.

Councillor Mansfield asked for consent to explain her vote. Consent was given. Councillor Mansfield stated that she opposed the proposal because she does not believe the matter was properly before this body.

Councillor Bateman asked for consent to change his vote to a “yea” vote so that the matter can be dispensed with and will not continue to linger on. Consent was given. Proposal No. 469, 2008 was therefore adopted on the following roll call vote; viz:

15 YEAS: Bateman, Cain, Cardwell, Cockrum, Coleman, Day, Hunter, Lutz, McHenry, McQuillen, Pfisterer, Plowman, Scales, Speedy, Vaughn
7 NAYS: Brown, Mahern (D), Mansfield, Moriarty Adams, Nytes, Oliver, Sanders
5 NOT VOTING: Evans, Gray, Lewis, Mahern (B), Minton-McNeill
2 ABSENT: Malone, Smith

Proposal No. 469, 2008 was retitled COUNCIL RESOLUTION NO. 129, 2008, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 128, 2008

A PROPOSAL FOR A COUNCIL RESOLUTION censuring Councillor Monroe Gray.

WHEREAS, City-County Council Resolution No. 80, 2007, established an Investigating Committee to review public allegations against Monroe Gray; and

WHEREAS, two of the four members of that committee have proposed a report which recommends censure of Councillor Gray; and

WHEREAS, the Rules and Public Policy Committee has accepted the two minority reports of the Investigative Committee and has issued its report to the Committee of the Whole; now, therefore:

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

SECTION 1. The Council finds that Councillor Gray improperly used his prerogative as president to delay council consideration of resolution to investigate his conduct, and then by voting on the issue when his ruling was appealed to the full council, Councillor Gray voted with respect to a resolution directed at him personally. The Council further finds that by doing so, Councillor Monroe Gray has undermined the public confidence in the Council and that such conduct should not pass without public condemnation.

SECTION 2. Councillor Monroe Gray be, and is hereby, censured for such conduct.

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

PROPOSAL NO. 488, 2008. Councillor Pfisterer reported that the Administration and Finance Committee heard Proposal No. 488, 2008 on October 28, 2008. It was returned to Committee by the full Council on November 17, 2008 and heard again in Committee on November 18, 2008. The proposal, sponsored by Councillor Moriarty Adams, approves a transfer of \$34,100 in the 2008 Budget of the Washington Township Assessor (County General Fund) to make payments for the third quarter facility rent from fiscal year 2006. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Scales asked where the shortfalls came in and how they could fall short on a rent payment. Joline Ohmart, Washington Township Assessor, said that the Controller's Office took money from their budget and gave it to the Information Services Agency (ISA) because they thought there was a surplus, but the bill had not come in from the landlord yet for that quarter.

Councillor Pfisterer moved, seconded by Councillor Vaughn, for adoption. Proposal No. 488, 2008, as amended, was adopted on the following roll call vote; viz:

26 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), Mansfield, McHenry, McQuillen, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Speedy, Vaughn

0 NAYS:

1 NOT VOTING: Minton-McNeill

2 ABSENT: Malone, Smith

Proposal No. 488, 2008 was retitled FISCAL ORDINANCE NO. 88, 2008, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 88, 2008

A FISCAL ORDINANCE amending the City-County Annual Budget for 2008 (City-County Fiscal Ordinance No. 78, 2007) appropriates and transfers Thirty Four Thousand One Hundred Dollars (\$34,100) in the County General Fund for purposes of the Washington Township Assessor, and reducing certain other accounts for that agency.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.04 (k) of the City-County Annual Budget for 2008 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Washington Township Assessor to fund a transfer between characters and agencies. This accounting change will allow the Washington Township

December 8, 2008

Assessor to make payment for 3rd quarter facility rent from fiscal year 2006 and fund projected personal services for the remainder of 2008.

SECTION 2. The sum of Thirty Four Thousand One Hundred Dollars (\$34,100) be, and the same is hereby transferred and appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

| <u>WASHINGTON TOWNSHIP ASSESSOR</u> | <u>COUNTY GENERAL FUND</u> |
|-------------------------------------|----------------------------|
| 1. Personal Services | 26,100 |
| 2. Supplies | 0 |
| 3. Other Services and Charges | 8,000 |
| 4. Capital Outlay | <u>0</u> |
| TOTAL INCREASE | 34,100 |

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

| <u>WASHINGTON TOWNSHIP ASSESSOR</u> | <u>COUNTY GENERAL FUND</u> |
|-------------------------------------|----------------------------|
| 1. Personal Services | 0 |
| 2. Supplies | 0 |
| 3. Other Services and Charges | 0 |
| 4. Capital Outlay | <u>2,000</u> |
| TOTAL DECREASE | 2,000 |

| <u>MARION SUPERIOR COURTS</u> | <u>COUNTY GENERAL FUND</u> |
|-------------------------------|----------------------------|
| 1. Personal Services | 0 |
| 2. Supplies | 0 |
| 3. Other Services and Charges | 32,100 |
| 4. Capital Outlay | <u>0</u> |
| TOTAL DECREASE | 32,100 |

SECTION 5. In accordance with section 151-64 of the revised code of the Consolidated City and County, the following fund balance information is provided:

The 2008 year end County General fund balance is projected to be \$3,761,777 by the end of 2008.

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

PROPOSAL NO. 494, 2008. Councillor Vaughn reported that the Public Safety and Criminal Justice Committee heard Proposal No. 494, 2008 on October 29 and November 11, 2008. The proposal, sponsored by Councillor Vaughn, approves a transfer of \$55,000 in the 2008 Budget of the Marion County Prosecutor (Deferral Program Fee Fund) to provide funding for interlocal reimbursements to local law enforcement agencies. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Vaughn moved, seconded by Councillor Cardwell, for adoption. Proposal No. 494, 2008 was adopted on the following roll call vote; viz:

26 YEAS: *Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), Mansfield, McHenry, McQuillen, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Speedy, Vaughn*

0 NAYS:

1 NOT VOTING: *Minton-McNeill*

2 ABSENT: *Malone, Smith*

Proposal No. 494, 2008 was retitled FISCAL ORDINANCE NO. 89, 2008, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 89, 2008

A FISCAL ORDINANCE amending the City-County Annual Budget for 2008 (City-County Fiscal Ordinance No. 78, 2007) transferring Fifty-Five Thousand Dollars (\$55,000) in the Deferral Program Fee Fund for purposes of the Marion County Prosecutor and reducing the unappropriated and unencumbered balance in other accounts, where applicable.

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 1.05 (c) of the City-County Annual Budget for 2008 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Prosecutor to provide funding for interlocal reimbursements to local law enforcement agencies, financed by a transfer between characters in the Deferral Program Fee Fund.

SECTION 2. The sum of Fifty-Five Thousand Dollars (\$55,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balance as shown in Section 4, where applicable.

SECTION 3. The following additional appropriation is hereby approved:

| <u>MARION COUNTY PROSECUTOR</u> | <u>DEFERRAL PROGRAM FEE FUND</u> |
|---------------------------------|----------------------------------|
| 1. Personal Services | 0 |
| 2. Supplies | 0 |
| 3. Other Services and Charges | 55,000 |
| 4. Capital Outlay | 0 |
| TOTAL INCREASE | 55,000 |

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

| <u>MARION COUNTY PROSECUTOR</u> | <u>DEFERRAL PROGRAM FEE FUND</u> |
|---------------------------------|----------------------------------|
| 1. Personal Services | 20,000 |
| 2. Supplies | 35,000 |
| 3. Other Services and Charges | 0 |
| 4. Capital Outlay | 0 |
| TOTAL DECREASE | 55,000 |

SECTION 5. There is no local match required for this ordinance.

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

PROPOSAL NO. 524, 2008. Councillor Pfisterer reported that the Administration and Finance Committee heard Proposal No. 524, 2008 on November 18, 2008. The proposal, sponsored by Councillors Mansfield, Vaughn, Nytes and Lutz, amends the Code to reduce the salaries for elected township assessors whose responsibilities were transferred to the county assessor as a result of HEA 1001, 2008. By a 6-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Vaughn moved, seconded by Councillor Cain, to restore the proposal to its original introduced version.

Councillor Mansfield said that she finds it unconscionable that the city has to pay individuals that are not performing any work and she feels that the General Assembly dropped the ball and should have allowed local government to drop salaries automatically if the positions were dropped due to the referendum. She said, however, even though she struggles with the whole idea of paying

them, she cannot support the amendment. Since they are all doing the same amount of work, which is nothing, it makes sense that they all receive the same amount.

Councillor Bateman said that House Bill 1001 was incomplete, and the option to supplement the income of assessors was eliminated. He said that offering this amendment after it passed out of committee to change it, is unfair.

Councillor Sanders said that this issue causes a true conundrum. She said that the proposal was amended in committee to attempt to show compassion to individuals, some who have served for more than 25 years. The amendment was offered to treat these individuals equally, and these individuals ran for a four-year term, and their social contract was broken due to an action from the state legislature. She said that she believes the amended version that came out of committee is appropriate to show fairness and compassion to those assuming they would be in that position for four years.

Councillor Vaughn said that he understands the social contract issue, but the Council is a fiscal body and should evaluate this circumstance as such. If the Council passes the amended version, they will sacrifice an extra \$90,000 in pay that the state does not require them to sacrifice. The voters decided to un-elect and consolidate these positions, essentially firing these individuals. Councillor Vaughn said that it makes no sense to advocate COIT reductions, buying good hybrid vehicles and other cost saving measures, only to then turn around to pay people not to work more than is required by law. He said that he realizes that his amendment probably will not pass, but he promised to be an advocate for every penny of the taxpayer's money, and this amendment would save \$90,000.

Councillor Lutz said that Councillors were elected to be representatives of taxpayers and not representatives of the township assessors. He said that he waited to see the voters' wishes, and 60% of his district voted to do away with township assessors. Whether it seems fair or not, it was done uniformly with very few exceptions throughout the state. The taxpayers have made it clear they do not want government to spend any more money than they absolutely have to. Councillor Lutz said that while he has nothing against the individuals themselves, and they may not like the outcome of the referendum, this is the outcome, and he supports the amendment to respect the will of voters.

Councillor Hunter said that the public has spoken, and he feels the Council should honor their wishes. He said the lowest salary in the previous version of the ordinance would be \$19,470, which is still a very good salary for doing nothing. He said that to give them more than that which is required by law would be irresponsible.

Councillor Pfisterer said that she has gotten to know many of the township assessors, and she respects them and believes that they work hard and are committed to their work. She said that she agrees that the voters have shown substantially, by 57 to 70% that they do not want these positions to continue. She said that the taxpayers voted them in, and essentially, they have voted them out, as well. The social contract, therefore, was not broken by state legislature, but by the same voters that put them in office. She said that she does have compassion about their income disappearing, but she believes these individuals will find other jobs. They will then have a full-time salary, benefits that continue from this position, \$1,000 certification bonus, and a partial salary, and she feels this is a heck of a severance package. She said that she therefore supports the proposed amendment.

Councillor Oliver said that he does not understand the comments Councillor Vaughn made concerning buying hybrid vehicles. Councillor Vaughn said that he will not get into that discussion, but some have suggested buying hybrid vehicles is a cost-saving issue, like the cameras.

Councillor Nytes said that she supports the proposal as it came out of committee. She said that she, too, agrees the voters have spoken, but this is an important lesson to pay closer attention to legislation that comes from the state. She said that she believes they will spend more time looking at ways to streamline local government, and while the intentions may be good, sometimes the methods chosen are not always the best. She said that she believes most taxpayers just assumed their vote meant the positions and salaries would simply go away, and the Council would not be faced with voting on an issue like this tonight.

Councillor Speedy said that the Council will be passing something that saves taxpayers money regardless of whether this amendment passes or not. However, he believes the Council is setting a bad precedent by re-amending a proposal when they do not like the results out of the committee, and they should instead support the committee system.

Councillor Cockrum said that in analyzing the salaries, there was a difference in salaries based on the number of parcels in a township. Changing the salaries to one set amount for all assessors allows some assessors to attain a full year's salary, which is more than the half a year's pay as required. He said he has concerns about giving these individuals golden parachutes.

Councillor Vaughn's motion to amend failed on the following roll call vote; viz:

11 YEAS: Cain, Cardwell, Cockrum, Hunter, Lutz, Mansfield, McHenry, McQuillen, Pfisterer, Scales, Vaughn
15 NAYS: Bateman, Brown, Coleman, Day, Evans, Gray, Lewis, Mahern (B), Mahern (D), Moriarty Adams, Nytes, Oliver, Plowman, Sanders, Speedy
1 NOT VOTING: Minton-McNeill
2 ABSENT: Malone, Smith

Councillor Pfisterer moved, seconded by Councillor Mansfield, for adoption. Proposal No. 524, 2008 was adopted on the following roll call vote; viz:

23 YEAS: Bateman, Brown, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), Mansfield, McHenry, McQuillen, Moriarty Adams, Nytes, Oliver, Plowman, Sanders, Scales, Speedy
3 NAYS: Cain, Pfisterer, Vaughn
1 NOT VOTING: Minton-McNeill
2 ABSENT: Malone, Smith

Proposal No. 524, 2008 was retitled GENERAL ORDINANCE NO. 93, 2008, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 93, 2008

A GENERAL ORDINANCE amending the Code by reducing the salaries for elected township assessors whose responsibilities were transferred to the county assessor as a result of H.E.A. 1001, 2008.

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

December 8, 2008

SECTION 1. Section 192-103 of the "Revised Code of the Consolidated City and County" regarding compensation of county elected officers is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

The compensation of the various county elected officers are fixed pursuant to IC 36-3-6-2 for the calendar year ~~2002~~ 2009 and thereafter until modified in accordance with Article III of this Chapter, as:

~~(a) Effective January 1, 2002, the annual compensation of the elected county officers for the calendar year 2002 shall be as follows:~~

~~(1) An annual salary of:~~

~~a. County assessor . . . \$63,750.00~~

~~b. County auditor . . . 68,000.00~~

~~c. County clerk . . . 68,000.00~~

~~d. County coroner . . . 34,950.00~~

~~e. County recorder . . . 63,750.00~~

~~f. County surveyor . . . 52,439.00~~

~~g. County treasurer . . . 68,000.00~~

~~h. Center Township assessor . . . 63,750.00~~

~~i. Decatur Township assessor . . . 53,360.00~~

~~j. Franklin Township assessor . . . 53,360.00~~

~~k. Lawrence Township assessor . . . 59,027.00~~

~~l. Perry Township assessor . . . 59,027.00~~

~~m. Pike Township assessor . . . 59,027.00~~

~~n. Warren Township assessor . . . 59,027.00~~

~~o. Washington Township assessor . . . 62,805.00~~

~~p. Wayne Township assessor . . . 62,805.00~~

~~(2) And a deferred compensation plan funded by contributions equaling eight (8) percent of the officer's annual salary.~~

~~(3) The county assessor, county auditor and county treasurer, as ex officio county commissioners, in addition to other compensation may be provided the use of an automobile.~~

~~(4) The salary for the county sheriff shall be fifty one thousand three hundred twelve dollars (\$51,312.00), which shall be increased to one hundred one thousand three hundred twelve dollars (\$101,312.00) per annum if the sheriff has entered into a salary contract pursuant to either an applicable ordinance or IC 36-2-13-2.5~~

~~(5) All elected county officers shall be entitled to participate in other employee benefits on the same basis as other county employees.~~

~~(b) Effective January 1, 2003~~2009, the annual compensation of the elected county officers for the calendar year ~~2003~~2009 and thereafter until modified shall be as follows:

~~(1)~~(a) An annual salary of:

~~a.~~(1) County assessor . . . \$65,278.00

~~b.~~(2) County auditor . . . 70,833.00

- ~~e~~(3) County clerk . . . 70,833.00
- ~~d~~(4) County coroner . . . 35,649.00
- ~~e~~(5) County recorder . . . 65,278.00
- ~~f~~(6) County surveyor . . . 53,488.00
- ~~g~~(7) County treasurer . . . 70,833.00
- ~~h~~(8) Center Township assessor . . . ~~65,185.00~~ 27,500.00
- ~~i~~(9) Decatur Township assessor . . . ~~55,926.00~~ 27,500.00
- ~~j~~(10) Franklin Township assessor . . . ~~55,926.00~~ 27,500.00
- ~~k~~(11) Lawrence Township assessor . . . ~~61,481.00~~ 27,500.00
- ~~l~~(12) Perry Township assessor . . . ~~60,556.00~~ 27,500.00
- ~~m~~(13) Pike Township assessor . . . ~~61,481.00~~ 27,500.00
- ~~n~~(14) Warren Township assessor . . . ~~60,556.00~~ 27,500.00
- ~~o~~(15) Washington Township assessor . . . ~~64,259.00~~ 27,500.00
- ~~p~~(16) Wayne Township assessor . . . ~~64,259.00~~ 27,500.00

~~(2)~~(b) ~~And~~ The county assessor, the county auditor, the county clerk, the county coroner, the county recorder, the county surveyor, and the county treasurer shall receive a deferred compensation plan funded by contributions equaling eight (8) percent of the officer's annual salary.

~~(3)~~(c) The county assessor, county auditor and county treasurer, as ex-officio county commissioners, in addition to other compensation may be provided the use of an automobile.

~~(4)~~(d) Effective for the 2002 calendar year and thereafter until modified, the following amounts are provided, which are in addition to and not part of the officer's annual salary:

~~a~~(1) The county assessor and each township assessor who has attained a level two certification under IC 6-1.1-35.5 shall receive annually the amount of one thousand dollars (\$1,000.00).

~~b~~(2) A deputy county ~~or township~~ assessor who has attained a level two certification under IC 6-1.1-35.5 shall receive annually the amount of five hundred dollars (\$500.00).

~~(5)~~(e) The salary for the county sheriff shall be fifty-two thousand three hundred thirty-eight dollars (\$52,338.00), which shall be increased to one hundred two thousand three hundred thirty-eight dollars (\$102,338.00) per annum if the sheriff has entered into a salary contract pursuant to either an applicable ordinance or IC 36-2-13-2.5

~~(6)~~(f) All elected county officers shall be entitled to participate in other employee benefits on the same basis as other county employees.

SECTION 2. This ordinance shall be in full force and effect beginning January 1, 2009 after adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 525, 2008. Councillor Smith reported that the Community Affairs Committee heard Proposal No. 525, 2008 on December 3, 2008. The proposal, sponsored by Councillors Day and Malone, approves a transfer of \$100,000 in the 2008 Budget of the Marion County Guardian Home (County General Fund) to provide for increased utility and food service expenses for the remainder of the year. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Smith moved, seconded by Councillor

McQuillen, for adoption. Proposal No. 525, 2008 was adopted on the following roll call vote; viz:

25 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), Mansfield, McHenry, McQuillen, Moriarty Adams, Nytes, Oliver, Plowman, Sanders, Scales, Speedy, Vaughn

0 NAYS:

2 NOT VOTING: Minton-McNeill, Pfisterer

2 ABSENT: Malone, Smith

Proposal No. 525, 2008 was retitled FISCAL ORDINANCE NO. 90, 2008, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 90, 2008

A FISCAL ORDINANCE amending the City-County Annual Budget for 2008 (City-County Fiscal Ordinance No. 78, 2007) appropriates One Hundred Thousand Dollars (\$100,000) in the County General Fund for purposes of the Marion County Guardian Home, and reducing certain other accounts for that agency, where applicable.

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 1.04 (n) of the City-County Annual Budget for 2008 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Guardian Home to fund increased utility and food service expenses for the remainder of the year, financed by a transfer between characters.

SECTION 2. The sum of One Hundred Thousand Dollars (\$100,000) be, and the same is hereby transferred and appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

| <u>MARION COUNTY GUARDIAN HOME</u> | <u>COUNTY GENERAL FUND</u> |
|------------------------------------|----------------------------|
| 1. Personal Services | 0 |
| 2. Supplies | 0 |
| 3. Other Services and Charges | 100,000 |
| 4. Capital Outlay | <u>0</u> |
| TOTAL INCREASE | 100,000 |

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

| <u>MARION COUNTY GUARDIAN HOME</u> | <u>COUNTY GENERAL FUND</u> |
|------------------------------------|----------------------------|
| 1. Personal Services | 100,000 |
| 2. Supplies | 0 |
| 3. Other Services and Charges | 0 |
| 4. Capital Outlay | <u>0</u> |
| TOTAL DECREASE | 100,000 |

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

PROPOSAL NO. 534, 2008. Councillor Cardwell reported that the Economic Development Committee heard Proposal No. 534, 2008 on November 24, 2008. The proposal, sponsored by Councillors Evans and Cardwell, recommends the granting of an "Economic Development for a Growing Economy" Credit to TriMedx, LLC. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Cardwell moved, seconded by Councillor McQuillen, for adoption. Proposal No. 534, 2008 was adopted on the following roll call vote; viz:

23 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), McHenry, McQuillen, Moriarty Adams, Nytes, Oliver, Plowman, Sanders, Scales, Speedy, Vaughn

1 NAY: Gray

3 NOT VOTING: Mansfield, Minton-McNeill, Pfisterer

2 ABSENT: Malone, Smith

Proposal No. 534, 2008 was retitled SPECIAL ORDINANCE NO. 9, 2008, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 9, 2008

A SPECIAL ORDINANCE recommending the granting of an “Economic Development for a Growing Economy” Credit to TriMedx, LLC.

WHEREAS, pursuant to IC 36-7-32, the Indiana Economic Development Corporation has designated INTECH Park as a Certified Technology Park; and

WHEREAS, TriMedx, LLC, a company providing clinical technology management services to the healthcare industry, is located in INTECH Park; and

WHEREAS, the Indiana Economic Development Corporation desires to extend tax credits to TriMedx, LLC, based on proposed job creation, job retention and capital investment by TriMedx, LLC; and

WHEREAS, the incentives include an Economic Development for a Growing Economy (hereinafter “EDGE”) Credit in the total amount of One Million Dollars (\$1,000,000.00) received over a period of seven (7) years; and

WHEREAS, IC 6-3.1-13-15(6) and IC 6-3.1-13-15.5(11) require the City-County Council to recommend the granting of an EDGE Credit to a business located in a Certified Technology Park; now, therefore,

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

SECTION 1. In accordance with IC 6-3.1-13-15(6) and IC 6-3.1-13-15.5(11), the City-County Council of the City of Indianapolis and Marion County, Indiana recommends the granting of an EDGE Credit to TriMedx, LLC, in the total amount of One Million Dollars (\$1,000,000.00) received over a period of seven (7) years and hereby agrees that the City or any redevelopment commissions established under IC 36-7-14 will be entitled to claim the increased incremental adjusted gross income tax withholdings paid by employees of TriMedx, LLC, to be deposited in any Certified Technology Park incremental tax financing fund established under IC 36-7-32-22 upon completion of the seven (7) year EDGE Credit award.

SECTION 2. The waiver of the Certified Technology Park’s ability to collect increment pursuant to IC 36-7-32 as set forth in this ordinance does not pertain in any way to the Certified Technology Park’s ability to collect increment from other current or future residents of this Park.

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

PROPOSAL NO. 543, 2008. Councillor Day reported that the Parks and Recreation Committee heard Proposal No. 543, 2008 on November 20, 2008. The proposal, sponsored by Councillor Day, approves a transfer of \$355,000 in the 2008 Budget of the Department of Parks and Recreation (Parks General Fund) to fund increased utility costs, tax anticipation warrant interest and fleet services expenses. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Day moved, seconded by Councillor McHenry, for adoption. Proposal No. 543, 2008 was adopted on the following roll call vote; viz:

December 8, 2008

25 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), McHenry, McQuillen, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Speedy, Vaughn

0 NAYS:

2 NOT VOTING: Mansfield, Minton-McNeill

2 ABSENT: Malone, Smith

Proposal No. 543, 2008 was retitled FISCAL ORDINANCE NO. 91, 2008, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 91, 2008

A FISCAL ORDINANCE amending the City-County Annual Budget for 2008 (City-County Fiscal Ordinance No. 78, 2007) transferring and appropriating Three Hundred Fifty Five Thousand Dollars (\$355,000) in the Parks General Fund for purposes of the Department of Parks & Recreation and reducing certain other accounts for that agency.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(k) of the City-County Annual Budget for 2008 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Parks & Recreation to place funding in the appropriate budget categories to account for increased utility, tax anticipation warrant interest and fleet services expenses.

SECTION 2. The sum of Three Hundred Fifty Five Thousand Dollars (\$355,000) be, and the same is hereby transferred and appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4 where applicable.

SECTION 3. The following additional appropriation is hereby approved:

| <u>DEPARTMENT OF PARKS & RECREATION</u> | <u>PARKS GENERAL FUND</u> |
|---|---------------------------|
| 1. Personal Services | 0 |
| 2. Supplies | 70,000 |
| 3. Other Services and Charges | 50,000 |
| 4. Capital Outlay | 0 |
| 5. Internal Charges | <u>235,000</u> |
| TOTAL INCREASE | 355,000 |

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

| <u>DEPARTMENT OF PARKS & RECREATION</u> | <u>PARKS GENERAL FUND</u> |
|---|---------------------------|
| 1. Personal Services | 95,000 |
| 2. Supplies | 0 |
| 3. Other Services and Charges | 0 |
| 4. Capital Outlay | 260,000 |
| 5. Internal Charges | <u>0</u> |
| TOTAL DECREASE | 355,000 |

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

PROPOSAL NO. 553, 2008. Councillor Vaughn reported that the Public Safety and Criminal Justice Committee heard Proposal No. 553, 2008 on November 19, 2008. The proposal, sponsored by Councillors Vaughn and Moriarty Adams, approves a transfer of \$10,000 in the 2008 Budget of the Department of Public Safety, Emergency Management Division (City Cumulative Capital Fund) to pay for emergency lights and other supplies needed for three emergency response vehicles. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Vaughn moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 553, 2008 was adopted on the following roll call vote; viz:

25 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), Mansfield, McHenry, McQuillen, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Speedy

0 NAYS:

2 NOT VOTING: Minton-McNeill, Vaughn

2 ABSENT: Malone, Smith

Proposal No. 553, 2008 was retitled FISCAL ORDINANCE NO. 92, 2008, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 92, 2008

A FISCAL ORDINANCE amending the City-County Annual Budget for 2008 (Fiscal Ordinance No. 78, 2007) appropriating Ten Thousand Dollars (\$10,000) in the City Cumulative Capital Fund, for the Department of Public Safety.

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 City-County Annual Budget for 2008, Section 1.01(j), be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Emergency Management Division, to pay for emergency lights and other supplies needed for three emergency response vehicles, financed by a transfer between characters.

SECTION 2. The sum of Ten Thousand Dollars (\$10,000) be, and the same is hereby transferred and appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

| <u>DEPARTMENT OF PUBLIC SAFETY</u> | <u>CITY CUMULATIVE CAPITAL FUND</u> |
|------------------------------------|-------------------------------------|
| 1. Personal Services | 0 |
| 2. Supplies | 10,000 |
| 3. Other Services and Charges | 0 |
| 4. Capital Outlay | 0 |
| 5. Internal Charges | 0 |
| TOTAL INCREASE | 10,000 |

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

| <u>DEPARTMENT OF PUBLIC SAFETY</u> | <u>CITY CUMULATIVE CAPITAL FUND</u> |
|------------------------------------|-------------------------------------|
| 1. Personal Services | 0 |
| 2. Supplies | 0 |
| 3. Other Services and Charges | 0 |
| 4. Capital Outlay | 10,000 |
| 5. Internal Charges | 0 |
| TOTAL REDUCTION | 10,000 |

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

PROPOSAL NO. 558, 2008. Councillor Vaughn reported that the Public Safety and Criminal Justice Committee heard Proposal No. 558, 2008 on November 19, 2008. The proposal, sponsored by Councillors Vaughn and D. Mahern, approves a transfer of \$223,683 in the 2008 Budget of the Marion County Sheriff's Department (County General and County Misdemeanant Funds) to pay for inmate meals and other contractual costs relating to jail facilities. By a 5-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Vaughn stated that he will abstain from voting on this proposal to avoid the appearance of a conflict of interest. Councillor Gray asked what that conflict is. Councillor

Vaughn said that this proposal affects a client his law firm represents. Although he does not represent the client directly and does not believe there is a direct conflict, he prefers to abstain to avoid the appearance of a conflict.

Councillor Pfisterer moved, seconded by Councillor Day, for adoption. Proposal No. 558, 2008 was adopted on the following roll call vote; viz:

25 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), Mansfield, McHenry, McQuillen, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Speedy
0 NAYS:
2 NOT VOTING: Minton-McNeill, Vaughn
2 ABSENT: Malone, Smith

Proposal No. 558, 2008 was retitled FISCAL ORDINANCE NO. 93, 2008, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 93, 2008

A FISCAL ORDINANCE amending the City-County Annual Budget for 2008 (City-County Fiscal Ordinance No. 78, 2007) transferring and appropriating Two Hundred Twenty Three Thousand Six Hundred Eighty-three Dollars (\$223,683) in the County General and County Misdemeanant funds for purposes of the Marion County Sheriff's Department and reducing certain other accounts for that agency, where applicable.

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 1.06 (b) of the City-County Annual Budget for 2008 be, and is hereby, amended by the increases and reductions hereinafter stated to pay for inmate meals and other contractual costs relating to jail facilities, financed by transfers between characters.

SECTION 2. The sum of Two Hundred Twenty Three Thousand Six Hundred Eighty-three Dollars (\$223,683) be, and the same is hereby transferred and appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4, where applicable.

SECTION 3. The following additional appropriation is hereby approved:

| <u>MARION COUNTY SHERIFF'S DEPARTMENT</u> | <u>COUNTY GENERAL FUND</u> |
|---|----------------------------|
| 1. Personal Services | 0 |
| 2. Supplies | 0 |
| 3. Other Services and Charges | 186,439 |
| 4. Capital Outlay | 0 |
| TOTAL INCREASE | 186,439 |

| <u>MARION COUNTY SHERIFF'S DEPARTMENT</u> | <u>COUNTY MISDEMEANANT FUND</u> |
|---|---------------------------------|
| 1. Personal Services | 0 |
| 2. Supplies | 0 |
| 3. Other Services and Charges | 37,244 |
| 4. Capital Outlay | 0 |
| TOTAL INCREASE | 37,244 |

SECTION 4. The said additional appropriation is funded by the reduction shown below:

| <u>MARION COUNTY SHERIFF'S DEPARTMENT</u> | <u>COUNTY GENERAL FUND</u> |
|---|----------------------------|
| 1. Personal Services | 0 |
| 2. Supplies | 0 |
| 3. Other Services and Charges | 0 |
| 4. Capital Outlay | 186,439 |
| TOTAL DECREASE | 186,439 |

| <u>MARION COUNTY SHERIFF'S DEPARTMENT</u> | <u>COUNTY MISDEMEANANT FUND</u> |
|---|---------------------------------|
| 1. Personal Services | 0 |
| 2. Supplies | 0 |
| 3. Other Services and Charges | 0 |
| 4. Capital Outlay | <u>37,244</u> |
| TOTAL DECREASE | 37,244 |

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

PROPOSAL NO. 559, 2008. Councillor Vaughn reported that the Public Safety and Criminal Justice Committee heard Proposal No. 559, 2008 on November 19, 2008. The proposal, sponsored by Councillor Moriarty Adams, approves an amendment to the Marion County Sheriff's Department Personnel Retirement Plan to allow retirees to qualify for an income tax deduction for medical insurance premiums paid for County retiree insurance, to reflect new requirements provided in the Internal Revenue Code, and to reflect the consolidation of the county police force. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Vaughn moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 559, 2008, as amended, was adopted on the following roll call vote; viz:

26 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), Mansfield, McHenry, McQuillen, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Speedy, Vaughn

0 NAYS:

1 NOT VOTING: Minton-McNeill

2 ABSENT: Malone, Smith

Proposal No. 559, 2008 was retitled GENERAL RESOLUTION NO. 19, 2008, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 19, 2008

A PROPOSAL FOR A GENERAL RESOLUTION to approve a fourth, fifth, and sixth amendment to the Marion County Sheriff's Department Personnel Retirement Plan to allow retirees to qualify for an income tax deduction for medical insurance premiums paid for County retiree insurance, to reflect new requirements provided in the Internal Revenue Code, and to reflect the consolidation of the county police force of the Marion County Sheriff's Department and the Indianapolis Police Department into the Indianapolis Metropolitan Police Department.

WHEREAS, the Marion County Sheriff's Department Personnel Retirement Plan was established by the Marion County Sheriff's Department, Indianapolis, Indiana, effective January 1, 1963 and completely restated effective January 1, 2002; and

WHEREAS, by Section 11.01 of the Marion County Sheriff's Department Personnel Retirement Plan, the Marion County Sheriff's Department reserved the right to amend the plan as provided for by state law and has amended such plan on three (3) prior occasions; and

WHEREAS, the Marion County Sheriff's Department desires to allow retirees to qualify for an income tax deduction for medical insurance premiums paid for County retiree insurance; and

WHEREAS, the Internal Revenue Service has required that retirement plans adopt amendments consistent with the final regulations issued under Section 415 of the Internal Revenue Code, and the Marion County Sheriff's Department desires to comply with such requirement; and

WHEREAS, Marion County Sheriff's Department desires to correct certain language in the plan that is confusing and/or inappropriate following the consolidation of the county police force of the Marion County Sheriff's Department and the Indianapolis Police Department into the Indianapolis Metropolitan Police Department; and

December 8, 2008

WHEREAS, state law mandates that a department may not establish or modify a retirement plan without approval of the county fiscal body; now therefore,

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

SECTION 1. Pursuant to the specific authority granted by Indiana Code 36-8-10-12.2, the amendment to the Marion County Sheriff's Department Personnel Retirement Plan by Fourth Amendment to the Marion County Sheriff's Department Personnel Retirement Plan, to allow retirees to qualify for an income tax deduction for medical insurance premiums paid for County retiree insurance, shall be and hereby is approved.

SECTION 2. Pursuant to the specific authority granted by Indiana Code 36-8-10-12.2, the amendment to the Marion County Sheriff's Department Personnel Retirement Plan by Fifth Amendment to the Marion County Sheriff's Department Personnel Retirement Plan, to make such plan consistent with the final regulations issued under Section 415 of the Internal Revenue Code, shall be and hereby is approved.

SECTION 3. Pursuant to the specific authority granted by Indiana Code 36-8-10-12.2, the amendment to the Marion County Sheriff's Department Personnel Retirement Plan by Sixth Amendment to the Marion County Sheriff's Department Personnel Retirement Plan, to correct certain language in the plan that is confusing and/or inappropriate following the consolidation of the county police force of the Marion County Sheriff's Department and the Indianapolis Police Department into the Indianapolis Metropolitan Police Department, shall be and hereby is approved.

SECTION 4. This resolution shall be in effect from and after its passage by the Council and compliance with Indiana Code Sec. 36-3-4-14.

PROPOSAL NO. 563, 2008. Councillor Hunter reported that the Public Works Committee heard Proposal No. 563, 2008 on December 4, 2008. The proposal, sponsored by Councillors Hunter and Speedy, approves a transfer of \$869,460 in the 2008 Budget of the Department of Public Works (Non-Lapsing Federal and State Grants, Federal and State Grants, and Consolidated County Funds) to place grant funding in the appropriate categories to properly account for expenses associated with the Clean Air, Retrofitting, and Hazardous Waste programs. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Hunter moved, seconded by Councillor Scales, for adoption. Proposal No. 563, 2008 was adopted on the following roll call vote; viz:

25 YEAS: *Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), Mansfield, McHenry, McQuillen, Moriarty Adams, Nytes, Pfisterer, Plowman, Sanders, Scales, Speedy, Vaughn*

0 NAYS:

2 NOT VOTING: *Minton-McNeill, Oliver*

2 ABSENT: *Malone, Smith*

Proposal No. 563, 2008 was retitled FISCAL ORDINANCE NO. 94, 2008, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 94, 2008

A FISCAL ORDINANCE amending the City-County Annual Budget for 2008 (City-County Fiscal Ordinance No. 78, 2007) transfers and appropriates Four Hundred Nineteen Thousand Six Hundred Nineteen Dollars (\$419,619) in the Federal Grants Fund; Three Hundred Fifteen Thousand Eight Hundred Forty One Dollars (\$315,841) in the State Grants Fund; One Hundred Twenty Two Thousand Dollars (\$122,000) in the Non-Lapsing Federal Grants Fund; and Twelve Thousand Dollars (\$12,000) in the Non-Lapsing State Grants Fund for purposes of the Department of Public Works, and reducing certain other accounts for that agency, where applicable.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 (i) of the City-County Annual Budget for 2008 be, and is hereby, amended by

Journal of the City-County Council

the increases and reductions hereinafter stated for purposes of the Department of Public Works to fund the placement of grant funding in the proper budget categories, within the Department of Public Works, to properly account for the expenses associated with the Clean Air, Retrofitting and Hazardous Waste programs.

SECTION 2. The sum of Eight Hundred Sixty Nine Thousand Four Hundred Sixty Dollars (\$869,460) be, and the same is hereby transferred and appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

| <u>DEPARTMENT OF PUBLIC WORKS</u> | <u>FEDERAL GRANTS FUND</u> |
|-----------------------------------|----------------------------|
| 1. Personal Services | 419,619 |
| 2. Supplies | 0 |
| 3. Other Services and Charges | 0 |
| 4. Capital Outlay | 0 |
| 5. Internal Charges | <u>0</u> |
| TOTAL INCREASE | 419,619 |

| <u>DEPARTMENT OF PUBLIC WORKS</u> | <u>STATE GRANTS FUND</u> |
|-----------------------------------|--------------------------|
| 1. Personal Services | 315,841 |
| 2. Supplies | 0 |
| 3. Other Services and Charges | 0 |
| 4. Capital Outlay | 0 |
| 5. Internal Charges | <u>0</u> |
| TOTAL INCREASE | 315,841 |

| <u>DEPARTMENT OF PUBLIC WORKS</u> | <u>NON-LAPSING FEDERAL GRANTS FUND</u> |
|-----------------------------------|--|
| 1. Personal Services | 0 |
| 2. Supplies | 0 |
| 3. Other Services and Charges | 0 |
| 4. Capital Outlay | 122,000 |
| 5. Internal Charges | <u>0</u> |
| TOTAL INCREASE | 122,000 |

| <u>DEPARTMENT OF PUBLIC WORKS</u> | <u>NON-LAPSING STATE GRANTS FUND</u> |
|-----------------------------------|--------------------------------------|
| 1. Personal Services | 0 |
| 2. Supplies | 0 |
| 3. Other Services and Charges | 12,000 |
| 4. Capital Outlay | 0 |
| 5. Internal Charges | <u>0</u> |
| TOTAL INCREASE | 12,000 |

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

| <u>DEPARTMENT OF PUBLIC WORKS</u> | <u>CONSOLIDATED COUNTY FUND</u> |
|-----------------------------------|---------------------------------|
| 1. Personal Services | 735,460 |
| 2. Supplies | 0 |
| 3. Other Services and Charges | 0 |
| 4. Capital Outlay | 0 |
| 5. Internal Charges | <u>0</u> |
| TOTAL INCREASE | 735,460 |

| <u>DEPARTMENT OF PUBLIC WORKS</u> | <u>NON-LAPSING FEDERAL GRANTS FUND</u> |
|-----------------------------------|--|
| 1. Personal Services | 0 |
| 2. Supplies | 10,000 |
| 3. Other Services and Charges | 112,000 |
| 4. Capital Outlay | 0 |
| 5. Internal Charges | <u>0</u> |
| TOTAL INCREASE | 122,000 |

December 8, 2008

| <u>DEPARTMENT OF PUBLIC WORKS</u> | <u>NON-LAPSING STATE GRANTS FUND</u> |
|-----------------------------------|--------------------------------------|
| 1. Personal Services | 0 |
| 2. Supplies | 0 |
| 3. Other Services and Charges | 0 |
| 4. Capital Outlay | 12,000 |
| 5. Internal Charges | 0 |
| TOTAL INCREASE | 12,000 |

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

PROPOSAL NO. 576, 2008. Councillor Cardwell reported that the Economic Development Committee heard Proposal No. 576, 2008 on November 224, 2008. The proposal, sponsored by Councillor Day, approves the issuance of bonds by the City of Beech Grove Redevelopment Commission. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Cardwell moved, seconded by Councillor Day, for adoption. Proposal No. 576, 2008 was adopted on the following roll call vote; viz:

26 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), Mansfield, McHenry, McQuillen, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Speedy, Vaughn

0 NAYS:

1 NOT VOTING: Minton-McNeill

2 ABSENT: Malone, Smith

Proposal No. 576, 2008 was retitled GENERAL RESOLUTION NO. 20, 2008, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 20, 2008

A GENERAL RESOLUTION approving the issuance of bonds by the City of Beech Grove Redevelopment Commission.

WHEREAS, IC 36-3-6-9 has previously provided for the approval of certain budgets by the City-County Council which excluded those entities contained solely within the boundaries of the excluded cities and towns within Marion County, Indiana (the "County"); and

WHEREAS, House Enrolled Act 1001 amended IC 36-3-6-9 to provide for expanded approval by the City-County Council of budgets, tax levies and issuance of bonds for those entities in the County whose governing bodies are not comprised of a majority of officials who are elected to serve on the governing body (the "Amendment"); and

WHEREAS, the Amendment may be interpreted to potentially include certain boards and commissions whose governing bodies are not comprised of a majority of officials who are elected to serve on the governing body, even though the jurisdiction of such boards or commissions is included solely within the boundaries of an excluded city or town; and

WHEREAS, the City of Beech Grove, Indiana, an excluded city, has completed negotiations with a developer for the acquisition and development of a regional medical office facility in the City of Beech Grove (the "Economic Development Project") that will create and retain employment opportunities in the City of Beech Grove; will benefit the health, safety, morals, and general welfare of the citizens of the City of Beech Grove and the State of Indiana; and will facilitate other improvements and development in the City of Beech Grove; and

WHEREAS, the City of Beech Grove Redevelopment Commission has agreed to issue tax increment revenue bonds (the "Development Bonds") for the purpose of providing incentives to the Economic Development Project which incentives are payable solely from the property taxes derived from the Economic Development Project; and

WHEREAS, the City of Beech Grove Redevelopment Commission approved the issuance of the Development Bonds by a resolution adopted on November 13, 2008; and

WHEREAS, the Common Council of the City of Beech Grove, Indiana approved the issuance of the Development Bonds by a resolution adopted on November 17, 2008

WHEREAS, the City-County Council finds that such project is of benefit to the economic development and stability of the City of Beech Grove, and the City of Indianapolis; 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 has reviewed the issuance of the Development Bonds by the City of Beech Grove Redevelopment Commission.

SECTION 2. The City-County Council hereby approves of the issuance of the Development Bonds by the City of Beech Grove, Indiana and the City of Beech Grove Redevelopment Commission for the Economic Development Project described herein.

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

SPECIAL SERVICE DISTRICT COUNCILS

**POLICE SPECIAL SERVICE DISTRICT
SPECIAL ORDERS – PUBLIC HEARING**

President Cockrum convened the Police Special Service District Council.

PROPOSAL NO. 552, 2008. Councillor Vaughn reported that the Public Safety and Criminal Justice Committee heard Proposal No. 552, 2008 on November 19, 2008. The proposal, sponsored by Councillors Vaughn and Moriarty Adams, approves a transfer and an appropriation of \$1,557,078 in the 2008 Budget of the Indianapolis Metropolitan Police Department (IMPD General, State Law Enforcement and City Cumulative Capital Improvement Funds) to pay for vehicle fuels and maintenance, emergency lights, computer mounting brackets, and other required accessories for new police cars and to move security cameras to the Monon Trail. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Vaughn moved, seconded by Councillor Moriarty Adams, to further amend Proposal No. 552, 2008 to make it a Police Special Service District Fiscal Ordinance, as a technical amendment. The proposal was amended by a unanimous voice vote.

Councillor Oliver said that he asked for a list from Officer Roach three weeks ago of where these cameras were relocated from, and he has still not received that information. Officer Roach stated that he sent that information today to Chairman Vaughn and indicated the areas from which the cameras were moved. Councillor Oliver asked how these locations were chosen. Officer Roach stated that they evaluated which cameras, if moved, would have the least amount of impact. Councillor Oliver said that moving cameras from high crime areas does not do the taxpayer any justice, even though the city might be saving money by not purchasing new cameras.

Councillor Brown asked if the crime on the Monon is actually higher than in these areas from where the cameras were taken. Officer Roach said that he cannot answer that question. Councillor Brown said that the camera on 46th and Arlington is a high crime area, where a murder just recently occurred.

Councillor Evans asked if all Councillors can get copies of the list of cameras moved. Officer Roach replied in the affirmative.

Councillor Nytes said that this is the first she has heard that the camera from 31st and Park would be moved and this causes her some concern. She said that she loves the Monon, but the crime statistics at 31st and Park are very high and she and the neighbors worked hard to get a camera located there. She said that she feels this is a real breach of faith between Councillors and the public safety leadership, as the moving of these cameras were not discussed with councillors. She said that she does not know what other options were considered, but she is stunned. She said that if public safety is truly this administration's number one priority, taking a crime prevention camera out of the second toughest block in her district does not make sense. She said that she is disappointed by this choice.

Councillor Bateman agreed and said that he is appalled that the camera was taken from 46th and Arlington, a police run hot spot where they have had four murders and hold regular prayer vigils. He said that drug trafficking in that area is high and the east side has the highest crime rate. He said that it is a shame the public and Councillors were not notified, and this action does not seem to put a very high priority on public safety.

Councillor D. Mahern asked about the financial cost to move the cameras and if this is truly the best way to use taxpayer dollars. Officer Roach said that it costs about \$4,500 to move and install a camera.

Councillor Mansfield asked why it took so long to receive this list, when it was asked for three weeks ago. Officer Roach said that the info was available two weeks ago, and he cannot answer that question. Councillor Mansfield said that the Monon is only used until dusk, and the cameras are being taken from areas that severely need increased public safety measures. She said that it seems the department is putting on a show for the media by moving cameras for a short-term fix versus areas where people live twenty-four hours a day.

Councillor Coleman said that he supports the proposal, but thinks maybe it needs more discussion. He moved to return Proposal No. 552, 2008 to committee. President Cockrum said that the proposal is a fiscal ordinance appropriating 2008 dollars, and returning it to committee would essentially kill the proposal.

Councillor Oliver said that he supports the proposal, but thinks the administration needs to reconsider these relocations.

Councillor Vaughn said that he is confident that policy makers evaluate and look at crime statistics before making decisions such as these. He said that he will invite those involved in this decision to attend Wednesday's committee hearing and urged Councillors to support the proposal and offer their questions at that meeting.

Councillor Coleman withdrew his motion to return Proposal No. 552, 2008 to committee.

Councillor D. Mahern said that he understood the cameras had already been moved, and the money has already been spent and the decisions made. Therefore, it does not seem like any input will benefit at the next meeting. He said that he would hope in the future the department would come to the Council with facts and not after actions and decisions have been made. He said that this is how the department runs short on funds.

Councillor Plowman said that these cameras were designed to be moved as dictated to follow high crime problems. He said that by moving the cameras around, they are not saying one area is more important than another.

Councillor Nytes said that, in the spirit of cooperation, the next time an action like this is taken, it would be nice if the department would give the district Councillor the courtesy of letting them know they will be moving resources out of an area where they are trying hard to tackle the crime issue.

Councillor Vaughn said that it is not appropriate for this body to micro-manage day-to-day operations and they should trust those entrusted with executing public safety to do that. He said that waiting for the Council to weigh in on every decision would be difficult, when it often takes 45 days for a proposal to get through the process. He agrees the information flow should be better, but does not want to halt the department's effectiveness by micro-managing.

Councillor B. Mahern said that he does not believe they are trying to micro-manage, but if high crime areas warrant cameras, the administration needs to make Councillors aware that they are no longer needed in their area.

Councillor Mansfield said that this points to a lack of information and communication between this administration and this Council. She said that communication is all after-the-fact, and she encouraged the administration to work harder on communicating with Councillors.

Councillor Hunter said that when Councillors attempt to control public safety daily decisions, they are micro-managing. He said that he agrees there needs to be more communication, but Councillors sometime also need to come forward and ask.

Councillor D. Mahern said that he is concerned about the cost of moving the cameras multiple times.

Councillor Brown said that he does not want to micro-manage public safety but would like to see the crime statistics and data, as it seems the crime on the Monon Trail gets more media attention and therefore more resources.

Councillor Plowman said that the cameras are put on a corner and are evident because of the flashing blue light. He said that criminals then move to other areas. To be completely effective, the cameras need to be moved occasionally, even though there is cost to moving them.

Councillor Oliver said that he will support the proposal, and also supports having personnel at the next meeting to answer questions.

Councillor Pfisterer said that the information about these cameras and their locations is interesting, but this is a fiscal proposal, and has nothing to do with the location of the cameras.

President Cockrum agreed and said that he is not sure talking about the changes in camera locations is the right thing to do on television, to which criminals have easy access.

President Cockrum called for public testimony at 11:19 p.m. There being no one present to testify, Councillor Vaughn moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 552, 2008, as amended, was adopted on the following roll call vote; viz:

December 8, 2008

22 YEAS: Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), McHenry, McQuillen, Moriarty Adams, Oliver, Pfisterer, Plowman, Sanders, Scales, Speedy, Vaughn
4 NAYS: Bateman, Gray, Mansfield, Nytes
1 NOT VOTING: Minton-McNeill
2 ABSENT: Malone, Smith

Proposal No. 552, 2008, as amended, was retitled POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 5, 2008, and reads as follows:

CITY-COUNTY POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 5, 2008

A POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE amending the Police Special Service District Annual Budget for 2008 (City-County Police Special Service District Ordinance No. 1, 2007) transferring and appropriating One Million Five Hundred Fifty Seven Thousand Seventy-eight Dollars (\$1,557,078) for the Indianapolis Metropolitan Police Department.

BE IT ORDAINED BY THE POLICE SPECIAL SERVICE DISTRICT COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the 2008 Annual Budget of the Police Special Service District, and are hereby, amended by the increases and reductions hereinafter stated to pay for vehicle fuels and maintenance, emergency lights, computer mounting brackets, and other required accessories for new police cars, to move security surveillance cameras to the Monon Trail and to pay personnel costs associated with the Metro Drug Task Force, financed by transfers between characters within the department's 2008 budget, and a re-appropriation of \$100,000 from the balance in the State Law Enforcement Fund.

SECTION 2. The sum of One Million Five Hundred Fifty Seven Thousand Seventy-eight Dollars (\$1,557,078) is hereby transferred and appropriated for the Indianapolis Metropolitan Police Department, for the purposes as shown in Section 3 by reducing the appropriated balance as shown in sections 4.

SECTION 3. The following additional appropriations are hereby approved:

| <u>INDIANAPOLIS METROPOLITAN POLICE DEPARTMENT</u> | <u>IMPD GENERAL FUND</u> |
|--|--------------------------|
| 1. Personal Services | 0 |
| 2. Supplies | 0 |
| 3. Other Services and Charges | 0 |
| 4. Capital Outlay | 0 |
| 5. Internal Charges | <u>1,192,078</u> |
| TOTAL INCREASE | 1,192,078 |

| <u>INDIANAPOLIS METROPOLITAN POLICE DEPARTMENT</u> | <u>STATE LAW ENFORCEMENT FUND</u> |
|--|-----------------------------------|
| 1. Personal Services | 100,000 |
| 2. Supplies | 0 |
| 3. Other Services and Charges | 25,000 |
| 4. Capital Outlay | 0 |
| 5. Internal Charges | <u>0</u> |
| TOTAL INCREASE | 125,000 |

| <u>INDIANAPOLIS METROPOLITAN POLICE DEPT</u> | <u>CITY CUMULATIVE CAPITAL FUND</u> |
|--|-------------------------------------|
| 1. Personal Services | 0 |
| 2. Supplies | 200,000 |
| 3. Other Services and Charges | 0 |
| 4. Capital Outlay | 0 |
| 5. Internal Charges | <u>0</u> |
| TOTAL INCREASE | 200,000 |

SECTION 4. The following accounts are hereby reduced:

| <u>INDIANAPOLIS METROPOLITAN POLICE DEPARTMENT</u> | <u>IMPD GENERAL FUND</u> |
|--|--------------------------|
| 1. Personal Services | 979,078 |
| 2. Supplies | 0 |
| 3. Other Services and Charges | 147,000 |

| | |
|---------------------|-----------|
| 4. Capital Outlay | 66,000 |
| 5. Internal Charges | 0 |
| TOTAL REDUCTION | 1,192,078 |

| | |
|--|-----------------------------------|
| <u>INDIANAPOLIS METROPOLITAN POLICE DEPARTMENT</u> | <u>STATE LAW ENFORCEMENT FUND</u> |
| 1. Personal Services | 0 |
| 2. Supplies | 0 |
| 3. Other Services and Charges | 0 |
| 4. Capital Outlay | 25,000 |
| 5. Internal Charges | 0 |
| TOTAL REDUCTION | 25,000 |

| | |
|--|-------------------------------------|
| <u>INDIANAPOLIS METROPOLITAN POLICE DEPT</u> | <u>CITY CUMULATIVE CAPITAL FUND</u> |
| 1. Personal Services | 0 |
| 2. Supplies | 0 |
| 3. Other Services and Charges | 0 |
| 4. Capital Outlay | 200,000 |
| 5. Internal Charges | 0 |
| TOTAL REDUCTION | 200,000 |

| | |
|---------------------------------|-----------------------------------|
| | <u>STATE LAW ENFORCEMENT FUND</u> |
| Unappropriated and Unencumbered | |
| State Law Enforcement Fund | 100,000 |
| TOTAL REDUCTION | 100,000 |

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

**FIRE SPECIAL SERVICE DISTRICT
SPECIAL ORDERS – FINAL ADOPTION**

President Cockrum convened the Fire Special Service District Council.

PROPOSAL NO. 554, 2008. Councillor Vaughn reported that the Public Safety and Criminal Justice Committee heard Proposal No. 554, 2008 on November 19, 2008. The proposal, sponsored by Councillors Moriarty Adams and Brown, approves a transfer of \$3,729,452 in the 2008 Budget of the Indianapolis Fire Department (Fire General, Consolidated County and Federal Grant Funds) to pay for overtime costs for firefighters and emergency medical personnel, fuel and maintenance for vehicles, and contractual and overtime expenses incurred when Task Force One was deployed to Hurricane Ike. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Cockrum called for public testimony at 11:44 p.m. There being no one present to testify, Councillor Vaughn moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 554, 2008 was adopted on the following roll call vote; viz:

- 26 YEAS: *Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), Mansfield, McHenry, McQuillen, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Speedy, Vaughn*
 0 NAYS:
 1 NOT VOTING: *Minton-McNeill*
 2 ABSENT: *Malone, Smith*

Proposal No. 554, 2008 was retitled FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 2, 2008, and reads as follows:

CITY-COUNTY FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 2, 2008

A FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE amending the City-County Annual Budget for 2008 (City-County Fire Special Service District Ordinance No. 1, 2007) appropriating Three Million Seven Hundred Twenty Nine Thousand Four Hundred Fifty-two Dollars (\$3,729,452) for the Indianapolis Fire Department.

BE IT ORDAINED BY THE FIRE SPECIAL SERVICE DISTRICT COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the 2008 Annual Budget of the Fire Special Service District, and are hereby, amended by the increases and reductions hereinafter stated to pay overtime expenses, fuel for fire apparatus and vehicles, and to pay expenses related to the Task Force One deployment to Hurricane Ike.

SECTION 2. The sum of Three Million Seven Hundred Twenty Nine Thousand Four Hundred Fifty-two Dollars (\$3,729,452) is hereby transferred and appropriated for the Indianapolis Metropolitan Fire Department, for the purposes as shown in Section 3 by reducing the appropriated balance as shown in sections 4.

SECTION 3. The following additional appropriations are hereby approved:

| | |
|---|-------------------------------------|
| <u>INDIANAPOLIS FIRE DEPARTMENT</u> | <u>FIRE GENERAL FUND</u> |
| 1. Personal Services | 2,276,176 |
| 2. Supplies | 0 |
| 3. Other Services and Charges | 0 |
| 4. Capital Outlay | 0 |
| 5. Internal Charges | <u>461,776</u> |
| TOTAL INCREASE | 2,737,952 |
| <u>INDIANAPOLIS FIRE DEPARTMENT</u> | <u>CONSOLIDATED COUNTY FUND</u> |
| 1. Personal Services | 556,500 |
| 2. Supplies | 0 |
| 3. Other Services and Charges | 0 |
| 4. Capital Outlay | 0 |
| 5. Internal Charges | <u>350,000</u> |
| TOTAL INCREASE | 906,500 |
| <u>INDIANAPOLIS FIRE DEPARTMENT</u> | <u>FEDERAL GRANTS FUND</u> |
| 1. Personal Services | 30,000 |
| 2. Supplies | 0 |
| 3. Other Services and Charges | 55,000 |
| 4. Capital Outlay | 0 |
| 5. Internal Charges | <u>0</u> |
| TOTAL REDUCTION | 85,000 |

SECTION 4. The following appropriations are hereby reduced:

| | |
|---|-------------------------------------|
| <u>INDIANAPOLIS FIRE DEPARTMENT</u> | <u>FIRE GENERAL FUND</u> |
| 1. Personal Services | 0 |
| 2. Supplies | 1,268,742 |
| 3. Other Services and Charges | 781,130 |
| 4. Capital Outlay | 622,704 |
| 5. Internal Charges | <u>0</u> |
| TOTAL REDUCTION | 2,672,576 |
| <u>INDIANAPOLIS FIRE DEPARTMENT</u> | <u>CONSOLIDATED COUNTY FUND</u> |
| 1. Personal Services | 0 |
| 2. Supplies | 89,156 |
| 3. Other Services and Charges | 153,666 |
| 4. Capital Outlay | 245,407 |
| 5. Internal Charges | <u>0</u> |
| TOTAL REDUCTION | 488,229 |

| <u>DEPARTMENT OF PUBLIC SAFETY</u> | <u>CONSOLIDATED COUNTY FUND</u> |
|------------------------------------|---------------------------------|
| 1. Personal Services | 350,000 |
| 2. Supplies | 1,900 |
| 3. Other Services and Charges | 31,780 |
| 4. Capital Outlay | 34,591 |
| 5. Internal Charges | 0 |
| TOTAL REDUCTION | 418,271 |

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

NEW BUSINESS

Councillor Sanders said that in keeping with the theme of fiscal responsibility, she would move that the president seek the postponement of the purchase of hybrid vehicles by the Indianapolis Metropolitan Police Department. Councillor Bateman seconded the motion. Councillor Hunter called for a point of order and said that there is no proposal before the Council regarding this matter, and Councillor Sanders should maybe make that request in written form to the chair of the Public Safety Committee. The motion failed on the following indecisive roll call vote; viz:

Councillor Sanders said that she did file a freedom of information act with Corporation Counsel today, and hopes they will be able to postpone this purchase and look at how the decision was made and what the real cost is.

Councillor Brown said that in the vein of open and transparent government, he would like the chair of the Public Safety Committee to ask someone to come to the meeting to give a report on this purchase, as it has been made privately. Councillor Vaughn said that it was a public blid through the Public Works Board. Councillor Hunter said that he is not against this, but will seek input and decide if this is the proper channel for such discussion. He said that he does not just want to promote news headlines by bringing such things up under New Business.

President Cockrum wished all Councillors, employees and citizens of Indianapolis a happy holiday season and a prosperous new year.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Sanders stated that she had been asked to offer the following motion for adjournment by:

- (1) Councillor Speedy in memory of Thomas E. Ochs; and
- (2) Councillor Hunter and Plowman in memory of Frank Motsinger; and
- (3) Councillor Hunter in memory of Richard Trzaskowski, Kaithlyn Ann "Katie" Stout, Teresa Haboush and Ellis Fowler; and
- (4) Councillor Moriarty Adams in memory of Evelyn Horrall; and
- (5) Councillor Cockrum in memory of Laura Kugelman and Jeannie Motsinger; and
- (6) Councillor Vaughn, Nytes and Sanders in memory of Vi Walker; and
- (7) Councillor Cain in memory of John D. Craig; and

December 8, 2008

- (8) Councillor Pfisterer in memory of Charles Everts, Lois Eldridge, Jerald Gillespie, Cecil Vinson, Martin Hunter, Stephen Schmidt, Edward Marcum, Jacquelyn Ginther, Francis Shoppenhorst, Chancey Lafollette, Richard Prince, William Lichtenberger and Jerry Quackenbush.

Councillor Sanders moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Thomas E. Ochs, Frank Motsinger, Richard Trzaskowski, Kaithlyn Ann "Katie" Stout, Teresa Haboush, Ellis Fowler, Evelyn Horrall, Laura Kugelman, Jeannie Motsinger, Vi Walker, John D. Craig, Charles Everts, Lois Eldridge, Jerald Gillespie, Cecil Vinson, Martin Hunter, Stephen Schmidt, Edward Marcum, Jacquelyn Ginther, Francis Shoppenhorst, Chancey Lafollette, Richard Prince, William Lichtenberger and Jerry Quackenbush. She respectfully asked the support of fellow Councillors. She further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 11:54 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 8th day of December, 2008.

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

President

ATTEST:

Clerk of the Council

(SEAL)

