

INTRODUCED: 08/23/2010

REFERRED TO: Rules and Public Policy Committee

SPONSOR: Councillor Vaughn

DIGEST: amends the Revised Code of the Consolidated City and County to correct certain obsolete references to the Indiana Code

SOURCE:

Initiated by: Office of Corporation Counsel

Drafted by: Mark A. Mertz, Assistant Corporation Counsel

LEGAL REQUIREMENTS FOR ADOPTION:

Subject to approval or veto by Mayor

PROPOSED EFFECTIVE DATE:

Adoption and approvals

GENERAL COUNSEL APPROVAL: _____

Date: August 18, 2010

CITY-COUNTY GENERAL ORDINANCE NO. _____, 2010

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to correct certain obsolete references to the Indiana Code.

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

SECTION 1. Section 251-231 of the "Revised Code of the Consolidated City and County," regarding the board of public safety, hereby 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:

Sec. 251-231. Board of public safety.

(a) *Established.* There is hereby established a board of public safety pursuant to IC 36-3-5-6 and IC 36-3-4-23.

(b) *Members.* The board shall be composed of five (5) members; the department director who serves as presiding member of the board; two (2) members appointed by the mayor and two (2) members appointed by the city-county council. Each appointed member shall serve a one-year term and until his or her successor is appointed and qualified, but serves at the pleasure of the appointing authority. In the event of a vacancy prior to the expiration of a term, the appointing authority shall appoint a member for the remainder of the unexpired term.

(c) *Meetings.* The board shall hold regular meetings at least once a month, at times and places prescribed by its rules or established by resolution. No notice to members is required for holding or taking any action at a regular meeting. A special meeting of the board may be called by the presiding officer or by two-fifths of the members, at any place in the county designated in the call. Each member shall be notified of the time and place of such a meeting by written notice ~~which that~~ must be delivered, mailed or sent by telegram so that each member has at least seventy-two (72) hours' notice of the meeting. The notice requirements may be waived as to a member if he or she attends the meeting or executes a written waiver of notice. The waiver may be executed either before or after the meeting, but if executed after, it must state in general terms the purpose of the meeting.

(d) *Board action.* A majority of all the members of the board constitutes a quorum. A majority vote of all the board members is required to pass a resolution.

(e) *Powers.* The board of public safety shall have the following powers:

- (1) To review all budgets prepared by the department and recommend to the director any revisions the board feels desirable;
- (2) To approve the award and amendment of contracts let by the department for the purchase or lease of capital equipment or other property where the contract is required to be bid under IC ~~36-1-9~~ 5-22;
- (3) To approve the award and amendment of public construction contracts let by the department ~~which~~ that are required to be bid under IC 36-1-12;
- (4) To approve the acquisition of and leases for real estate by the department;
- (5) To approve the employment of persons engaged by the department by contract to render professional or consulting services;
- (6) To approve the disposal of property by the department as specified in IC 36-1-11, excluding leases of real property, pursuant to IC 36-1-11, for the siting of cellular, digital personal communications systems, or other wireless communications systems towers and related equipment;
- (7) To make recommendations and suggestions to the director regarding the fiscal policy and management of the department and assist the director as he or she requests in the resolution of other issues and problems relating to departmental operations; and
- (8) Any other powers granted to the board by law or by the mayor or the city-county council.

SECTION 2. Section 261-405 of the "Revised Code of the Consolidated City and County," regarding the powers of the board of public works, hereby 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:

Sec. 261-405. Powers.

The board of public works shall:

- (1) Review all budgets prepared by the department of public works and recommend to the city-county council any revisions the board feels desirable~~;~~;
- (2) Review all budgets of the metropolitan thoroughfare district and recommend to the city-county council any revisions or adjustments as the board deems desirable~~;~~;
- (3) Hold any hearings to be held following public notice and make such findings and determinations required by applicable law to be made after such hearing, including but not limited to the issuance of special taxing district bonds~~;~~;
- (4) Approve the award and amendment of contracts by the department for the purchase or lease of capital equipment, supplies, materials, services, or other property where the contract is required to be bid under IC ~~36-1-9~~ 5-22;
- (5) Approve the award and amendment of public construction contracts required to be bid under IC 36-1-12~~;~~;
- (6) Approve the acquisition of and leases for real estate~~;~~;
- (7) Approve the disposal of property by the department of public works as specified in IC 36-1-11, excluding leases of real property, pursuant to IC 36-1-11, for the siting of cellular, digital personal communications systems, or other wireless communications systems towers and related equipment~~;~~;
- (8) Approve the employment of persons engaged by contract to render professional or consulting services~~;~~;

- (9) Accept streets and roads into the public road system after dedication pursuant to the procedure set forth in Chapter 691 of this Code. ~~Hold hearings on appeal from denial of permits or waivers under the jurisdiction of the department of public works.~~
- (10) Exercise waste collection and disposal powers as described in IC 36-9-31.
- (11) Exercise the powers given to the board of public works in Chapters 361, 391 and 671 of this Code.
- (12) Contract with any individual or corporation for supplying the city with gas, water, steam, power, heat or electricity, but any such contract shall be submitted to the city-county council for approval. ~~No such contract shall be for a term of longer than twenty-five (25) years; and this power shall not interfere with the exclusive power of the board of public works to enter into contracts for the lighting of public streets pursuant to this chapter.~~
- (13) Hold hearings on appeal from denial of permits or waivers under the jurisdiction of the department of public works.
- (14) Exercise the powers granted to the board of public works by IC 36-9-22, IC 36-9-37, IC 36-9-38 and IC 36-9-39.
- (15) Exercise all powers granted to the transportation board or capital asset management board by IC 36-9-6.5 and IC 36-9-11.1.
- (16) Contract with any individual or corporation for providing streetlights, maintenance for streetlights and lighting for streets, alleys or public places, but any such contract shall be submitted to the city-county council for approval. ~~No such contract shall be for a term of longer than twenty-five (25) years.~~
- (17) Exercise flood control power as described in IC 36-9-29.1, and drainage power as described in IC 36-9-27.
- (18) Exercise all powers not specifically stated herein formerly granted to the board of transportation, the board of public works, the board of capital asset management, or the board of asset management and public works.
- (19) Promulgate, pursuant to the procedures established in Chapter 141 of the Code, rules and regulations with respect to the department's powers, including but not limited to rules and regulations regarding contract administration and compliance of public construction pursuant to contracts awarded by the board or department of public works with regard to cost reduction incentives; and
- (20) Any other powers granted by statute or ordinance or delegated by the mayor.

SECTION 3. Section 283-322 of the "Revised Code of the Consolidated City and County," regarding the powers and duties of the Indianapolis-Marion County forensic services board, hereby 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:

Sec. 283-322. Powers and duties of the board.

The board shall have the following powers and duties; provided, however, no power or duty herein prescribed shall in any way be permitted to derogate the powers, duties or responsibilities of any elected official;

- (1) To determine the means of financing any forensic services, subject to the approval of the council where applicable, and to fix rates and formulas for invoicing nonsubject agencies for forensic services rendered;

- (2) To develop, maintain and communicate forensic services policies and administrative procedures for the agency;
- (3) To recommend to the mayor a director for the forensic services agency, subject to the approval of the council, who shall serve at the pleasure of the mayor, and who shall have such additional duties as established herein;
- (4) To promulgate rules and regulations for the efficient administration of its policies and procedures for all subject agencies;
- (5) To review all budgets prepared by the agency and recommend to the city-county council any revisions the board feels desirable;
- (6) To approve the award and amendment of contracts let by the agency as follows:
 - a. Contracts for the lease or purchase of capital equipment or other property if such lease or purchase is required to be bid under IC ~~36-1-9~~ 5-22;
 - b. Contracts for acquisition and lease of real estate; and
 - c. Contracts for public construction ~~which~~ that must be bid under IC 36-1-12;
- (7) To approve the employment of persons engaged by the agency by contract to render professional or consulting services; and
- (8) To delegate any functions to the director, subject to review by the board.

SECTION 4. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 5. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 6. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

The foregoing was passed by the City-County Council this _____ day of _____, 2010, at _____ p.m.

ATTEST:

Ryan Vaughn
President, City-County Council

Melissa Thompson
Clerk, City-County Council

Presented by me to the Mayor this _____ day of _____, 2010, at 10:00 a.m.

Melissa Thompson
Clerk, City-County Council

Approved and signed by me this _____ day of _____, 2010.

Gregory A. Ballard, Mayor