

CITY-COUNTY GENERAL ORDINANCE NO. 111, 2005
Proposal No. 622, 2005

A GENERAL ORDINANCE amending the Revised Code of the Consolidated City and County by amending Chapter 581, Human Relations, Equal Opportunity.

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

SECTION 1. Chapter 581 of the Revised Code of the Consolidated City and County is hereby amended by deleting the text that is stricken through and adding the language that is underlined as follows:

Chapter 581

HUMAN RELATIONS; EQUAL OPPORTUNITY

Article I. General Provisions

Sec. 581-101. Findings and purposes.
Sec. 581-102. Nondiscrimination clauses.
Sec. 581-103. Definitions.

Article II. Division of Equal Opportunity

Sec. 581-201. Division created; purpose.
Sec. 581-202. Composition and functions.
Sec. 581-203. General powers and duties.

Article III. Equal Opportunity Advisory Board

Sec. 581-301. Board created; purpose.
Sec. 581-302. Composition of board; appointment and terms of members.
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Sec. 581-304. General powers and duties.
~~Sec. 581-305. Internal employment practices committee; duties.~~
~~Sec. 581-306. Contract compliance committee; duties.~~

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Sec. 581-404. Persons and activities to which ~~sections 581-402 and section~~ section 581-403 of this chapter ~~do does~~ not apply.
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Sec. 581-406. Contents of complaint.
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Sec. 581-408. Timeliness of complaint.
Sec. 581-409. Referral of complaint to state civil rights commission.
Sec. 581-410. Receipt of complaint from state civil rights commission.
Sec. 581-411. Service of complaint on respondent; answer.
Sec. 581-412. Investigation and conciliation.
Sec. 581-413. Complaint adjudication committee; hearing officer; ~~duties.~~
Sec. 581-414. Hearings, findings and recommendations when conciliation not effected.
Sec. 581-415. Court enforcement.
Sec. 581-416. Other remedies.

ARTICLE I. GENERAL PROVISIONS

Sec. 581-101. Findings and purposes.

(a) The council finds that the practice of denying equal opportunities in employment, education, access to and use of public accommodations, and acquisition of real estate based on race, color, religion, ancestry, ~~age, national origin, handicap, or sex~~ disability, sex, sexual orientation, gender identity, or United States military service veteran status is contrary to the principles of freedom and equality of opportunity and is a burden to the objectives of the policies contained herein and shall ~~be~~ be considered discriminatory practices.

(b) It is the purpose of this chapter to carry out the following policies of the city and county:

(1) To provide equal employment opportunity in all city and county jobs without regard to race, color, religion, ~~handicap~~ disability, national origin, ancestry, age, sex, sexual orientation, gender identity, or disabled veteran, or United States military service Vietnam-era veteran status;

(2) To encourage the hiring of the ~~handicapped~~ persons with disabilities in both the public and the private sectors and to provide persons with disabilities with equal access to the handicapped to public accommodations;

(3) To utilize minority-owned businesses enterprises (MBEs) for public works projects, procurement of goods, securing goods and services for the city and county in a dollar amount equal to at least ten (10) fifteen (15) percent of monies spent by the city and county;

(4) To utilize women-owned businesses enterprises (WBEs) for public works projects, procurement of goods and services for the city and county in a dollar amount equal to at least eight (8) percent of monies spent by the city and county; encourage the utilization of women in construction and industry;

(5) To utilize businesses owned by persons with disabilities;

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

(67) To provide all citizens of the city and county equal opportunity for education, employment, and access to public accommodations without regard to race, religion, color, ~~handicap, sex~~ disability, sex, sexual orientation, gender identity, national origin, ancestry, age, ~~or disabled veteran~~ or United States military service Vietnam-era veteran status; and

(78) To provide all citizens of the city and county equal opportunity for acquisition through purchase or rental of real property including, but not limited to, housing without regard to race, ~~sex, religion or national origin~~ religion, color, disability, sex, sexual orientation, gender identity, familial status, national origin, ancestry, age or United States military service veteran status.

Sec. 581-102. Nondiscrimination clauses.

(a) Every contract to which one (1) of the parties is the city or the county, or any board, department or office of either the city or county, including franchises granted to public utilities, shall contain a provision requiring the governmental contractor and subcontractors not to discriminate against any employee or applicant for employment in the performance of the contract, with respect to hire, tenure, terms, conditions or privileges of employment, or any matter directly or indirectly related to employment, because of race, sex, sexual orientation, gender identity, religion, color, national origin, ancestry, age, ~~handicap~~ disability, disabled veteran status and United States military service Vietnam-era veteran status. Breach of this provision may be regarded as a material breach of the contract.

(b) All applications, postings, announcements, and advertisements recruiting applicants for employment with the city or county shall conspicuously post in the bottom margin of such recruiting bids a clause as follows: "An Affirmative Action Equal Employment Opportunity Employer."

Sec. 581-103. Definitions.

Unless defined otherwise in this section, terms used in this chapter shall have the meanings ascribed to them in the Indiana Civil Rights Law (currently codified at IC 22-9-1-1 *et seq.*), and/or the Indiana Fair Housing Law (currently codified at IC 22-9.5-1-1 *et seq.*), as those laws may be amended from time to time. Unless this chapter expressly creates greater rights or protections than the Indiana Civil Rights Law and/or the Indiana Fair Housing Law, it is the general intent of this chapter to provide the same rights and protections as the Indiana Civil Rights Law and/or the Indiana Fair Housing Law.

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

Acquisition of real estate means the sale, rental, lease, sublease, advertising, construction or financing, including negotiations and any other activities or procedures incident thereto, of:

(1) Any building, structure, apartment, single room or suite of rooms or other portion of a building, occupied as or designed or intended for occupancy as living quarters by one (1) or more families or single individuals;

(2) Any building, structure or portion thereof, or any improved or unimproved land utilized or designed or intended for utilization, for business, commercial, industrial or agricultural purposes; or

(3) Any vacant or unimproved land offered for sale or lease for any purpose whatsoever.

Appointing authorities means and includes the mayor, council and such other person or agency as may be entitled to appoint any member of the equal opportunity advisory board created in this chapter.

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

Board means the equal opportunity advisory board.

Complainant means any person who signs a complaint on his or her own behalf alleging that he or she has been aggrieved by a discriminatory practice.

Complaint means a written grievance filed with the division of equal opportunity, either by a complainant or by the board or division, which meets all the requirements of sections 581-406 and 581-407 of this chapter.

Disability means "disability" as that term is defined in the Americans with Disabilities Act ("ADA"), as that Act may be amended from time to time, and as that definition may be interpreted by the federal courts. To the extent that the ADA would require a person to be a "qualified individual with a disability" in order to be protected from a specific form or type of discrimination under the ADA, then the same is true with respect to this Chapter.

Discriminatory practice means and includes the following:

(1) The exclusion from or failure or refusal to extend to any person equal opportunities or any difference in the treatment of any person by reason of race, sex, sexual orientation, gender identity, religion, color, national origin or ancestry, handicap disability, age, ~~disabled veteran~~ or United States military service ~~Vietnam era~~ veteran status;

(2) The exclusion from or failure or refusal to extend to any person equal opportunities or any difference in the treatment of any person, because the person filed a complaint alleging a violation of this chapter, testified in a hearing before any members of the board or otherwise cooperated with the division or board in the performance of its duties and functions under this chapter, or requested assistance from

the board in connection with any alleged discriminatory practice, whether or not such discriminatory practice was in violation of this chapter; and

(3) In the case of a real estate broker or real estate salesperson or agent, acting in such a capacity in the ordinary course of his or her business or occupation, who does any of the following:

a. Any attempt to prevent, dissuade or discourage any prospective purchaser, lessee or tenant of real estate from viewing, buying, leasing or renting the real estate because of the race, sex, sexual orientation, gender identity, religion or, national origin, age, color, disability, ancestry, familial status or United States military service veteran status of:

1. Students, pupils or faculty of any school or school district;

2. Owners or occupants, or prospective owners or occupants, of real estate in any neighborhood or on any street or block; provided, however, this clause shall not be construed to prohibit disclosure in response to inquiry by any prospective purchaser, lessee or tenant of:

(i) Information reasonably believed to be accurate regarding such race, sex, sexual orientation, gender identity, religion or, national origin, age, color, disability, ancestry, familial status, or disabled veteran or United States military service veteran status; or

(ii) The honest professional opinion or belief of the broker, salesperson or agent regarding factors which may affect the value or desirability of property available for purchase or lease;

b. Any solicitation, promotion, advertisement or ~~at tempt~~ attempt to influence or induce any owner to sell, lease or list for sale or lease any real estate, which solicitation, promotion, advertisement or attempted inducement includes representations concerning:

1. Race, sex, sexual orientation, gender identity, religion or, national origin, age, color, disability, ancestry, familial status or United States military service veteran status of present, prospective or possible purchasers or occupants of real estate in any area, neighborhood or particular street or block;

2. Present, prospective or possible neighborhood unrest, tension or change in the race, sex, sexual orientation, gender identity, religion or, national origin, age, color, disability, ancestry, familial status or United States military service veteran status of occupants or prospective occupants of real estate in any neighborhood or any street or block;

3. Present, prospective or possible decline in market value of any real estate by reason of the present, prospective or possible entry into any neighborhood, street or block of persons of a particular race, sex, sexual orientation, gender identity, religion or, national origin, age, color, disability, ancestry, familial status or United States military service veteran status; or

4. Present, prospective or possible decline in the quality of education offered in any school or school district by reason of any change in the race, sex, sexual orientation, gender identity, religion or, national origin, age, color, disability, ancestry, familial status, or United States military service veteran status of the students, pupils or faculty of such school or district.

(4) Making unavailable or denying the sale or rental of a dwelling to any buyer or renter, or the refusal to extend to any person equal opportunities in the terms, conditions, or privileges of the sale or rental of a dwelling or in the provision of services or facilities in connection with the dwelling because of a disability of:

1. the buyer or renter;
2. a person residing in or intending to reside in the dwelling after the dwelling is sold, rented, or made available; or
3. any person associated with the buyer or renter.

b. For purposes of this subsection (4), discrimination includes the following:

1. a refusal to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises.
2. a refusal to make reasonable accommodations in rules, policies, practices, or services, when the accommodations may be necessary to afford the person equal opportunity to use and enjoy a dwelling.
3. In connection with the design and construction of covered multifamily dwellings (as defined in the Indiana Civil Rights Law, as that law may be amended from time to time) for first occupancy after March 13, 1991, a failure to design and construct those dwellings in a manner that:
 - (A) the public use and common use parts of the dwellings are readily accessible to and usable by persons with disabilities;
 - (B) all the doors are designed to allow passage into and within all premises within the dwellings and are sufficiently wide to allow passage by persons with disabilities in wheelchairs; and
 - (C) all premises within the dwellings contain the following features of adaptive design:
 - (i) An accessible route into and through the dwelling.
 - (ii) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations.
 - (iii) Reinforcements in bathroom walls to allow later installation of grab bars.
 - (iv) Usable kitchens and bathrooms so that an individual in a wheelchair can maneuver about the space.

c. Compliance with the rules of the fire prevention and building safety commission that incorporate by reference the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for people with physical disabilities (ANSI A117.1) satisfies the requirements of subsection 4(b)(3)(C).

d. This section does not require that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

Division means the division of equal opportunity created by this chapter.

Education means the construction, maintenance or operation of any school or educational facility utilized or intended to be utilized for the education or training of persons residing within the territorial jurisdiction

of the division and controlled by a public governmental board or agency which operates one (1) or more elementary or secondary schools.

Employer means:

(1) Any political subdivision within the county, not represented by the office of corporation counsel under section 202-103 of the Code and any separate municipal corporation which has territorial jurisdiction primarily within the county; and

(2) Any person who employs at the time of any alleged violation six (6) or more employees within the territorial jurisdiction of the division.

Employment means a service performed by an individual for compensation on behalf of ~~an employer~~ another person, except for:

(1) Services performed by an individual who in fact is engaged in an independently established trade, occupation, business or profession, and who has been and will continue to be free from direction or control over the manner of performance of such services;

(2) Services performed by an agent who receives compensation solely upon a commission basis and who controls his or her own time and efforts; or

(3) Services performed by an individual in the employ of his or her spouse, child or parent.

Employment agency means and includes any person who undertakes, with or without compensation, to procure, recruit, refer or place any individual for employment.

Familial status means an individual who is (1) pregnant; (2) domiciled with an individual younger than eighteen (18) years of age in regard to whom the person: (A) is the parent or legal custodian; or (B) has the written permission of the parent or legal custodian for domicile with that person; or (3) in the process of obtaining legal custody of an individual younger than 18 years of age.

Gender identity means an individual having or being perceived as having a gender-related self-identity, self-image, appearance, expression or behavior different from those characteristics traditionally associated with the individual's assigned sex at birth.

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

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

Owner means and includes the title holder of record, a contract purchaser, lessee, sub lessee, managing agent or other person having rights of ownership or possession, or the right to sell, rent or lease real estate.

Person means and includes one (1) or more individuals, partnerships, associations, organizations, cooperatives, legal representatives, trustees, trustees in bankruptcy, receivers, governmental agencies and other organized groups of persons.

Public accommodation means an establishment which caters to or offers its services, facilities or goods to the general public.

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

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

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

Respondent means one (1) or more persons against whom a complaint is filed under this chapter, and who the complaint alleges has committed or is committing a discriminatory practice.

Sexual orientation means an individual's actual or perceived identity or practice as a lesbian woman, gay male, bisexual person or heterosexual person.

ARTICLE II. DIVISION OF EQUAL OPPORTUNITY

Sec. 581-201. Division created; purpose.

There is hereby created a division of equal opportunity within the department of administration. This division and its board are empowered as provided in this chapter to carry out the public policy of the state as stated in the Indiana Civil Rights Law at IC 22-9-1-2, and the Indiana Fair Housing Law, at IC 22-9.5-1-1, within the territorial boundaries of the county, and the public policy of the City, as stated in this Chapter.

Sec. 581-202. Composition and functions.

The division shall be directed by an administrator who shall also be the affirmative action officer for the city and county. The administrator shall be appointed by and serve at the pleasure of the mayor and shall be responsible for performing the following functions:

(1) To monitor internal employment practices as follows:

a. By ensuring that city and county government offers equal employment opportunities to persons regardless of race, religion, color, sex, sexual orientation, gender identity, national origin, ancestry, age, ~~handicap~~ disability, or disabled veteran or United States military service Vietnam era veteran status;

b. By providing a vehicle through which employees may seek redress for alleged discriminatory acts by city and county government and/or retaliatory acts by city or county government for filing or assisting in the discrimination complaint process;

c. By establishing affirmative action goals for city and county government;

d. By complying with federal reporting requirements concerning affirmative action and equal opportunity; and

e. By reviewing policies and procedures of the city and the county to eliminate discriminatory practices;

(2) To monitor contract compliance as follows:

a. By ensuring compliance with federal grant requirements respective to the utilization of minority business enterprises and women business enterprises;

b. By reviewing city-county contracts to assure compliance with relevant federal, state and local laws and regulations on affirmative action and equal employment;

c. By functioning as a liaison between the city-county and its contractors by providing technical assistance in developing affirmative action goals and monitoring these compliance efforts to meet established goals; and

d. By managing and implementing the minority and women business enterprises programs, and by monitoring city and county purchasing as specified in subsection 581-101(b)(3) of this chapter;

(3) To evaluate the effect which state and federal prevailing wage legislation has on:

a. The employment and training of minorities, families, ~~handicapped~~ persons with disabilities and other protected groups in public construction projects funded in whole or in part by the city or county; and

b. Employers and particularly minority- and women-owned business enterprises in bidding and working in public construction projects funded in whole or in part by the city or county;

As part of its evaluation, the division shall annually conduct surveys to determine the prevailing wage rates for various classes of construction work in private construction projects in the county; and

(4) To receive, investigate and adjudicate community complaints as specified in ~~sections 581-406 through 581-416~~ Article IV of this chapter.

Sec. 581-203. General powers and duties.

In addition to the functions previously mentioned in section 581-202 of this chapter, the division shall have the following powers and duties:

(1) To gather and distribute information for the purpose of improving human relations and removing inequities ~~to protected groups~~ in the areas of housing, recreation, education, employment, law enforcement, vocational guidance and related matters;

(2) To assist other governmental and private agencies, groups and individuals in reducing community tensions and preventing conflicts between persons of different racial, ethnic and religious groups;

(3) To discourage persons from engaging in discriminatory practices through informal methods of persuasion and conciliation and through programs of public information and education;

(4) To furnish technical assistance upon request to persons to assist them in eliminating discriminatory practices or otherwise implementing the policy and purposes of the Indiana Civil Rights Law and the Indiana Fair Housing Law;

(5) To make such general investigations, studies and surveys as the division shall deem necessary for the performance of its duties;

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

(7) To cooperate with the state civil rights commission, any appropriate federal, state or local agencies, and with private organizations, individuals and neighborhood associations in order to effectuate the purposes of this chapter and to further compliance with federal, state and local laws and ordinances prohibiting discriminatory practices; and

(8) To perform any other duties assigned by ordinance or the mayor.

ARTICLE III. EQUAL OPPORTUNITY ADVISORY BOARD

Sec. 581-301. Board created; purpose.

There is hereby created an equal opportunity advisory board empowered as provided in this chapter to carry out the public policy of the state as stated in the Indiana Civil Rights Law at IC 22-9-1-2, and the Indiana Fair Housing Law, at IC 22-9.5-1-1, within the territorial boundaries of the county, and the public policy of the City, as stated in this Chapter.

Sec. 581-302. Composition of board; appointment and terms of members.

(a) The Effective July 1, 2006, the board shall consist of ~~twenty-two (22)~~ fourteen (14) members. ~~Fourteen~~ Eight (4-8) members shall be appointed by the mayor and ~~eight six (86)~~ members shall be appointed by the council. In addition, the administrator shall be an ex officio member of the board. In the appointment of members, the mayor and the council shall consider the following:

(1) No more than ~~seven~~ four (7 4) members of the board appointed by the mayor shall be from any one (1) political party. No more than ~~four~~ three (-4 -3) members of the board appointed by the council shall be from any one (1) political party; and

(2) In making appointments to the board, the mayor and the council shall take into consideration all interests in the community, including but not limited to age, racial, ethnic, sexual, sexual orientation, gender identity, religious and economic groups, business, labor, ~~the handicapped persons with disabilities~~ and the general public.

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

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

~~(d) In making the original appointments to the board, the mayor shall designate five (5) appointees to serve three-year terms; five (5) appointees to serve two-year terms and four (4) appointees to serve one-year terms; and the council shall designate three (3) appointees to serve three-year terms; three (3) appointees to serve two-year terms and two (2) appointees to serve one-year terms. Subsequent All appointments to the Board that were made prior to December 1, 2005, and that have not otherwise expired shall expire on July 1, 2006. All appointments made on or after December 1, 2005, shall be for three-year terms beginning on the first day of January/July and ending three (3) years later on the last day of December/June. Any member of the board whose term has expired after July 1, 2006, may continue in office until a successor has been appointed.~~

(e) The mayor shall appoint from the membership of the board a chairperson who shall serve a one-year term and until his or her successor is appointed and qualified, but serves at the pleasure of the mayor.

(f) The chairperson shall appoint a vice-chairperson and a secretary to serve during his or her term of office.

Sec. 581-303. Meetings; vote required for board action.

The board shall hold regular meetings every two (2) months on a day agreed upon by the board. The board shall hold special meetings as may be called by two-thirds (2/3) of the membership. ~~One-half~~ Seven (1/27) of the members of the board, ~~excluding vacancies,~~ shall constitute a quorum at any meeting. A majority vote of those in attendance shall be necessary for action, except in the case of a determination after hearing provided in section 581-414 of this chapter, when a majority of the members of the board not disqualified from participation in such determination shall be required. ~~The~~ In the event of an appeal to the board as provided under 581-414 of this chapter, the chairperson of the board shall not be allowed to vote, except in case of a tie, when the chairperson of the board may cast the deciding vote.

The administrator shall not be allowed to vote in an appeal to the board provided under 581-414 of this chapter. As to all other matters, the administrator shall not be allowed to vote, except in case of a tie, when the administrator may cast the deciding vote.

Sec. 581-304. General powers and duties.

The board shall have the following powers and duties:

(1) To appoint an executive committee, a majority of which shall constitute a quorum, which committee shall be authorized to act upon emergency matters between meetings of the board; provided, however, the executive committee shall not take any action inconsistent with action previously taken or policies adopted by the board, and the executive committee shall not exercise any of the powers or functions of the board under sections 581-405 through 581-415 of this chapter; all officers of any executive committee appointed by the board must be members of the board;

~~(2) To establish three (3) standing committees, composed of seven (7) board members each, and each to deal with one (1) of the following subject matters:~~

(2) (a) To establish a committee on contract compliance composed of at least five (5) members of the board. The committee shall meet at such times as the members of the committee shall deem necessary. The committee shall have the power to establish and adopt rules for the conduct of its affairs.

~~a. Internal employment practices;~~

(b) The duties of the contract compliance committee shall include:

~~b. Contract compliance; and~~

(1) To review contract compliance procedures and make recommendations concerning their effective and efficient operation; and

~~c. Complaint adjudication;~~

(2) To make recommendations for improving the utilization of minority and women businesses by the city and county.

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

(3) To establish other standing and ad hoc committees, as the board deems necessary.

(34) To advise the division in formulating policies designed to effectuate the purposes of this chapter and to make such recommendations to the mayor and the council as the board shall deem appropriate to implement such policies;

(45) To adopt, amend and rescind procedural and substantive rules and regulations for the conduct of its affairs, not inconsistent with the provisions or intent and purposes of this chapter, as the board shall deem necessary or appropriate; the rules or regulations shall be adopted subject to the provisions of Chapter 151, Article VIII of the Code;

(5-6) To adjudicate claims of discrimination in a manner consistent with the provisions of this Chapter;

(7) To facilitate advancement of the policies identified in section 581-101.

(8) To exercise such additional powers or functions as may be delegated to the board by ordinance or by executive order validly adopted and promulgated by the mayor; and

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

~~Sec. 581-305. Internal employment practices committee; duties.~~

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

~~(b) The duties of the internal employment practices committee shall include:~~

~~(1) To review employment policies and procedures of the city and county and make recommendations to eliminate discriminatory employment practices;~~

~~(2) To review internal employment programs in the area of equal employment opportunity and affirmative action and make recommendations concerning their effective and efficient operation; and~~

~~(3) To provide recommendations for establishing and achieving affirmative action goals. (G.O. 125, 1998, § 1)~~

~~Sec. 581-306. Contract compliance committee; duties.~~

~~(a) A committee on contract compliance is hereby established. The committee shall be composed of seven (7) members of the board. The committee shall meet quarterly and at such other times as the members of the committee shall deem necessary. The committee shall have the power to establish and adopt rules for the conduct of its affairs.~~

~~(b) The duties of the contract compliance committee shall include:~~

~~(1) To review contract compliance procedures and make recommendations concerning their effective and efficient operation; and~~

~~(2) To make recommendations for improving the utilization of minority and women businesses by the city and county.~~

ARTICLE IV. COMPLAINT ADJUDICATION

Sec. 581-401. Territorial application.

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

(1) Acquisition of real estate;

(2) Employment;

(3) Education controlled by any public board or agency; or

(4) Public accommodations.

(G.O. 125, 1998, § 1)

~~Sec. 581-402. Unlawful acts other than discriminatory practices; penalty. False complaints.~~

~~(a) It shall be unlawful for any person to discharge, expel or otherwise discriminate against any other person because that person:~~

- (1) ~~Has filed a complaint alleging a violation of section 581-403 of this chapter;~~
- (2) ~~Has testified in a hearing before the board or any committee thereof;~~
- (3) ~~Has otherwise cooperated with the board or division in the performance of their duties and functions; or~~
- (4) ~~Has requested assistance from the board or division in connection with any alleged discriminatory practice, whether or not the discriminatory practice was in violation of section 581-403 of this chapter.~~
- ~~(b) It shall be unlawful for any person willfully to file a complaint alleging a violation of section 581-403 of this chapter with knowledge that the complaint is false in any material respect. A violation of this subsection constitutes the false reporting of a crime (currently codified at section 401-101) in violation of this Code.~~
- ~~(c) Any person who violates any of the provisions of this section shall, upon conviction, be subject to fine in an amount not less than ten dollars (\$10.00) nor more than three hundred dollars (\$300.00); provided, however, no such fine shall be imposed upon any person against whom the board or division has proceedings under this chapter with respect to any violation of subsection (a) of this section, which violation is also a discriminatory practice. Any proceeding to impose a penalty under this section shall be commenced within six (6) months after the date the violation occurred.~~

Sec. 581-403. Discriminatory practices declared unlawful.

Each discriminatory practice as defined in section 581-103 of this chapter (including any retaliatory practice encompassed within the definition of "discriminatory practice") shall be considered unlawful unless it is specifically exempted by this chapter.
(G.O. 125, 1998, § 1)

Sec. 581-404. Persons and activities to which ~~sections 581-402 and~~ section 581-403 of this chapter ~~does~~ not apply.

- ~~(a) Sections 581-402 and Section 581-403 of this chapter shall not apply to employment performed for the city and department or agency thereof, or any employment performed for the county and departments or agency thereof which is represented by the office of corporation counsel under section 202-103 of the Code.~~
- ~~(a) b~~ The provisions of ~~sections 581-402 and~~ section 581-403 of this chapter shall not ~~include~~ apply to any not-for-profit corporation or association organized exclusively for fraternal or religious purposes, nor to any school, education, charitable or religious institution owned or conducted by, or affiliated with, a church or religious institution, nor any exclusively social club, corporation or association that is not organized for profit and is not in fact open to the general public.
- ~~(b) e~~ ~~Sections 581-402 and~~ Section 581-403 of this chapter shall not apply to the rental of rooms in a boardinghouse or rooming house or single-family residential unit; provided, however, the owner of the building unit actually maintains and occupies a unit or room in the building as his or her residence and, at the time of the rental, the owner intends to continue to so occupy the unit or room therein for an indefinite period subsequent to the rental.
- ~~(c) d~~ Section 581-403 of this chapter shall not apply to housing that meets the definition of "housing for older persons" as contained in the Indiana Fair Housing Law, as that law may be amended from time to time.
- ~~(d) e~~ The following shall not be discrimination on the basis of sex:

- (1) For any person to maintain separate restrooms or dressing rooms for the exclusive use of either sex; and

(2) For an employer to hire and employ employees; for an employment agency to classify or refer for employment any individual; for a labor organization to classify its membership or to classify or refer for employment any individual; or for an employer, labor organization or joint labor management committee, controlling apprenticeship or other training or retraining programs, to admit or employ any individual in any such program; on the basis of sex in those certain instances where sex is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.
(G.O. 125, 1998, § 1)

Sec. 581-405. Grounds for complaint; persons who may file.

(a) A complaint charging that any person has engaged in or is engaging in a discriminatory practice prohibited by ~~sections 581-402 and/or~~ section 581-403 of this chapter may be filed with the division by any person claiming to be aggrieved by the practice, ~~or by one (1) or more members of the board or by one (1) or more~~ employees of the division who have reasonable cause to believe that such a violation has occurred, in any of the following circumstances:

(1) In the case of the acquisition of real estate, against the owner of the real estate, a real estate broker, real estate salesperson or agent, or a lending institution or appraiser;

(2) In the case of education, against the governing board of any public school district which operates schools within the territorial limits of the consolidated city or of the county;

(3) In the case of a public accommodation, against the owner or person in charge of any such establishment, or both;

(4) In the case of a public facility, against the governmental body which operates or has jurisdiction over the facility; or

(5) In the case of employment, against any employer, employment agency or labor organization.
(G.O. 125, 1998, § 1)

(b) Sections 581-406 through 581-415 of this Chapter shall not apply to complaints arising from employment performed for the city, or any department or agency thereof, or any employment performed for the county, or any department or agency thereof, unless such employee has first utilized all internal complaint procedures, remedial measures and investigatory procedures available through the agency's or department's written policies and procedures. In the absence of a written procedure, employees should report complaints to DEO prior to submitting a complaint under Section 581-406. In carrying out his or her duties under this Chapter, the administrator of the division shall develop appropriate rules and procedures for the division to conduct internal investigations and to process and refer complaints related to allegations of discriminatory practices in employment against the city, a city department or agency, the county, or a county department or agency. These rules and procedures shall include, but are not limited to, requiring employees of the city, a city department or agency, the county, or a county department or agency to use appropriate internal mechanisms prior to an investigation being instituted under section 581-412.

Sec. 581-406. Contents of complaint.

To be acceptable by the division, a complaint shall be in writing and shall be sufficiently complete so as to reflect properly the following:

- (1) The full name and address of the complainant or other aggrieved person or persons;
- (2) The full name and address of the person against whom the complaint is made;
- (3) The alleged discriminatory practice and a statement of particulars thereof;
- (4) The date or dates of the alleged discriminatory practice;

(5) If the alleged discriminatory practice is of a continuing nature, the dates between which the continuing discriminatory practices are alleged to have occurred;

(6) A statement as to any other action, civil or criminal, instituted before any other administrative agency, commission, department or court, whether state or federal, based upon the same grievance alleged in the complaint, with a statement as to the status or disposition of any such other action; and

(7) In the case of alleged employment discrimination a statement that the employer employs six (6) or more employees in the territorial jurisdiction of the division.
(G.O. 125, 1998, § 1)

Sec. 581-407. Execution and verification of complaint; notice of acknowledgement.

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

(b) The administrator shall cause an acknowledgement of the complaint to be provided to the complainant advising the complainant of the time limits and choice of forum provided under the law.

Sec. 581-408. Timeliness of complaint.

No complaint shall be valid unless filed within ~~ninety (90)~~ one hundred eighty (180) calendar days from the date of occurrence of the alleged discriminatory practice or, in the case of a continuing discriminatory practice, during the time of the occurrence of the alleged practice; but not more than ~~ninety (90)~~ one hundred eighty (180) calendar days from the date of the most recent alleged discriminatory act.

Sec. 581-409. Referral of complaint to state civil rights commission.

The administrator may, in his or her discretion, prior to scheduling of the complaint for hearing under section 581-414 of this chapter, refer any complaint to the state civil rights commission for proceedings in accordance with the Indiana Civil Rights Law or the Indiana Fair Housing Law.

Sec. 581-410. Receipt of complaint from state civil rights commission.

The division is hereby authorized to receive any complaint transferred to it by the state civil rights commission pursuant to IC 22-9-1-12.1, IC 22-9.5-4-1 and/or IC 22-9.5-4-8, and to take such action with respect to any such complaint as is authorized or required in the case of a complaint filed under section 581-405 of this chapter.

Sec. 581-411. Service of complaint on respondent; answer.

The administrator shall cause a copy of the complaint to be served by certified mail upon the respondent, who may file a written response to the complaint at any time prior to the close of proceedings with respect thereto, except as otherwise provided in section 581-414 of this chapter. ~~The complaint and any response received shall not be made public by the administrator, the board or any member thereof or any agent or employee of the division, unless and until a public hearing is scheduled thereon as provided in section 581-414 of this chapter.~~

Sec. 581-412. Investigation and conciliation.

(a) *Investigation.* ~~Within thirty (30) working days after the receipt of a complaint filed under this chapter, the administrator shall initiate an investigation of the alleged discriminatory practice charged in the complaint. All such investigations shall be made by the division at the direction of the administrator and may include informal conferences or discussions with any party to the complaint for the purpose of obtaining additional information or attempting to resolve or eliminate the alleged discriminatory practice by conciliation or persuasion. The division shall have the authority to initiate discovery, including but not limited to interrogatories, requests for production of documents and subpoenas, on approval of the administrator at any time within ten (10) working days after filing of a complaint. Any request by the~~

division to compel discovery may be by appropriate petition to the Marion County Circuit or Superior Courts. The administrator will make a good faith effort to complete investigations within one hundred (100) days after a complaint has been received. If it is impracticable to complete the investigation within one hundred (100) days, the administrator may extend the time for conducting the investigation. The administrator shall notify the parties in writing of the reason(s) for the delay.

(b) Report of investigation; determination by panel. Unless the complaint has been satisfactorily resolved prior ~~thereto~~ to completion of the investigation made under subsection (a) of this section, the administrator shall, ~~within thirty (30) working days after the date of filing of a complaint under section 581-405 of this chapter,~~ report the results of the investigation made under subsection (a) of this section to a predetermined panel of three (3) members of the board designated by the chairperson or vice chairperson or pursuant to the rules of the board, which panel shall not include any member of the board who initiated the complaint, who might have participated in the investigation of the complaint, is ineligible to participate pursuant to section 581-414(f) of this chapter or who is a member of the complaint adjudication committee created pursuant to section 581-413 of this chapter. The administrator shall make a recommendation as to whether there is reasonable cause to believe that the respondent has violated ~~sections 581-402 and/or section 581-403 of this chapter.~~ The chairperson, vice chairperson or such other member of the panel so designated may, for good cause shown, extend the time for making such report. Such extension thereof shall be evidenced in writing, and the division shall serve a copy of the extension on both the complainant and the respondent. The panel shall then determine by majority vote whether reasonable cause exists to believe that any respondent has violated sections 581-402 and/or section 581-403 of this chapter. In making such a determination, the panel shall consider only the complaint, the response, if any, and the administrator's report; provided, however, the panel may request the administrator to make a supplemental investigation and report with respect to any matter which it deems material to such determination.

(c) Action when violation found. If the panel, under subsection (b) of this section, determines that reasonable cause exists to believe that any respondent has violated ~~sections 581-402 and/or section 581-403 of this chapter,~~ it may direct the administrator to endeavor to eliminate the alleged discriminatory practice through a conciliation conference. At least one (1) panel member shall be present at any conciliation conference at which both the complainant and respondent are present or represented. If the complaint is satisfactorily resolved through conciliation, the terms of any agreement reached or undertaking given by any party shall be reduced to writing and signed by the complainant, respondent and the administrator. Any disagreement between the respondent and the administrator in regard to the terms or conditions of a proposed conciliation agreement may be referred to the panel which considered the complaint, and the decision of the panel with respect to such terms or conditions shall be final for purposes of conciliation proceedings under this subsection, but shall not be binding upon the respondent without his written consent thereto. No action taken or statement made in connection with any proceedings under this subsection, and no written conciliation agreement or any of the terms thereof, shall be made public by the board or any member thereof, or any agent or employee of the division, without the written consent of the parties, nor shall any such action, statement or agreement be admissible in evidence in any subsequent proceedings; provided, however, the The board or division may institute legal proceedings under this chapter for enforcement of any written agreement or undertaking executed in accordance with this subsection.

Sec. 581-413. Complaint adjudication committee; hearing officer; duties.

A(a) The chairperson shall designate three (3) members of the board to serve as a complaint adjudication committee is hereby established. The committee shall be composed of seven (7) members of the board. The committee shall meet for the purpose of holding, whose duty shall be to hold public hearings on citizens' complaints, which shall be at such times as its members deem the adjudication committee or the board deems necessary. All three (3) members of the adjudication committee must be present for any hearing, and no member of the adjudication committee may vote by proxy. In the event that a member of the adjudication committee is unavailable or otherwise precluded from participating in a hearing, either the chairperson or the vice chairperson of the board shall take the absent member's place on the adjudication committee unless and until a replacement is appointed.

(b) The board may also appoint one (1) or more non-members to serve as unpaid hearing officers, whose duty shall be to hold public hearings and to make determinations in lieu of the adjudication committee on

citizens' complaints, other than housing complaints, at such times as the hearing officer or the board deems necessary.

Sec. 581-414. Hearings, findings and recommendations when conciliation not effected.

(a) *Hearing to be held; notice.* If a complaint has not been satisfactorily resolved within a reasonable time through informal proceedings under section 581-412 of this chapter, or if the panel investigating the complaint determines that reasonable cause exists to believe a respondent has violated section 581-403 of this chapter but that a conciliation conference is inappropriate under the circumstances surrounding the complaint, ~~the complaint~~ then the chairperson of the board shall assign the case to the adjudication committee or, in the case of a complaint not related to housing, to either the adjudication committee or to a hearing officer. The adjudication committee or the hearing officer may hold a public hearing thereon upon not less than ten (10) working days' written notice to the complainant or other aggrieved person; and to the respondent. If the respondent has not previously filed a written response to the complaint, he or she may file such response and serve a copy thereof upon the complainant and the division not later than five (5) working days prior to the date of the hearing.

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

(c) *Statement of evidence; exceptions; arguments.* ~~Within thirty (30) working days from~~ Following the close of the hearing, the ~~complaint~~ adjudication committee or the hearing officer shall prepare a report containing written recommended findings of fact and conclusions and file such report with the division. The adjudication committee or hearing officer shall make a good faith effort to complete the report within thirty (30) working days from the close of the hearing, but may extend the time for completing the report as needed, up to an additional thirty (30) working days. A copy of the report shall be furnished to the complainant and respondent, each of whom shall have an opportunity to submit written exceptions within such time as the rules of the complaint adjudication committee shall permit. The ~~complaint~~ adjudication committee or the hearing officer may, in its, his or her discretion, upon notice to each interested party, hear further evidence or argument upon the issues presented by the report and exceptions, if any.

(d) *Findings of fact; sustaining or dismissing complaint; remedies.* ~~If, upon~~ Upon the preponderance of the evidence, the ~~adjudication committee shall be of the opinion that or the hearing officer shall issue written findings of fact and conclusions, and shall and serve a copy thereof upon the complainant and the respondent. Findings and conclusions made by the adjudication committee or the hearing officer shall be based solely upon the record of the evidence presented at the hearing.~~

If, in the opinion of the adjudication committee or the hearing officer, any respondent has engaged or is engaging in a discriminatory practice in violation of the chapter, it shall state its findings of fact and conclusions and serve a copy thereof upon the complainant and the respondent. In addition, the ~~committee~~ the adjudication committee or the hearing officer may cause to be served on the respondent an order requiring the respondent to cease and desist from the unlawful discriminatory practice and requiring such person to take further affirmative action as will effectuate the purposes of this chapter, including but not limited to:

- (1) The restoration of complainant's losses incurred as a result of discriminatory treatment, as the adjudication committee or hearing officer may deem necessary to assure justice;

- (2) The posting of notice setting forth the public policy of the city and county concerning equal opportunity and respondent's compliance with such policy in places of public accommodations;
- (3) The submission of proof of compliance to be filed by respondent at periodic intervals; and
- (4) If the respondent is licensed by a city or county agency authorized to grant a license, the submission of a statement to show cause to the licensing agency why his or her license should not be revoked or suspended.

~~If, upon the preponderance of the evidence, the in the opinion of the adjudication committee shall be of the opinion that or the hearing officer, any respondent has not engaged in a discriminatory practice in violation of this chapter, it shall state its findings of fact and conclusions and serve a copy thereof upon the complainant and the respondent, and the adjudication committee or the hearing officer shall state dismiss the complaint against that respondent.~~

~~Findings and conclusions made by the committee shall be based solely upon the record of the evidence presented at the hearing.~~

~~The adjudication committee or the hearing officer shall make a good faith effort to serve its, his or her findings and conclusions within one year from the date of receipt of the complaint. If it is impracticable to serve the findings and conclusions within one year from the date of receipt of the complaint, the adjudication committee or the hearing officer may extend the time for serving the findings and conclusions. The adjudication committee or the hearing officer also shall notify the parties in writing of the reason(s) for the delay.~~

~~(e) *Appeal to the board.* Within thirty (30) working days after the issuance of findings and conclusions by the adjudication committee or the hearing officer, either the complainant or the respondent may file a written appeal of the decision of the adjudication committee to the board; however, in the event that the committee requires a respondent to correct or eliminate a discriminatory practice within a time period less than or the hearing officer to the board. If no appeal is filed within thirty (30) working days, then that respondent must file his or her appeal within that time period the findings and conclusions are final. After considering the record of the evidence presented at the hearing and the findings and conclusions of the adjudication committee or the hearing officer, the board may affirm the decision of the adjudication committee or the hearing officer and adopt the findings and conclusions of the adjudication committee or the hearing officer, or it may affirm the decision of the adjudication committee or the hearing officer and make supplemental findings and conclusions of its own, or it may reverse the decision of the adjudication committee or the hearing officer and make findings of fact and conclusions to support its decision. The board may also adopt, modify or reverse any relief ordered by the adjudication committee or the hearing officer. The board must shall make a good faith effort to take any of the above actions within thirty (30) working days after the appeal is filed, but may extend the time as needed, up to an additional thirty (30) working days.~~

~~(f) *Members of board who are ineligible to participate.* No member of the board who initiated a complaint under this chapter or who participated in the investigation thereof shall participate in any hearing or determination under this section, who is the subject of a complaint, or who has an immediate family member who is the subject of a complaint shall participate in the adjudication of that complaint as a member of either a hearing the three-person panel, the complaint adjudication committee or of the board, the board. In the event of an appeal to the board, a board member's participation on the three-person panel or on the adjudication committee shall not be a basis for ineligibility.~~

~~(g) *Applicability of state law; judicial review.* Except as otherwise specifically provided in this section or in rules adopted by the board or the complaint adjudication committee under this chapter, the applicable provisions of the Administrative Adjudication Act (IC 4-21.5) shall govern the conduct of hearings and determinations under this section, and findings of the board hereunder shall be subject to judicial review as provided in that act.~~

~~(g) *Judicial Review.* Any respondent who disagrees with a decision of the board rendered pursuant to section 581-414(e) of this chapter shall have the right to file a verified petition to the superior or circuit court of Marion County for a review of the board's decision. The petition for review must be filed within thirty (30) calendar days after the date of issuance of the written decision of the board. The City of Indianapolis shall be the sole defendant in the petition for review. Within thirty (30) calendar days after~~

receipt of a summons, the city shall cause the board to file a true and complete copy of the transcript of the hearing with the court. The court, without jury, shall review the record and render its decision as in other administrative reviews. The clerk of the court shall send a copy of the court's decision to the respondent and to the division of equal opportunity, either of whom may appeal the court's decision.

Sec. 581-415. Court enforcement.

(a) *Institution of action.* In any case where the board ~~or~~, the adjudication committee or the hearing officer has found that a respondent has engaged in or is engaging in a discriminatory practice in violation of ~~sections 581-402 and/or section~~ 581-403 of this chapter, and such respondent has failed to correct or eliminate such discriminatory practice within the time limit prescribed by the board ~~or~~, the adjudication committee or the hearing officer and the time limit for appeal to the board has elapsed, the board may file in its own name in the Marion County Circuit or Superior Courts a complaint against the respondent for the enforcement of section 581-414 of this chapter. Such complaint may request such temporary or permanent injunctive relief as may be appropriate and such additional affirmative relief or orders as will effectuate the purposes of this chapter and as may be equitable, within the powers and jurisdiction of the court.

(b) *Record of hearing; evidentiary value.* In any action filed under this section, the board may file with the court a record of the hearing held by the ~~complaint-adjudication committee or the hearing officer~~ under section 581-414 of this chapter, which record shall be certified by the secretary of the board as a true, correct and complete record of the proceedings upon which the findings of the ~~complaint-adjudication committee~~ hearing officer and/or the board were based. The court may, in its discretion, admit any evidence contained in the record as evidence in the action filed under subsection (a) of this section, to the extent such evidence would be admissible in court under the rules of evidence if the witness or witnesses were present in court, without limitation upon the right of any party to offer such additional evidence as may be pertinent to the issues and as the court shall, in its discretion, permit.

(c) *Temporary judicial relief upon filing of complaint.* Upon the filing of a complaint under section 581-405 of this chapter by a person claiming to be aggrieved, the administrator, in the name of the board and in accordance with such procedures as the board shall establish by rule, may seek temporary orders for injunctions in the Marion County Circuit or Superior Courts to prevent irreparable harm to the complainant, pending resolution of the complaint by the division, ~~complaint-adjudication committee~~ hearing officer and the board.

(d) *Enforcement of ~~conciliating~~conciliation agreements.* If the board determines that any party to a conciliation agreement approved by the administrator under section 581-412 of this chapter has failed or refused to comply with the terms of the agreement, it may file a complaint in the name of the board in the Marion County Circuit or Superior Courts seeking an appropriate decree for the enforcement of the agreement.

Sec. 581-416. Other remedies.

Nothing in this chapter shall affect any person's right to pursue any and all rights and remedies available in any other local, state or federal forum.

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

The foregoing was passed by the City-County Council this 19th day of December, 2005, at 7:37 p.m.

ATTEST:

Steve Talley
President, City-County Council

Jean Ann Milharcic
Clerk, City-County Council

Presented by me to the Mayor this 20th day of December, 2005, at 10:00 a.m.

Jean Ann Milharcic
Clerk, City-County Council

Approved and signed by me this _____ day of December, 2005.

Bart Peterson, Mayor

STATE OF INDIANA, MARION COUNTY)) SS:
CITY OF INDIANAPOLIS)

I, Jean Ann Milharcic, Clerk of the City-County Council, Indianapolis, Marion County, Indiana, do hereby certify the above and foregoing is a full, true, and complete copy of Proposal No. 622, 2005, a Proposal for GENERAL ORDINANCE, passed by the City-County Council on the 19th day of December, 2005, by a vote of 15 YEAS and 14 NAYS, and was retitled General Ordinance No. 111, 2005, which was signed by the Mayor on the _____ day of December, 2005, and now remains on file and on record in my office.

WITNESS my hand and the official seal of the City of Indianapolis, Indiana, this _____ day of December, 2005.

Jean Ann Milharcic
Clerk, City-County Council

(SEAL)