

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

**REGULAR MEETINGS - MONDAY, APRIL 23, 1984**

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 Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:15 p.m., on Monday, April 23, 1984, with President SerVaas presiding.

The meeting was opened with prayer by Councillor Stuart Rhodes. All joined in the Pledge of Allegiance to the Flag.

**ROLL CALL**

President SerVaas instructed the Clerk to take the roll call of the Council, which was as follows:

*PRESENT: Borst, Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West*

All twenty-nine members being present, he announced the presence of a quorum.

**INTRODUCTION OF GUESTS AND VISITORS**

Councillor Miller introduced two visitors from West Germany, Mrs. Hesse and Mrs. Ferffert. Councillor Coughenour asked everyone from the public that came in support of Proposal No. 228, 1984 to stand. Councillor Borst introduced an outstanding agricultural leader Mr. Greg Finch; and Councillor West introduced two students observing the Council meeting from Brebeuf High School, Tom DeVoe and Scott Cunningham.

**OFFICIAL COMMUNICATIONS**

President SerVaas explained that tonight the Council would see the introduction of a local option income tax and that Mayor William H. Hudnut, III and County Auditor, Harry E. Eakin had requested to speak to the Council on this matter. The President recognized Mayor Hudnut, who delivered the following remarks:

**"Mr. President, Majority Leader, Minority Leader, Members of the Council and Tax Paying Citizens:**

**"The ancient Emperor Nero is remembered for one thing: He fiddled while Rome burned. Our City is not burning. As a matter of fact, in many ways we are very healthy. But we are facing two serious funding problems, and I stand before you tonight because I do not want to be guilty of fiddling around instead of trying to deal with them responsibly.**

**"The first problem is an immediate and a critical one within the County General Fund for 1985. You all know that we have been mandated by a Federal Court to expand the Marion County Jail. That construction is now in progress and the building will be ready in 1985. If we do not enact the measures being proposed this evening, we will not have enough revenue next year to cover the costs of operating this new facility, much less to provide for other necessities in the budgets of the Sheriff and other County and Township officials. We estimate the shortfall for jail operations will be about \$2 million next year and more than \$3 million in 1986 if we do nothing.**

**"The second problem is a longer range one that gets worse every year. It involves the gap between anticipated income and outgo in the Public Safety budget over the next 10 years. The chart we have prepared clearly shows that the amount of money dedicated to police and fire pensions is inadequate to meet our future pension costs. In 1985, the costs will exceed available revenue by \$1.8 million. The funding gap grows each year as more policemen and firemen retire. In 1994, the gap is projected to be nearly \$16 million. The annual deficits shown on the chart total \$80 million for the 10 years.**

**"Parenthetically, let me point out that the unfunded liability in the police and fire pension funds has been growing for some time. It has been fully and publicly documented in our annual financial reports. I have been talking about it for years. The 1977 Indiana General Assembly adopted a pension plan for police officers and fire-fighters that raised the required contribution of local government from 6 percent to 21 percent of the basic pay. But not until now has the State given us the ability to act through its enactment of HB 1217. Not until now have we had a local government finance bill with options for raising local monies outside the property tax freeze. And in my opinion, since we have this opportunity, we must act, boldly and prudently, before the problems grow worse.**

**"Our recommendation, contained in proposals 258 and 259 that are being introduced to the Council tonight, are based on the recently enacted legislation by the General Assembly that provides local governments with more options to raise revenues to finance needed services and programs -- options, I might observe, that will lessen the burden on the property tax payer and the homeowner.**

**"We propose that the City-County Council adopt a four-point program consisting of the following:**

- 1. Enactment of the .2 of 1% local option income tax for Marion County and Indianapolis. Some 38 counties in Indiana have had the local option income tax for a decade. Now is an appropriate time for us to adopt it. We are alone among the largest cities in the United States with no revenue presently derived from either a sales or an income tax or both. We cannot continue to meet our obligations without moving in this direction, unless we reduce needed services to unacceptably low levels.**
- 2. Establishment of a 2 percent local homestead credit on the property tax which would be coupled with the 2 percent homestead credit provided by the State for a total of 4 percent credit in 1985.**
- 3. Adoption of the full allowable 10 cents per \$100 of assessed valuation on the property tax for Cumulative Building Funds which are used for construction of roads, bridges, sewers, drainage projects, parks and other capital projects.**

The City eliminated its cumulative funds 10 years ago or so. Now we have the ability to establish those funds again outside the freeze. We need them, because they will help us plan for long range capital improvements and help keep us from going to the bond markets so frequently.

4. Increase the property tax levy by only 4 percent next year instead of the possible maximum of 5 percent.

"I hope that in the next two weeks, we can discuss these proposals carefully in a spirit of constructive bipartisanship. They are very complex and very important. We bring them to you as a united recommendation from the majority of City and County officials. We have discussed them with officials of the excluded cities also, and they are supportive. We all recognize the need, even though we are not happy about having to discuss it. But we must do something. Not to act would be irresponsible.

"If you enact this local government financing package, its net effect on the average person probably would be about \$25 a year -- or about \$.50 a week. The cumulative impact of these proposals for next year would be about \$12.6 million in new money for local government, about \$4.9 million from regular property taxes (without much of an increase if any, in the tax rate), and about \$2 million in homestead credits for homeowners.

"But more to the point, enactment of this package would alleviate the problem I described in the County General Fund, provide us with some needed monies for preservation of our capital plant, and make a start on accumulating monies to meet our obligations to the retirees in the Indianapolis Police and Fire Departments.

"Public Safety is our first priority in local government, and practically everything we are recommending is designed to put the Public Safety budget on firmer footing in the near and far future. Some of the money raised will be distributed to the excluded cities and to the township trustees. I cannot speak for them, but I can assure you of our intentions to use all that comes to the City and County from the Local Option Tax for Public Safety (specifically, jail operations for the Sheriff, pension funds for City police and fire).

"As you can well imagine, the decision to recommend these steps was not reached lightly. We have thought about these problems long and hard. In some respects, it would be much easier not to deal with them, but just to ignore them and hope they will go away or be solved by someone else. But the problems are very real and will not disappear. They cry out for solutions. Consequently, we present our recommendations to you this evening in the name of fiscal responsibility, with the sincere hope that you will enact them.

Thank you for your consideration."

The President recognized the County Auditor, Mr. Harry E. Eakin, who addressed the Council concerning the Local Option Income Tax as follows:

"Mr. President and Ladies and Gentlemen of the Council:

"I join with Mayor Hudnut in asking you for your consideration and approval of the proposals placed before you this evening, to take advantage of the options the State Legislature has given us. We have asked and we have lobbied at the Legislature for these options. Now that we have them, let's take advantage of them.



"I do not like to think of this as a new tax, but rather as a "different tax". or the first time, we have an opportunity to shift some of the burden of funding local government from the property tax payer to the wage earner. Too long have we continued to tax one source, and now we can spread the base.

"This will raise additional funds for local government which is sorely needed. Since 1981 the Consumer Price Index has increased by 22%, which we have asked our officeholders, department heads and the County General Fund to increase their budgets by only 10%. I would like to thank my fellow officeholders and department heads for their patience and cooperation; however, there does come a breaking point. Couple that with the court mandated jail expansion, which will come on line in 1985, and the County General Fund has problems. Even with this new revenue, we will only have approximately a 2% increase for our operational budget for 1985. Without this new revenue we will have a decrease in our operational budget.

"Most obvious of our needs is the court mandated jail expansion. Whether we like it or not, it is here, and must be funded. It seems to me everyone wants the criminals off the streets, and if this assumption is true, we must pay for it somehow. I will not mention any other needs such as the terrible funding problem we have with data processing, or the problems with records and microfilm, or the lack of office automation in our court system, where we expect 45,000 new cases to be filed yet this year. I am not going to mention these or any of the other problems we have, because these new funds will not address them, but without these funds, we will fall further behind.

"I am aware that even discussing new tax is not the popular thing to do; however, it is the responsibility of the County Auditor to bring recommendation to the Council to fund the statutorial duties of the county offices, and popular or not, I believe it is the fiscally responsible action to take. At this time I think Marion County should join the other 38 counties in Indiana who have had an income tax and have spread the cost of local government.

"I applaud the actions of Mayor Hudnut as Chief County Executive Officer for his courage in bringing this before you tonight, and I join with him in encouraging you to act in a positive manner to meet the needs of local government."

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

PROPOSAL NO. 263, 1984. Councillor Strader asked that this proposal be postponed until the May 5, 1984 Council meeting. Consent was given.

PROPOSAL NO. 264, 1984. Councillor Holmes read the proposal honoring the Young Ambassadors and moved its adoption, seconded by Councillor Gilmer. The proposal was adopted by unanimous voice vote, retitled SPECIAL RESOLUTION NO. 39, 1984, and reads as follows:

### CITY-COUNTY SPECIAL RESOLUTION NO. 39, 1984

A SPECIAL RESOLUTION honoring the Young Ambassadors.

WHEREAS, the Young Ambassadors spread a message of friendship and fellowship worldwide; and

WHEREAS, the group has a positive message that all men can be united in peace and brotherhood; and

WHEREAS, the Young Ambassadors are bringing their special form of entertainment to Indianapolis on May 3, 1984; 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 honors and commends the Young Ambassadors.**

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

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

**ADOPTION OF AGENDA**

Council consent was given for the adoption of the Agenda of the City-County Council and the Indianapolis Police, Fire and Solid Waste Special Service District Councils of April 23, 1984.

**SPECIAL ORDERS - PRIORITY BUSINESS**

(Clerk's Note: Due the number of public present to hear the proceedings on Proposal No. 228, 1984, the Council proceeded with Special Orders - Priority Business.)

PROPOSAL NO. 228, 1984. Councillor SerVaas explained that Proposal No. 228, 1984 was not on the agenda for a Public Hearing but because of expert testimony that was not given at the committee level, the Chair would allow Mrs. Coughenour as sponsor to open discussion and then each side would be given 20 minutes. Councillor Crowe would act as time keeper.

Councillor Coughenour stated that on April 16, the Administration Committee held several hours of public testimony concerning Proposal No. 228 and the committee was returning it to the Council by a vote of 4-0-2 with a "Do Pass As Amended" recommendation. Since the committee last met, the City Legal Division had suggested additional amendments that would make the ordinance easier to defend in court. Councillor Coughenour then offered the following amendments to Proposal No. 228, 1984:

**CITY-COUNTY COUNCIL MOTION**

**Mr. President:**

**I move to amend City-County Proposal No. 228, 1984, Section 16-16 (b) to read as follows:**

(b) Subject to the provisions of section 16-3 (g) (4), the provisions of sections 16-14 and 16-15 shall not include any not-for-profit corporation or association organized exclusively for fraternal or religious purposes, nor any school, 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 public.

Councillor Coughenour

The amendment passed by a unanimous voice vote.

### CITY-COUNTY COUNCIL MOTION

Mr. President:

I move to amend City-County Proposal No. 228, 1984, Section 16-3 by adding new Section (bb) to read as follows:

(bb) Sexually explicit shall mean actual or simulated:

(1) Secual intercourse, including genital-genital-genital, oral-genital, anal-genital or oral-anal, whether between persons of the same or opposite sex or between women and animals; or

(2) uncovered exhibition of the genitals, public region, buttocks or anus of any person.

Councillor Coughenour

The amendment passed by a unanimous voice vote.

Mr. President:

I move to amend City-County Proposal No. 228, 1984, Section 16-28 to read as follows.

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

Councillor Coughenour

The amendment passed by a unanimous voice vote.

### CITY-COUNTY COUNCIL MOTION

Mr. President:

I move to amend City-County Proposal No. 228, 1984, Section 16-3 (g)(5); (g)(6) and (g)(7) to read as follows:

(5) Coercion into ~~pornography~~ pornographic performance: coercing, intimidating or fraudulently inducing any person, including a man, child or transsexual, into performing for pornography, except that a man, child or transsexual must allege and prove that he or she is injured in the same way that a woman is injured by such coercion and by the pornography that is produced from the performance in order to have a cause of action:

(A) Proof of ~~the~~ the following facts or conditions shall not, ~~with~~ constitute a defense:

(6) Forcing pornography on a person: The forcing of pornography on any woman, man, child or transsexual in any place of employment, in education, (in a home), or in any public place. , except that a man, child or transsexual must allege and prove injury in the same way that a woman is injured in order to have a cause of action.

(7) Assault or physical ~~attack~~ attack due to pornography: The assault, physical attack or injury of any woman, man, child or transsexual in a way that is directly caused by specific pornography. The injured parties shall have a claim for caused against the perpetrator(s), maker(s), distributor(s), seller(s), and exhibitor(s), and for an injunction against the specific pornography's further exhibition, distribution or sale. , except that a man, child or transsexual must allege and prove injury by pornography in the way women are injured by it in order to have a cause of action. However, no damages will be assessed against (a) maker (s), for pornography made, (b) distributor(s), for pornography distributed, (c) seller(s) for pornography sold, or (d) exhibitor(s) for pornography exhibited, prior to the enforcement date of this act.

Councillor Coughenour

The amendment passed by a unanimous voice vote.

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move to amend City-County Proposal No. 228, 1984, Section 16-1 to read as follows:

(A) Findings. The City-County Council hereby makes the following findings:

(1) The Council finds that the practice of denying equal opportunities ~~is~~ in employment, education, access to and use of public accommodations, an acquisition of real estate based on race, color, ~~religion~~, religion, ancestry, national origin, handicap or sex is contrary to the principles of freedom and quality of opportunity and is a burden to the objectives of the policies contained herein and shall be considered discriminatory practices. ~~and~~

(2) Pornography is a discriminatory practice based on sex because its effect is to deny women equal opportunities in society. Pornography is central in creating and maintaining sex as a basis for discrimination. Pornography is a systematic practice of exploitation and subordination based on sex which differentially harms women. The bigotry and contempt it promotes, with the acts of aggression it fosters, harm women's opportunities for equality of rights in employment, education, access to and use of public accommodations, and acquisition of real property , and contribute significantly to restricting women in particular from full exercise of citizenship and participation in public life, including in neighborhoods.

Councillor Coughenour



The amendment passed by a unanimous voice vote.

## COUNTY-COUNCIL MOTION

**Mr. President:**

**I move to amend City-County Proposal No. 228, 1984, Section 16-3 (v) by deleting the following language:**

**(5) Women are presented as sexual objects for domination, conquest, violation, exploitation, possession, or use, through postures or positions of serelity or submission or display; or**

**Councillor Schneider**

The amendment passed by a unanimous voice vote.

Councillor Boyd offered an amendment limiting the amount of money to be spent on Proposal No. 228 to \$100,000. Chairman SerVaas suggested that his motion would be more appropriate if offered after it is determined that the Council has adopted Proposal No. 228.

Dr. Donnerstein stated that he has not read Proposal No. 228 but is present to testify not to the legality of the proposal but to the study of violent behavior. There are several case studies that show normal men are sexually aroused when they see a sexually violent rape scene in which the woman shows pleasure. They are less sympathetic to the woman because they have seen that women enjoy this type of violence. It is not the fact that things are sexually explicit; it is the fact that people are portrayed as enjoying aggressive violence.

Mr. Bill Marsh explained that the probability of the Supreme Court upholding this ordinance is very unlikely. This ordinance allows strict liability and that has never been granted. Ms. Sheila Suess Kennedy, Attorney and Mr. Sam Jones of the Indianapolis Urban League also urged the defeat of Proposal No. 228, 1984.

Councillor Coughenour stated that there have been public hearings held on Proposal No. 228 and the City Legal Division and the Marion County Prosecutor's Office have worked diligently on this proposal to make it as workable as possible. It is a new concept and deserves its day in court. Councillor Coughenour moved for its adoption, seconded by Councillor Holmes. Proposal No. 228, 1984, was adopted on the following roll call vote; viz:

*24 YEAS: Borst, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Holmes, McGrath, Miller, Nickell, Rader, Rhodes, Schneider, SerVaas, Shaw, Stewart, Strader, West*

*5 NAYS: Boyd, Hawkins, Howard, Journey, Page*



Proposal No. 228, 1984, was retitled GENERAL ORDINANCE NO. 24, 1984, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 24, 1984

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", by amending Chapter 16, 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 16 of the "Code of Indianapolis and Marion County, Indiana", is hereby amended, by adding the words underlined, to read as follows:

Sec. 16-1. Findings, policies and purposes.

(a) Findings. The City-County Council hereby makes the following findings:

- (1) 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, national origin, handicap, or sex 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 considered discriminatory practices.
- (2) Pornography is a discriminatory practice based on sex because its effect is to deny women equal opportunities in society. Pornography is central in creating and maintaining sex as a basis for discrimination. Pornography is a systematic practice of exploitation and subordination based on sex which differentially harms women. The bigotry and contempt it promotes, with the acts of aggression it fosters, harm women's opportunities for equality of rights in employment, education, access to and use of public accommodations, and acquisition of real property, and contribute significantly to restricting women in particular from full exercise of citizenship and participation in public life, including in neighborhoods.

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

- (1) To provide equal employment opportunity in all city and county jobs without regard to race, color, religion, handicap, national origin, ancestry, age, sex, disabled veteran, or Vietnam era veteran status;
- (2) To encourage the hiring of the handicapped in both the public and the private sectors and to provide equal access to the handicapped to public accommodations;
- (3) To utilize minority-owned businesses, securing goods and services for the city and county in a dollar amount equal to at least ten (10) percent of monies spent by the Indianapolis and Marion County;

- (4) To utilize women-owned businesses and encourage the utilization of women in construction and industry;
- (5) To protect employers, labor organizations, employment agencies, property owners, real estate brokers, builders, lending institutions, governmental and educational agencies and other persons from unfounded charges of discrimination;
- (6) To provide all citizens of the City of Indianapolis and Marion County equal opportunity for education, employment, access to public accommodations without regard to race, religion, color, handicap, sex, national origin, ancestry, age, or disabled veteran or Vietnam era veteran status;
- (7) To provide all citizens of the City of Indianapolis and Marion County equal opportunity for acquisition through purchase or rental of real property including, but not limited to housing without regard to race, sex, religion or national origin; and
- (8) To prevent and prohibit all discriminatory practices of sexual subordination or inequality through pornography.

Sec. 16-2. Nondiscrimination clauses.

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

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

Sec. 16-3. Definitions.

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

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

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

utilized or designed or intended for utilization, for business, commercial, industrial or agricultural purposes;

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

(b) Appointing authorities shall mean and include the mayor, city-county council and such other person or agency as may be entitled to appoint any member of the equal opportunity advisory board created in this chapter.

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

(d) Board shall mean the equal opportunity advisory board.

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

(f) Complaint shall mean a written grievance filed with the office of equal opportunity, either by a complainant or by the board of office, which meets all the requirements of section 16-18 and 16-19.

(g) Discriminatory practice shall mean and include the following:

(1) The exclusion from or failure or refusal to extend to any person equal opportunities or any difference in the treatment of any person by reason of race, sex, religion, color, national origin or ancestry, handicap, age, disabled veteran or Vietnam era veteran status.

(2) The exclusion from or failure or refusal to extend to any person equal opportunities or any difference in the treatment of any person, because the person filed a complaint alleging a violation of this chapter, testified in a hearing before any members of the board or otherwise cooperated with the office or board in the performance of its duties and functions under this chapter, or requested assistance from the board in connection with any alleged discriminatory practice, whether or not such discriminatory practice was in violation of this chapter;

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

(A) Any attempt to prevent, dissuade or discourage any prospective purchaser, lessee or tenant of real estate from viewing, buying, leasing or renting the real estate because of the race, sex, religion or national origin of:

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

II. 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, religion or national origin; or

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



- (B) Any solicitation, promotion or attempt to influence or induce any owner to see, lease or list for sale or lease any real estate, which solicitation, promotion or attempted inducement includes representations concerning:
- I. Race, sex, religion or national origin or present, prospective or possible purchasers or occupants of real estate in any area, neighborhood or particular street or block;
  - II. Present, prospective or possible neighborhood unrest, tension or change in the race, sex, religion or national origin of occupants or prospective occupants of real estate in any neighborhood or any street or block;
  - III. Present, prospective or possible decline in market value of any real estate by reason of the present, prospective or possible entry into any neighborhood, street or block of persons of a particular race, sex, religion or national origin;
  - IV. Present, prospective or possible decline in the quality of education offered in any school or school district by reason of any change in the race, sex, religion or national origin of the students, pupils or faculty of such school or district.
- (4) Trafficking in pornography: The production, sale, exhibition, or distribution or pornography.
- (A) City, state, and federally funded public libraries or private and public university and college libraries in which pornography is available for study, including on open shelves, shall not be construed to be trafficking in pornography, but special display presentations of pornography in said places is sex discrimination.
  - (B) The formation of private clubs or associations for purposes of trafficking in pornography is illegal and shall be considered a conspiracy to violate the civil rights of women.
  - (C) Any woman has a cause of action hereunder as a woman acting against the subordination of women. Any man, child or transsexual who alleges injury by pornography in the way women are injured by it shall also have a cause of action under this chapter.
- (5) Coercion into pornographic performance: Coercing, intimidating or fraudulently inducing any person, including a man, child or transsexual, into performing for pornography, except that a man, child or transsexual must allege and prove that he or she is injured in the same way that a woman is injured by such coercion and by the pornography that is produced from the performance in order to have a cause of action:
- (A) Proof of the following facts or conditions shall not constitute a defense:
    - I. That the person is a woman; or
    - II. That the person is or has been a prostitute; or
    - III. That the person has attained the age of majority; or
    - IV. That the person is connected by blood or marriage to anyone involved in or related to the making of the pornography; or
    - V. That the person has previously had, or been thought to have had, sexual relations with anyone, including anyone involved in or related to the making of the pornography; or



- VI. That the person has previously posed for sexually explicit pictures for or with anyone, including anyone involved in or related to the making of the pornography at issue; or
  - VII. That anyone else, including a spouse or other relative, has given permission on the person's behalf; or
  - VIII. That the person actually consented to a use of the performance that is changed into pornography; or
  - IX. That the person knew that the purpose of the acts or events in question was to make pornography; or
  - X. That the person demonstrated no resistance or appeared to cooperate actively in the photographic sessions or in the sexual events that produced the pornography; or
  - XI. That the person signed a contract, or made statements affirming a willingness to cooperate in the production of pornography; or
  - XII. That no physical force, threats, or weapons were used in the making of the pornography; or
  - XIII. That the person was paid or otherwise compensated.
- (6) Forcing pornography on a person: The forcing of pornography on any woman, man, child or transsexual in any place of employment, in education, in a home, or in any public place, except that a man, child or transsexual must allege and prove injury in the same way that a woman is injured in order to have a cause of action.
- (7) Assault or physical attack due to pornography: The assault, physical attack, or injury of any woman, man, child, or transsexual in a way that is directly caused by specific pornography. The injured party shall have a claim for damages against the perpetrator(s), maker(s), distributor(s), seller(s), and exhibitor(s), and for an injunction against the specific pornography's further exhibition, distribution or sale, except that a man, child or transsexual must allege and prove injury by pornography in the way women are injured by it in order to have a cause of action. However, no damages will be assessed against (a) maker(s), for pornography made, (b) distributor(s), for pornography distributed, (c) seller(s), for pornography sold, (d) or exhibitor(s) for pornography exhibited, prior to the enforcement date of this act.
- (8) Defenses. Where the materials which are the subject matter of a cause of action under (4), (5), (6), or (7) of this section are pornography, it shall not be a defense that the defendant did not know or intend that the materials were pornography or sex discrimination.

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

(n) Employer shall mean:

- (1) Any political subdivision within the county, not represented by the corporation counsel, pursuant to IC 18-4-7-5, and any separate municipal corporation which has territorial jurisdiction primarily within the county; and

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

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

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

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

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

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

(s) Office shall mean the office of equal opportunity created by this chapter.

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

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

(v) Pornography shall mean the sexually explicit subordination of women, graphically depicted, whether in pictures or in words, that includes one or more of the following:

- (1) Women are presented as sexual objects who enjoy pain or humiliation; or
- (2) Women are presented as sexual objects who experience sexual pleasure in being raped; or
- (3) Women are presented as sexual objects tied up or cut up or mutilated or bruised or physically hurt, or as dismembered or truncated or fragmented or severed into body parts; or
- (4) Women are presented being penetrated by objects or animals; or

(5) Women are presented in scenarios of degradation, injury, abasement, torture, shown as filthy or inferior, bleeding, bruised, or hurt in a context that makes these conditions sexual.

(A) The use of men, children, or transsexuals in the place of women in (1) through (5) above shall also constitute pornography under this section.

(w) Public accommodation shall mean an establishment which caters to or offers its services, facilities or goods to the general public.

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

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

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

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

(bb) Sexually explicit shall mean actual or simulated:

(1) Sexual intercourse, including genital-genital, oral-genital, anal-genital or oral-anal, whether between persons of the same or opposite sex or between women and animals; or

(2) Uncovered exhibition of the genitals, pubic region, buttocks or anus of any person.

Sec. 16-4. Office of equal opportunity - created; purpose.

There is hereby created a section of the legal division of the department of administration entitled the office of equal opportunity. This office and its board are empowered as provided in this chapter to carry out the public policy of the state as stated in section 2 of the Indiana Civil Rights Act, within the territorial boundaries of Marion County.

Sec. 16-5. Same - composition of office; functions.

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

(1) To monitor internal employment practices as follows:

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

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

In addition to the functions previously mentioned in section 16-5, the office shall have the following powers and duties:

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



- (6) To prepare and submit at least annually a report of its activities to the mayor and to the public, which report shall describe the investigations and proceedings conducted by the office, the outcome thereof and the progress and achievements of the office and the community toward elimination of discriminatory practices.
- (7) To cooperate with the Indiana State Civil Rights Commission, any appropriate federal, state or local agencies, and with private organizations, individuals and neighborhood associations in order to effectuate the purposes of this chapter and to further compliance with federal, state and local laws and ordinances prohibiting discriminatory practices.
- (8) To perform any other duties assigned by ordinance or the mayor.

Sec. 16-7. Equal opportunity advisory board - Created; purpose.

There is hereby created an equal opportunity advisory board empowered as provided in this chapter to carry out the public policy of the state as stated in Section 2 of the Indiana Civil Rights Act, within the territorial boundaries of Marion County.

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

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

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

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

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

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

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

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

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

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

**Sec. 16-10. Same - 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 section 16-17 through 16-27. All officers of any executive committee appointed by the board must be members of the board.
- (2) To establish three (3) standing committees, composed of seven (7) board members each, to deal with the following such matter:
  - a. Internal employment practices,
  - b. Contract compliance,
  - c. Complaint adjudication.

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

- (3) To advise the office in formulating policies designed to effectuate the purposes of this chapter and to make such recommendations to the mayor and the city-county council as the board shall deem appropriate to implement such policies.
- (4) To adopt, amend and rescind procedural and substantive rules and regulations for the conduct of its affairs, not inconsistent with the provisions or intent and purposes of this chapter, as the board shall deem necessary or appropriate. The

The rules or regulations shall be adopted only after notice is given and a hearing is held thereon in the manner provided by state law relating to rule-making by state agencies. Any rule or regulation adopted by the board shall be submitted to the corporation counsel for approval as to legality. Upon approval by the corporation counsel, the board shall cause the rule or regulation to be printed or duplicated in such a manner as to be readily available to interested persons and the public, and shall thereupon file the original approved copy and one duplicate with the clerk and the clerk of any other city or town which has adopted this chapter. The rule or regulation shall be effective as of the date and time of filing the original approved copy with the clerk.

- (5) To exercise such additional powers or functions as may be delegated to the board by ordinance or by executive order validly adopted and promulgated by the mayor of the consolidated city.
- (6) To generally advise the office in the area of equal opportunity which shall include but not be limited to recommending new programs and program objectives, reviewing problem areas and recommending changes in existing programs.

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

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

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

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

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

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

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

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

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

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

- (1) Acquisition of real estate; or
- (2) Employment; or
- (3) Education controlled by any public board of agency; or
- (4) Public accommodations; or
- (5) Pornography.

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

(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 16-15;
- (2) Has testified in a hearing before the board or any committee thereof;
- (3) Has otherwise cooperated with the board or office in the performance of their duties and functions;
- (4) Has requested assistance from the board or office in connection with any alleged discriminatory practice, whether or not the discriminatory practice was in violation of section 16-15.

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

(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 office has proceedings under this chapter with respect to any violation of subsection (1), which violation is also a discriminatory practice. Any proceedings to impose a penalty under this section shall be commenced within six (6) months after the date the violation occurred.

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

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

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

(a) Sections 16-14 and 16-15 shall not apply to employment performed for the consolidated city and department or agency thereof, or any employment performed for the county or agency thereof which is represented by the corporation counsel pursuant to IC 18-4-7-5.

(b) Subject to the provisions of section 16-3 (g)(4). The provisions of sections 16-14 and 16-15 shall not include any not-for-profit corporation or association organ-



ized exclusively for fraternal or religious purposes, nor 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.

(c) Sections 16-14 and 16-15 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 or unit actually maintains and occupies a unit or room in the building as her/his residence and, at the time of the rental owner intends to continue to so occupy the unit or room therein for an indefinite period subsequent to the rental.

(d) 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;
- (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 bonafide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

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

A complaint charging that any person has engaged in or is engaging in a discriminatory practice prohibited by sections 16-14 and/or 16-15 may be filed with the office by any person claiming to be aggrieved by the practice, or by one or more members of the board or employees of the office who have reasonable cause to believe that a violation of sections 16-14 and 16-15 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;
- (5) In the case of employment, against any employer, employment agency or labor organization;
- (6) In the cases of trafficking in pornography, coercion into pornographic performances, and assault or physical attack due to pornography (as provided in Section 16-3 (g)(7)) against the perpetrator(s), maker(s), seller(s), exhibitor(s), or distributor(s).

**(7) In the case of forcing pornography on a person, against the perpetrator(s) and/or institution.**

**Sec. 16-18. Contents of complaint.**

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

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

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

**Sec. 16-20. Timeliness of complaint.**

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

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

The chief officer may, in his/her discretion, prior to scheduling of the complaint for hearing under section 16-26, refer any complaint to the Indiana State Civil Rights Commission for proceedings in accordance with the Indiana Civil Rights Act.

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

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

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

The chief officer shall cause a copy of the complaint to be served by certified mail upon the respondent, who may file a written response to the complaint at any time prior to the close of proceedings with respect thereto,

except as otherwise provided in section 16-26. The complaint and any response received shall not be made public by the chief officer, the board or any member thereof or any agent or employee of the office, unless and until a public hearing is scheduled thereon as provided in section 16-26.

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

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

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

(3) Action when violation found. If the panel, pursuant to subsection (2) determines that reasonable cause exists to believe that any respondent has violated sections 16-14 and/or 16-15, it ~~shall~~ may direct the chief officer to endeavor to eliminate the alleged discriminatory practice through a conciliation conference. At least one panel member shall be present at any conciliation conference at which both the complainant and respondent are present or represented. If the complaint is satisfactorily resolved through conciliation, the terms of any agreement reached or undertaking given by any party shall be reduced to writing and signed by the complainant, respondent and the chief officer. Any disagreement between the respondent and the chief officer in regard to the terms or conditions of a proposed conciliation agreement may be referred to the panel which considered the complaint, and the decision of the



panel with respect to such terms or conditions shall be final for purposes of conciliation proceedings under this subsection, but shall not be binding upon the respondent without his written consent thereto. No action taken or statement made in connection with any proceedings under this subsection, and no written conciliation agreement or any of the terms thereof, shall be made public by the board or any member thereof, or any agent or employee of the officer, without the written consent of the parties, nor shall any such action, statement or agreement be admissible in evidence in any subsequent proceedings; provided, however, the board or officer may institute legal proceedings under this chapter for enforcement of any written agreement or undertaking executed in accordance with this subsection.

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

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

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

(a) Hearing to be held; notice. If a complaint filed pursuant to this article has not been satisfactorily resolved within a reasonable time through informal proceedings pursuant to section 16-24, or if the panel investigating the complaint determines that a conciliation conference is inappropriate under the circumstances surrounding the complaint, the complaint adjudication committee may hold a public hearing thereon upon not less than ten (10) working days' written notice to the complainant or other aggrieved person, and to the respondent. If the respondent has not previously filed a written response to the complaint, he may file such response and serve a copy thereof upon the complainant and the office not later than five (5) working days prior to the date of the hearing.

(b) Powers; rights of parties at hearing. In connection with a hearing held pursuant to subsection (1), the complaint adjudication committee shall have power upon any matter pertinent to the complaint or response thereto, to subpoena witnesses and compel their attendance; to require the production of pertinent books, papers or other documents; and to administer oaths. The complainant shall have the right to be represented by the chief officer or any an attorney of his/her choice. The respondent shall have the right to be represented by an attorney or any other person of his/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 may adopt appropriate rules for the issuance of subpoenas and the conduct of hearings under this section. The complaint adjudication committee and the board shall have the power to enforce discovery and subpoenas by appropriate petition to the Marion County Circuit or superior courts.

(c) Statement of evidence; exceptions; arguments. Within thirty (30) working days from the close of the hearing, the complaint adjudication committee shall prepare



a report containing written recommended findings of fact and conclusions and file such report with the office. A copy of the report shall be furnished to the complainant and respondent, each of whom shall have an opportunity to submit written exceptions within such time as the rules of the complaint adjudication committee shall permit. The complaint adjudication committee may, in its discretion, upon notice to each interested party hear further evidence or argument upon the issues presented by the report and exceptions, if any.

(d) Findings of fact; sustaining or dismissing complaint. If, upon the preponderance of the evidence, the committee shall be of the opinion that any respondent has engaged or is engaging in a discriminatory practice in violation of the chapter, it shall state its findings of fact and conclusions and serve a copy thereof upon the complainant and the respondent. In addition, the board 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 the power to restore complainant's losses incurred as a result of discriminatory treatment, as the board may deem necessary to assure justice; to require the posting of notice setting forth the public policy of Marion County concerning equal opportunity and respondent's compliance with said policy in places of public accommodations; to require proof of compliance to be filed by respondent at periodic intervals; to require a person who has been found to be in violation of this ordinance, and who is licensed by a city or county agency authorized to grant a license, to show cause to the licensing agency why his license should not be revoked or suspended. If, upon the preponderance of the evidence, the committee shall be of the opinion that any respondent has not engaged in a discriminatory practice in violation of this chapter it shall state its findings of fact and conclusions and serve a copy thereof upon the complainant and the respondent, and dismiss the complaint. Findings and conclusions made by the committee shall be based solely upon the record of the evidence presented at the hearing.

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

(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 as a member of either a hearing panel, the complaint adjudication committee or of the board.

(g) Applicability of state law; judicial review. Except as otherwise specifically provided in this section or in rules adopted by the board of the complaint adjudication committee under this chapter, the applicable provisions of the Administrative Adjudication Act, IC 4-22-1, shall govern the conduct of hearings and determinations under this section, and findings of the board hereunder shall be subject to judicial review as provided in that act.

Sec. 16-27. Court enforcement.

(a) Institution of action. In any case where the board or the committee has found that a respondent has engaged in or is engaging in a discriminatory practice in violation of sections 16-14 and/or 16-15, and such respondent has failed to correct or eliminate such discriminatory practice within the time limit prescribed by the board or the committee and the time limit for appeal to the board has elapsed, the board/~~may~~ shall file in its own name in the Marion County circuit or superior courts a complain against the respondent for the enforcement of section 16-26. Such complaint may request such temporary or permanent injunctive relief as may be appropriate and such additional affirmative relief or orders as will effectuate the purposes of this chapter and as may be equitable, within the powers and jurisdiction of the court.

(b) Record of hearing; evidentiary value. In any action filed pursuant to this section, the board may file with the court a record of the hearing held by the complaint adjudication committee pursuant to section 16-26, which record shall be certified by the secretary of the board as a true, correct and complete record of the proceedings upon which the findings of the complaint adjudication committee and/or the board were based. The court may, in its discretion, admit any evidence contained in the record as evidence in the action filed under subsection (1), to the extent such evidence would be admissible in court under the rules of evidence if the witness or witnesses were present in court, without limitation upon the right of any part 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 a complaint pursuant to section 16-17 by a person claiming to be aggrieved, the chief officer, in the name of the board and in accordance with such procedures as the board shall establish by rule, may seek temporary orders for injunctions in the Marion County circuit or superior courts to prevent irreparable harm to the complainant, pending resolution of the complaint by the office, complaint adjudication committee and the board.

(d) Enforcement of conciliating agreements. If the board determines that any party to a conciliation agreement approved by the chief officer under section 16-24 has filed 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.

(e) Trial de novo upon finding of sex discrimination related to pornography. Notwithstanding any other provision to the contrary, whenever the board of committee has found that a respondent has engaged in or is engaging in one of the discriminatory practices set forth in paragraphs (4) (5) (6) or (7) of Section 16-3, the board shall, within ten (10) days after making such finding, file in its own name in the Marion County circuit

or superior court an action for declaratory and/or injunctive relief. Trial in such cases shall be de novo and the board shall have the burden of proving that the actions of the respondent were in violation of this chapter.

Provided, however, that nothing contained herein shall be construed to permit a temporary or permanent injunction that would prevent respondent from engaging in any of the activities set forth in paragraphs (4) (5) (6) or (7) of Section 16-3 prior to a final judicial determination that said activities of respondent do constitute a discriminatory practice under this chapter.

Provided further, that an action for temporary or permanent injunctive relief with respect to a discriminatory practice relating to trafficking in pornography will lie only against that pornography specifically found by the Court to constitute a discriminatory practice under this chapter.

Sec. 16-28. Other remedies.

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

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

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the council in adopting this ordinance. To this end, the provisions of this ordinance are severable.

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

## 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 SPECIAL SERVICE DISTRICT COUNCILS OF THE  
CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:**

**Ladies and Gentlemen:**

You are hereby notified that **REGULAR MEETINGS** of the City-County Council and Police, Fire and Solid Waste Special Service District Councils, will be held in the City-County Building, in the Council Chambers, on Monday, April 23, 1984, at 7:00 p.m., the purposes of such **MEETINGS** being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,

s/Beurt SerVaas, President  
City-County Council

April 9, 1984

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

**Ladies and Gentlemen:**

Pursuant to the laws of the State of Indiana, I caused to be published in The Indianapolis NEWS and The Indianapolis COMMERCIAL on April 12 and 19, 1984, a copy of **NOTICE TO TAXPAYERS** of General Ordinance No. 15, 1984.

Respectfully,

s/Beverly S. Rippy  
City Clerk

April 10, 1984

**TO THE HONORABLE PRESIDENT AND MEMBERS OF THE  
CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID  
WASTE 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 Indianapolis NEWS and The Indianapolis COMMERCIAL on April 12 and 19, 1984, a copy of **NOTICE TO TAXPAYERS** of a Public Hearing on Proposal Nos. 184, 185, 187, 188, 189, 190, 191, 202, 207, 208, 209, 210, 211, 216, 217, and 218, 1984, to be held on Monday, April 23, 1984, at 7:00 p.m., in the City-County Building.

Respectfully,

s/Beverly S. Rippy  
City Clerk



April 17, 1984

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

Ladies and Gentlemen:

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

FISCAL ORDINANCE NO. 22, 1984, amending the City-County Annual Budget for 1984 (City-County Fiscal Ordinance No. 72, 1983) appropriates an additional Twenty-four Thousand Three Hundred Fifty-seven Dollars (\$24,357) in the County Welfare Fund for purposes of the Marion County Guardian Home and reducing the unappropriated and unencumbered balance in the County Welfare Fund.

GENERAL ORDINANCE NO. 17, 1984, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-166, One-way streets and alleys designated and Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 18, 1984, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-267, Parking prohibited at all times on certain streets, Section 29-271, Stopping, standing and parking prohibited at designated locations on certain days and hours, and Section 29-283, Parking meter zones designated.

GENERAL ORDINANCE NO. 19, 1984, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-268, Stopping, standing or parking prohibited at all times on certain designated streets, Section 29-267, Parking prohibited at all times on certain streets, Section 29-283, Parking meter zones established and Section 29-271, No stopping, standing and parking prohibited at designated locations on certain days and hours.

GENERAL ORDINANCE NO. 20, 1984, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-166, One-way streets and alleys designated.

GENERAL ORDINANCE NO. 21, 1984, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-224, Trucks on certain streets restricted.

GENERAL ORDINANCE NO. 22, 1984, amending the "Code of Indianapolis and Marion County, Indiana", Section 29-271, No stopping, standing and parking prohibited at designated locations on certain days and hours.

GENERAL ORDINANCE NO. 23, 1984, amending the "Code of Indianapolis and Marion County, Indiana", by amending Chapter 12 which deals with fire prevention and protection.

SPECIAL ORDINANCE NO. 18, 1984, authorizing the City of Indianapolis to issue its "Pollution Control Revenue Bonds (General Motors Corporation Project) Series 1984" in the aggregate principal amount of One Million Four Hundred Thousand Dollars (\$1,400,000) and authorizing other actions in respect thereto.

SPECIAL ORDINANCE NO. 19, 1984, authorizing the City of Indianapolis to issue its "Economic Development Revenue Bonds, Series 1984 (Maryland Development Co., Incorporated Project)" in the aggregate amount of Two Million Two Hundred Thousand Dollars (\$2,200,000) superseding and repealing City-County Special Ordinance No. 6, 1984 which approved certain financing documents and authorized the issuance

of certain bonds to finance the Project because the financing terms changed before the bonds could be issued and consequently new documents and financing items need to be approved and approving and authorizing other actions in respect thereto.

**SPECIAL ORDINANCE NO. 20, 1984**, authorizing the issuance of \$400,000 aggregate principal amount of Economic Development First Mortgage Revenue Bonds (Custom Cabinets of Indianapolis by Jim Good, Inc. Project) of the City of Indianapolis, Indiana, the proceeds of which shall be loaned to Custom Cabinets of Indianapolis by Jim Good, Inc. to assist in the financing of an economic development facility; providing for the pledge of revenues for the payment of such bonds; authorizing a loan agreement, trust indenture, bond purchase agreement and assignments appropriate for the protection and disposition of such revenues and to further secure such bonds; and authorizing other actions in connection with the issuance of such bonds.

**RESOLUTION NO. 31, 1984**, honoring the Perry Meridian High School Basketball Team.

**SPECIAL RESOLUTION NO. 32, 1984**, honoring the Richard I. Blankenbaker family.

**SPECIAL RESOLUTION NO. 33, 1984**, honoring the Chicago National Association of Dance Masters.

**SPECIAL RESOLUTION NO. 34, 1984**, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

**SPECIAL RESOLUTION NO. 35, 1984**, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

**SECTION RESOLUTION NO. 36, 1984**, authorizing the establishment of a fire department petty cash fund.

**SPECIAL RESOLUTION NO. 37, 1984**, approving the leasing of certain real estate of the Department of Parks and Recreation.

Respectfully submitted,

s/William H. Hudnut, III

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

Chairman SerVaas explained that the Omega Satellite Products Company was appealing the decision of the Cable Franchise Board to the Council and he assigned it to the Administration Committee.

**PROPOSAL NO. 101, 1984**. This proposal appoints Dan Jones to the Community Centers of Indianapolis Board. Councillor McGrath explained that this proposal was recommended "Do Pass" by the Administration Committee on April 19, by a vote of 5-0 and moved its adoption, seconded by Councillor Hawkins. The proposal was adopted by unanimous voice vote, retitled **COUNCIL RESOLUTION 19, 1984**, and reads as follows:

**CITY-COUNTY COUNCIL RESOLUTION NO. 19, 1984**

**A COUNCIL RESOLUTION** appointing Dan L. Jones to the Community Centers of Indianapolis 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 Community Centers of Indianapolis Board the Council appoints:

**Dan L. Jones**

**SECTION 2.** The appointee shall serve for a one (1) year term commencing upon the passage of this resolution and ending December 31, 1984, and at the pleasure of the Council until a successor is duly appointed.

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

PROPOSAL NO. 143, 1984. This proposal also heard in the Administration Committee on April 19, was recommended "Do Pass" by a vote of 5-0. Councilor McGrath moved its adoption seconded by Councilor Miller. Proposal No. 143, 1984 was adopted by a unanimous voice vote, retitled COUNCIL RESOLUTION NO. 20, 1984, and reads as follows:

**CITY-COUNTY COUNCIL RESOLUTION NO. 20, 1984**

**A COUNCIL RESOLUTION** appointing Ms. Evelyn Lovelace to the Equal Opportunity Advisory 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 Equal Opportunity Advisory Board the Council appoints:

**Evelyn Lovelace**

**SECTION 2.** The appointee shall serve at the pleasure of the Council, for a one (1) year term, commencing upon the passage of this resolution and ending December 31, 1984, and until a successor is duly appointed.

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

PROPOSAL NOS. 181, 182, 183, 186, 197, 198, 199, 200, 201, 203, 204, 212, 213, 219, 220, and 221, 1984. Councilor Stewart stated that Proposal Nos. 181, 182, 183, 186, 197, 198, 199, 200, 201, 203, 204, 212, 213, 219, 220, 221, 1984, are all council appointments and have been approved unanimously in committee. Councilor Miller pointed out that Proposal No. 183 was amended in committee to delete the name of Kenneth Giffin as an appointment due to his

recent appointment to the City-County Council as the representative of District 19. Councillor Stewart moved, seconded by Councillor Miller for adoption. Proposal Nos. 181, 182, 183, 186, 197, 198, 199, 200, 201, 203, 204, 212, 213, 219, 220, 221, 1984, were adopted on the following roll call vote; viz:

27 YEAS: *Borst, Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, SerVaas, Stewart, Strader, West*

0 NAYS

2 NOT VOTING: *Schneider, Shaw*

Proposal Nos. 181, 182, 183, 186, 197, 198, 199, 200, 201, 203, 204, 212, 213, 219, 220, 221, 1984, were retitled COUNCIL RESOLUTION NOS. 21-36, 1984, respectively and read as follows:

**CITY-COUNTY COUNCIL RESOLUTION NO. 21, 1984**

A COUNCIL RESOLUTION appointing Philip Borst to the Audit Committee.

**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 Audit Committee the Council appoints:

**PHILIP BORST**

SECTION 2. The appointee shall serve at the pleasure of the Council for a one (1) year term commencing upon the passage of this resolution and ending December 31, 1984, or until a successor is duly appointed.

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

**CITY-COUNTY COUNCIL RESOLUTION NO. 22, 1984**

A COUNCIL RESOLUTION appointing Donald Hargadon to the Cable Franchise 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 Cable Franchise Board the Council appoints:

**DONALD HARGADON**

SECTION 2. The appointee shall serve at the pleasure of the Council for a one (1) year term commencing upon the passage of this resolution and ending December 31, 1984, or until a successor is duly appointed.

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



**CITY-COUNTY COUNCIL RESOLUTION NO. 23, 1984**

**A COUNCIL RESOLUTION** appointing William Miller to the City-County Administrative 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 City-County Administrative Board the Council appoints:

**WILLIAM MILLER**

**SECTION 2.** The appointee shall serve at the pleasure of the Council for a one (1) year term commencing upon the passage of this resolution and ending December 31, 1984, or until a successor is duly appointed.

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

**CITY-COUNTY COUNCIL RESOLUTION NO. 24, 1984**

**A COUNCIL RESOLUTION** appointing Edward Buckley, Gary Drook and Harry Eakin to the Information Services Agency Management Board.

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

**SECTION 1.** As members of the Information Services Agency Management Board the Council appoints:

**EDWARD BUCKLEY**

**GARY DROOK**

**HARRY EAKIN**

**SECTION 2.** The appointees shall serve at the pleasure of the Council for a one (1) year term commencing upon the passage of this resolution and ending December 31, 1984, or until successors are duly appointed.

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

**CITY-COUNTY COUNCIL RESOLUTION NO. 25, 1984**

**A COUNCIL RESOLUTION** appointing Robert I. Samuelson, George M. Bixler and Paul Roland to the Metropolitan Development Commission.

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

**SECTION 1.** As members of the Metropolitan Development Commission the Council appoints:

**ROBERT I. SAMUELSON**

**GEORGE M. BIXLER**

**PAUL ROLAND**

**SECTION 2.** The appointees shall serve at the pleasure of the Council for a one (1) year term commencing upon the passage of this resolution and ending December 31, 1984, or until successors are duly appointed.

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

**CITY-COUNTY COUNCIL RESOLUTION NO. 26, 1984**

**A COUNCIL RESOLUTION** appointing Jo Anna Walker and Richard Hunter to the Board of Zoning Appeals Division I.

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

**SECTION 1.** As members of the Board of Zoning Appeals Division I the Council appoints:

**JO ANNA WALKER**

**RICHARD HUNTER**

**SECTION 2.** The appointees shall serve at the pleasure of the Council for a one (1) year term commencing upon the passage of this resolution and ending December 31, 1984, or until successors are duly appointed.

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

**CITY-COUNTY COUNCIL RESOLUTION NO. 27, 1984**

**A COUNCIL RESOLUTION** appointing John Fuller and Robert O'Brien to the Board of Zoning Appeals Division II.

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

**SECTION 1.** As members of the Board of Zoning Appeals Division II the Council appoints:

**JOHN FULLER**

**ROBERT O'BRIEN**

**SECTION 2.** The appointees shall serve at the pleasure of the Council for a one (1) year

term commencing upon the passage of this resolution and ending December 31, 1984, or until successors are duly appointed.

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

**CITY-COUNTY COUNCIL RESOLUTION NO. 28, 1984**

A COUNCIL RESOLUTION appointing Steve Brizendine to the Board of Zoning Appeals Division III.

**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 Zoning Appeals Division III the Council appoints:

**STEVE BRIZENDINE**

SECTION 2. The appointee shall serve at the pleasure of the Council for a one (1) year term commencing upon the passage of this resolution and ending December 31, 1984, or until a successor is duly appointed.

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

**CITY-COUNTY COUNCIL RESOLUTION NO. 29, 1984**

A COUNCIL RESOLUTION appointing Richard Lahr and Barbara O'Laughlin 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 members of the Board of Parks and Recreation the Council appoints:

**RICHARD LAHR**

**BARBARA O'LAUGHLIN**

SECTION 2. The appointees shall serve at the pleasure of the Council for a one (1) year term commencing upon the passage of this resolution and ending December 31, 1984, or until successors are duly appointed.

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

**CITY-COUNTY COUNCIL RESOLUTION NO. 30, 1984**

A COUNCIL RESOLUTION appointing Beverly Mukes-Gaither to the Board of Public Safety.

**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 Safety the Council appoints:

**BEVERLY MUKES-GAITHER**

**SECTION 2.** The appointee shall serve at the pleasure of the Council for a one (1) year term commencing upon the passage of this resolution and ending December 31, 1984, or until a successor is duly appointed.

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

**CITY-COUNTY COUNCIL RESOLUTION NO. 31, 1984**

**A COUNCIL RESOLUTION** appointing Dwight Schuster to the Board of Public Safety.

**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 Safety the Council appoints:

**DWIGHT SCHUSTER**

**SECTION 2.** The appointee shall serve at the pleasure of the Council for a one (1) year term commencing upon the passage of this resolution and ending December 31, 1984, or until a successor is duly appointed.

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

**CITY-COUNTY COUNCIL RESOLUTION NO. 32, 1984**

**A COUNCIL RESOLUTION** appointing Dallas Schnitzius to the Air Pollution Control 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 Air Pollution Control Board the Council appoints:

**DALLAS SCHNITZIUS**

**SECTION 2.** The appointee shall serve at the pleasure of the Council for a term of four (4) years commencing upon the passage of this resolution and ending December 31, 1987, or until a successor is duly appointed.

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

**CITY-COUNTY COUNCIL RESOLUTION NO. 33, 1984**

**A COUNCIL RESOLUTION** appointing Thomas Hale and Donald Hudson 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 members of the Board of Public Works the Council appoints:



**THOMAS HALE**

**DONALS HUDSON**

**BEVERLY MUKES-GAITHER**

**SECTION 2.** The appointees shall serve at the pleasure of the Council for a one (1) year term commencing upon the passage of this resolution and ending December 31, 1984, or until successors are duly appointed.

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

**CITY-COUNTY COUNCIL RESOLUTION NO. 34, 1984**

**A COUNCIL RESOLUTION** appointing Dwight Cottingham to the Board of Tax Adjustment.

**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 Tax Adjustment the Council appoints:

**DWIGHT COTTINGHAM**

**SECTION 2.** The appointee shall serve at the pleasure of the Council for a one (1) year term commencing upon the passage of this resolution and ending December 31, 1984, or until a successor is duly appointed.

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

**CITY-COUNTY COUNCIL RESOLUTION NO. 35, 1984**

**A COUNCIL RESOLUTION** appointing Bruce Melchert to the Marion County Liquor 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 Marion County Liquor Board the Council appoints:

**BRUCE MELCHERT**

**SECTION 2.** The appointee shall serve at the pleasure of the Council for a one (1) year term commencing upon the passage of this resolution and ending December 31, 1984, or until a successor is duly appointed.

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

**CITY-COUNTY COUNCIL RESOLUTION NO. 36, 1984**

A COUNCIL RESOLUTION appointing Wayne Burking to the Board of Transportation.

**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 Transportation the Council appoints:

**WAYNE BURKING**

**SECTION 2.** The appointee shall serve at the pleasure of the Council for a one (1) year term commencing upon the passage of this resolution and ending December 31, 1984, or until a successor is duly appointed.

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

President SerVaas recognized Councillor Boyd and granted permission for a motion concerning Proposal 228, 1984, that was enacted earlier regarding Human Relations; Equal Opportunity.

Councillor Boyd moved, seconded by Councillor Hawkins, as follows:

**CITY-COUNTY COUNCIL MOTION**

**Mr. President:**

I move that any legal fees, court costs and expenses, if any, incurred by the enactment of Proposal No. 228, 1984, be limited to the aggregate amount of \$100,000 in the lower state courts, the Indiana Court of Appeals, and the Indiana Supreme Court inclusive of any and all legal time expended by the Corporation Counsel's Office; that such fees, costs and expenses be limited to \$200,000 in the U.S. District Court, 7th Circuit Court of Appeals and the U.S. Supreme Court. That in any even total fees, costs and expenses shall not exceed \$200,000.

**Councillor Boyd**

The motion mentioned above failed on the following roll call vote; viz:

*7 YEAS: Boyd, Campbell, Crowe, Hawkins, Howard, Journey, Page*

*19 NAYS: Borst, Bradley, Clark, Cottingham, Coughenour, Curry, Durnil, Giffin, Gilmer, Holmes, McGrath, Miller, Nickell, Rader, Rhodes, Schneider, SerVaas, Stewart, Strader*

*3 NOT VOTING: Dowden, Shaw, West*

**INTRODUCTION OF PROPOSALS**

**PROPOSAL NO. 253, 1984.** Introduced by Councillor Coughenour. The Clerk

read the proposal entitled: "A Proposal for a FISCAL ORDINANCE approving temporary tax anticipation borrowing for use of the Park District Fund, Consolidated County Fund, the Consolidated City Police Force Account, the Police Pension Fund, the Consolidated City Fire Force Account, the Firemen's Pension Fund and the Sanitary Solid Waste General Fund for the period from July 1, 1984 to December 31, 1984"; and the President referred it to the Administration Committee.

PROPOSAL NO. 254, 1984. Introduced by Councillor Cottingham. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE authorizing changes in the personnel schedule of the Warren Township Trustee"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 255, 1984. Introduced by Councillor Cottingham. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$2,040 for the Marion County Surveyor to employ corner laborers during the summer months"; and the President referred it to the County and Townships Committee.

PROPOSAL NO. 256, 1984. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$31,325 for various county agencies which will be reimbursed by the State of Indiana Work-Study Program to hire college students during the summer"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 257, 1984. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring \$35,450 for the Court Services Agency to establish a separate personnel schedule and operating costs"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 258, 1984. Introduced by Councillors Holmes, Curry, West, Crowe, McGrath and Shaw. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION proposing an Ordinance of the Marion County Income Tax Council increasing the percentage credit allowed for homesteads and casting votes of the City-County Council on said Ordinance"; and the President referred it to the Rules and Policy Committee.

PROPOSAL NO. 259, 1984. Introduced by Councillors Holmes, Curry, West, Crowe, McGrath and Shaw. The Clerk read the proposal entitled: "A Proposal



for a SPECIAL RESOLUTION proposing an Ordinance of the Marion County Income Tax Council concerning the imposition of the County Option Income Tax on the taxpayers of Marion County, Indiana and casting votes of the City-County Council on said Ordinance"; and the President referred it to the Rules and Policy Committee.

PROPOSAL NO. 260, 1984. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE changing parking controls on a portion of Ritter Avenue"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 261, 1984. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE converting Julian Avenue to one-way from Audubon Road to Arlington Avenue"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 262, 1984. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE establishing a loading zone on a portion of Meridian Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 265, 1984. Introduced by Councillor Clark. The Clerk read the proposal entitled: "A Proposal for a GENERAL RESOLUTION modifying the operating budget of the Capital Improvements Board of Managers"; and the President referred it to the Municipal Corporations Committee.

#### SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NOS. 266-272, 1984. Introduced by Councillor Borst. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on April 19, 1984". Councillor Borst moved that Proposal No. 266, 1984 be scheduled for public hearing at the May 10, 1984 Council meeting. Council consent was given. No further action being taken, Proposal Nos. 267-272, 1984, were deemed adopted, retitled REZONING ORDINANCE NOS. 72-77, 1984, and read as follows:

**REZONING ORDINANCE NO. 72, 1984 84-Z-33 PIKE TOWNSHIP  
COUNCILMANIC DISTRICT NO. 1  
4645 WEST 86TH STREET, INDIANAPOLIS**

**Rock Island Refining Corporation, by Wilson S. Stober, requests rezoning of 70 acres, being in the A-2 district, to the I-2-S classification, to provide for light industrial development.**

**REZONING ORDINANCE NO. 73, 1984 84-Z-43 WASHINGTON TOWNSHIP  
COUNCILMANIC DISTRICT NO. 2**

**1625 WEST 96TH STREET, INDIANAPOLIS**

West 96th Street Associates, by Bruce R. Karr, requests the rezoning of 28.76 acres, being in the A2 district, to the D6 II classification, to permit the construction of duplexes and triplexes not to exceed a total of 170 units.

**REZONING ORDINANCE NO. 74, 1984 84-Z-61 WAYNE TOWNSHIP  
COUNCILMANIC DISTRICT NO. 1**

**5702 CRAWFORDSVILLE ROAD, INDIANAPOLIS**

St. Andrew's Evangelical Lutheran Church, by Richard S. Kegg, requests rezoning of 5.21 acres, being in the C-4 district, to the SU-1 classification, to conform zoning to its use as a church and to permit additions to existing structure.

**REZONING ORDINANCE NO. 75, 1984 84-Z-62 CENTER TOWNSHIP  
COUNCILMANIC DISTRICT NO. 16**

**2955 NORTH MERIDIAN STREET, INDIANAPOLIS**

Meridian Mutual Insurance Company, by Susan Bowron-White, requests rezoning of approximately 8 acres, being in the D-9 and D-5 districts, to the C-1 classification, to conform zoning to the existing office and parking uses.

**REZONING ORDINANCE NO. 76, 1984 84-Z-63 PIKE TOWNSHIP  
COUNCILMANIC DISTRICT NO. 8**

**4602 GUION ROAD, INDIANAPOLIS**

Marylee Wright requests rezoning of 3 acres, being in the A-2 district, to the D-2 classification, to provide for residential development.

**REZONING ORDINANCE NO. 77, 1984 84-Z-64 WARREN TOWNSHIP  
COUNCILMANIC DISTRICT NO. 13**

**1101 SOUTH EMERSON AVENUE, INDIANAPOLIS**

Taylor & Friend Enterprises, Inc., by Dixon B. Dann, request rezoning of 7.36 acres, being in the D-5 district, to the I-3-U classification, to provide for industrial use.

**SPECIAL ORDERS - PRIORITY BUSINESS**

PROPOSAL NO. 179, 1984. Councillor Borst reported that the Metropolitan Development Committee met on April 18, and listened to three and one half hours of testimony, but there were some problems that needed to be addressed and requested that it be recommitted to committee. Consent was given.

**SPECIAL ORDERS - PUBLIC HEARING**

PROPOSAL NOS. 184 and 185, 1984. This proposal appropriates \$39,868 for the Finance Division to complete the second phase of the computerization of the Barrett Law Services, and PROPOSAL NO. 185, 1984, appropriates \$519,868 of Barrett Law Funds for expenses incurred by the Finance Division. Councillor Coughenour moved, seconded by Councill Holmes, to postpone Proposal Nos. 184 and 185, 1984, in Council until May 10, 1984. Consent was given.

(Clerk's Note: Council consent was given to consider Proposal Nos. 187, 188, 189, 190 and 191, 1984, together.)

PROPOSAL NOS. 187, 188, 189, 190 and 191, 1984. Councillor Cottingham reported that the County and Townships Committee held a hearing on Proposal Nos. 187, 188, 189, 190 and 191, 1984, which were initiated by the various township assessors. During the budget process of 1983, it was determined to help balance the county side of the budget that vacancy factors would be built into the budgets of the assessors in hopes that the additional revenue could be found later in 1984. The committee voted 5-0 to "Table" these proposals. Councillor Cottingham moved, seconded by Councillor Clark to "Strike" Proposal Nos. 187, 188, 189, 190 and 191, 1984. Council consent was given.

PROPOSAL NO. 202, 1984. Councillor Durnil reported that the Parks and Recreation Committee has recommended Proposal No. 202, Do Pass by a vote of 7-0 on April 12, 1984, and explained that this proposal authorizes the purchase of 15.4 acres on the north side of 16th Street adjacent to Bush Stadium. This purchase is needed to protect the City's investment in Bush Stadium. The President called for public testimony at 9:50 p.m. Councillor Durnil moved, seconded by Councillor Howard, for adoption. Proposal No. 202, 1984, was adopted on the following roll call vote; viz:

27 YEAS: *Borst, Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, SerVaas, Stewart, Strader, West*

NO NAYS

2 NOT VOTING: *Schneider, Shaw*

Proposal No. 202, 1984, was retitled FISCAL ORDINANCE NO. 23, 1984, and reads as follows:

**CITY-COUNTY FISCAL ORDINANCE NO. 23, 1984**

A FISCAL ORDINANCE amending the City-County Annual Budget for 1984 (City-County Fiscal Ordinance No. 72, 1983) appropriating an additional Five Hundred Twenty-five Thousand Dollars (\$525,000) in the Park Land Fund for purposes of the Department of Parks and Recreation, Administration Division and reducing the unappropriated and unencumbered balance in the Park Land Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.03 of the City-County Annual Budget for 1984, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing funds to purchase property near Bush Stadium and land adjacent to Mann Road Park Property.

SECTION 2. The sum of Five Hundred Twenty-five Thousand Dollars (\$525,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

DEPARTMENT OF PARKS AND RECREATION	
ADMINISTRATION DIVISION	PARK LAND FUND
4. Capital Outlay	<u>\$525,000</u>
TOTAL INCREASE	\$525,000

SECTION 4. The said additional appropriations are funded by the following reductions:

DEPARTMENT OF PARKS AND RECREATION	
ADMINISTRATION DIVISION	PARK LAND FUND
Unappropriated and Unencumbered	
Park Land Fund	<u>\$525,000</u>
TOTAL REDUCTION	\$525,000

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

PROPOSAL NO. 207, 1984. Councillor Dowden stated that in 1982 twelve probation officers were added to their staff and a new caseload classification system was developed that emphasized field contact. Due to these two factors Proposal No. 207, 1984, appropriates \$6,000 for travel and supplies for the Probation Department. Councillor Dowden reported that the Public Safety and Criminal Justice Committee has recommended Proposal No. 207, 1984, Do Pass by a vote of 6-0 on April 11, 1984. The President called for public testimony at 9:59 p.m. Councillor Dowden moved, seconded by Councillor Hawkins, for adoption. Proposal No. 207, 1984, was adopted on the following roll call vote; viz:

25 YEAS: *Borst, Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, SerVaas, Stewart, Strader, West*

NO NAYS

4 NOT VOTING: *Clark, Gilmer, Schneider, Shaw*

Proposal No. 207, 1984, was retitled FISCAL ORDINANCE NO. 24, 1984, and reads as follows:



CITY-COUNTY FISCAL ORDINANCE NO. 24, 1984

A FISCAL ORDINANCE amending the City-County Annual Budget for 1984 (City-County Fiscal Ordinance No. 72, 1983) appropriating an additional Six Thousand Dollars (\$6,000) in the Adult Probation Fees Fund for purposes of the Superior Court, Criminal Division - Probation Department and reducing the unappropriated and unencumbered balance in the Adult Probation Fees Fund.

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 2.03 (b)(1) of the City-County Annual Budget for 1984, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing funds for travel and supplies required to support Community Work Service, Home Detention and Council of International Programs.

SECTION 2. The sum of Six Thousand Dollars (\$6,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

SUPERIOR COURT, CRIMINAL DIVISION		ADULT PROBATION FEES FUND
PROBATION DEPARTMENT		
2. Supplies		\$3,000
3. Other Services & Charges		<u>\$3,000</u>
TOTAL INCREASE		\$6,000

SECTION 4. The said additional appropriations are funded by the following reductions:

SUPERIOR COURT, CRIMINAL DIVISION		ADULT PROBATION FEES FUND
PROBATION DEPARTMENT		
Unappropriated and Unencumbered		
Adult Probation Fees Fund		<u>\$6,000</u>
TOTAL REDUCTION		\$6,000

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

PROPOSAL NO. 208, 1984. This proposal appropriates \$208,161 of LEAA Funds to the Marion County Prosecutor and Marion County Auditor for the Habitual Serious and Violent Juvenile Offender Program. This grant will target juveniles, ages 15-18 with a pattern of serious delinquent repeated behavior. Councillor Dowden reported that Proposal No. 208, 1984, was recommended Do Pass As Amended by the Public Safety and Criminal Justice Committee on April 11, 1984. President SerVaas called for public testimony at 10:00 p.m. Councillor Dowden moved, seconded by Councillor Borst, for adoption. Proposal No. 208, 1984, was adopted on the following roll call vote; viz:

26 YEAS: Borst, Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, SerVaas, Stewart, Strader, West  
NO NAYS

3 NOT VOTING: Gilmer, Schneider, Shaw

Proposal No. 208, 1984, was retitled FISCAL ORDINANCE NO. 25, 1984, and reads as follows:

**CITY-COUNTY FISCAL ORDINANCE NO. 25, 1984**

A FISCAL ORDINANCE amending the City-County Annual Budget for 1984 (City-County Fiscal Ordinance No. 72, 1983) appropriating an additional Two Hundred Eight Thousand One Hundred Sixty-one Dollars (\$208,161) in the State and Federal Grant Fund for purposes of the Marion County Prosecutor and Marion County Auditor and reducing the unappropriated and unencumbered balance in the State and Federal Grant Fund.

**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 2.03 (e) of the City-County Annual Budget for 1984, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing funds reimbursed by a Crime Control Grant for the Habitual Serious and Violent Juvenile Offender Program.

SECTION 2. The sum of Two Hundred Eight Thousand One Hundred Sixty-one Dollars (\$208,161) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

MARION COUNTY PROSECUTOR	STATE AND FEDERAL GRANT FUND
31. Personal Services	\$ 94,151
32. Contractual Services	76,197
34. Equipment	4,000
35. Operating Expenses	<u>6,904</u>
	\$181,252

MARION COUNTY AUDITOR

31. Personal Services (Fringes)	<u>26,909</u>
TOTAL INCREASE	\$208,161

SECTION 4. The said additional appropriations are funded by the following reductions:

MARION COUNTY PROSECUTOR	STATE AND FEDERAL GRANT FUND
Unappropriated and Unencumbered State and Federal Grant Fund	<u>\$208,161</u>
TOTAL REDUCTION	\$208,161

SECTION 5. The personnel schedule is hereby amended by deleting the crosshatched portions and adding the new amounts as underlined herein:

Personnel Classification	Maximum Number	Maximum Salary	Maximum Per Classification
Prosecutor	22 $\frac{4}{2}$	101,750	30,000
Witness Coordinator	1	17,870	18,000
Paralegal	0 $\frac{1}{1}$	0	17,870
Probation Officer	0 $\frac{1}{1}$	0	17,000
Investigator	0 $\frac{1}{1}$	0	21,000
Project Analyst	0 $\frac{1}{1}$	0	18,000
Intern	1	11,500	8,434
Director	1	16,000	11,510
Volunteer Coordinator	1	6,000	4,038
Student Jury Coordinator	1	12,000	8,769
Secretary	1	15,000	4,019
Counselor	3	14,350	22,390
Vacancy Factor	—		0 (22,461)
<b>TOTAL</b>	<b>11 18</b>		<b>\$177,428</b>

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

PROPOSAL NO. 209, 1984. This proposal appropriates \$132,800 for the Prosecutor's Child Support Agency and the Auditor. When the Child Support Division collects \$1.00 for a mother who is on welfare, the Division is reimbursed \$.26 for the County General Fund. This law is in the process of being changed. These funds will be used to set up four test branches where the women will be interviewed. The Division estimates that in the next 24 months they will receive 20,000 more cases on non-welfare mothers which should result in more money for the County. Proposal 209, 1984, was recommended Do Pass As Amended by a vote of 6-0 by the Public Safety and Criminal Justice Committee on April 11, 1984. The President called for public testimony at 10:02 p.m. Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal No. 209, 1984, was adopted on the following roll call vote; viz:

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

NO NAYS

2 NOT VOTING: Bradley, Shaw

Proposal No. 209, 1984, was retitled FISCAL ORDINANCE NO. 26, 1984, and reads as follows:

**CITY-COUNTY FISCAL ORDINANCE NO. 26, 1984**

A FISCAL ORDINANCE amending the City-County Annual Budget for 1984 (City-County Fiscal Ordinance No. 72, 1983) appropriating an additional One Hundred

Thirty-two Thousand Eight Hundred Dollars (\$132,800) in the County General Fund for purposes of the Prosecutor's Child Support Agency and Marion County Auditor and reducing the unappropriated and unencumbered balance in the County General Fund.

**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 2.03 (b)(23) of the City-County Annual Budget for 1984, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing funds for the expansion of child support services in accordance with new federal regulations, for information services, for summer student enforcement projects and for the reorganization of the file system.

SECTION 2. The sum of One Hundred Thirty-two Thousand Eight Hundred Dollars (\$132,800) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

PROSECUTOR'S CHILD SUPPORT AGENCY	COUNTY GENERAL FUND
1. Personal Services	\$ 78,327
2. Supplies	9,400
3. Other Services & Charges	17,015
4. Capital Outlay	<u>12,580</u>
	<u>\$117,322</u>

MARION COUNTY AUDITOR

1. Personal Services (Fringes)	10,478
3. Other Services & Charges	<u>5,000</u>
TOTAL INCREASE	<u>\$132,800</u>

SECTION 4. The said additional appropriations are funded by the following reductions:

PROSECUTOR'S CHILD SUPPORT AGENCY	COUNTY GENERAL FUND
Unappropriated and Unencumbered County General Fund	<u>\$132,800</u>
TOTAL REDUCTION	<u>\$132,800</u>

SECTION 5. The personnel schedule is hereby amended by deleting the crosshatched portions and adding the new amounts as underlined herein:

(b)(23) PROSECUTOR'S CHILD SUPPORT IV-D AGENCY - Dept. 04

Personnel Classification	Maximum Number	Maximum Salary	Maximum Per Classification
Supervisor Professional	2	38,568	45,000
Administrative Supervisor	5	22,478	82,700
Deputy Prosecutors	7	34,746	117,410
Paralegals	<u>26</u>	18,763	<u>324,500</u>
Secretaries	<u>24</u>	16,275	<u>237,910</u>
Temporary			47,544
Vacancy Factor			(76,217)
TOTAL	<u>64</u>		<u>778,847</u>

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



PROPOSAL NO. 210, 1984. Councillor Dowden explained that the Indianapolis Police Department and the Marion County Sheriff's Department will be participating as a test site for the purpose of implementing and evaluating selected enforcement and public information strategies designed to deter driving while intoxicated. The Public Safety and Criminal Justice Committee recommended Proposal No. 210, 1984, Do Pass by a vote of 6-0 on April 11, 1984. The President called for public testimony at 10:04 p.m. Councillor Dowden moved, seconded by Councillor Hawkins, for adoption. Proposal No. 210, 1984, was adopted on the following roll call vote; viz:

27 YEAS: *Borst, Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Stewart, Strader, West*  
 1 NAY: *Curry*,  
 1 NOT VOTING: *Shaw*

Proposal No. 210, 1984, was retitled FISCAL ORDINANCE NO. 27, 1984, and reads as follows:

**CITY-COUNTY FISCAL ORDINANCE NO. 27, 1984**

A FISCAL ORDINANCE amending the City-County Annual Budget for 1984 (City-County Fiscal Ordinance No. 72, 1983) appropriating an additional Twenty-two Thousand Two Hundred Fifty Dollars (\$22,250) in the County General Fund for purposes of the Marion County Prosecutor and Auditor and reducing the unappropriated and unencumbered balance in the County General Fund.

**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 2.03 (b)(22) of the City-County Annual Budget for 1984, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing funds for the enforcement and public information strategies for the general deterrence of DWI being conducted by the University of North Carolina.

SECTION 2. The sum of Twenty-two Thousand Two Hundred Fifty Dollars (\$22,250) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

<b>MARION COUNTY PROSECUTOR</b>	<b>COUNTY GENERAL FUND</b>
1. Personal Services	\$16,710
3. Other Services & Charges	3,500
	<b>\$20,210</b>
 <b>MARION COUNTY AUDITOR</b>	
1. Personal Services (Fringes)	2,040
<b>TOTAL INCREASE</b>	<b>\$22,250</b>

SECTION 4. The said additional appropriations are funded by the following reductions:

<b>MARION COUNTY PROSECUTOR</b>	<b>COUNTY GENERAL FUND</b>
Unappropriated and Unencumbered County General Fund	<u>\$22,250</u>
<b>TOTAL REDUCTION</b>	<b>\$22,250</b>

SECTION 5. The personnel schedule is hereby amended by deleting the crosshatched portions and adding the new amounts as underlined herein:

(22) PROSECUTING ATTORNEY - Dept. 25

Personnel Classification	Maximum Number	Maximum Salary	Maximum Per Classification
Elected Official	1	6,318	6,318
Chief Trial Deputy	1	4,739	4,739
Admin. Staff	3	24,727	43,660
Admin. Supervisor	6	22,478	<del>98,489</del>
Admin. Secretary	12	16,535	138,618
General Secretary	11	16,281	<u>132,602</u> <del>112718821</del>
Computer Supervisor	4	14,073	41,046
Investigator	4	38,568	101,567
Law Clerk	13	15,246	119,150
Paralegal	17	18,763	211,203
Chief Counsel	1	38,568	37,485
Supv. of Professionals	8	38,568	172,859
Full & Part-time Deputy			
Prosecutors	47	34,746	1,019,827
Temporary			20,000
Witness Fees			18,000
Vacancy Factor	—		<u>(212,228)</u>
<b>TOTAL</b>	<b>128</b>		<u><b>1,953,335</b></u> <del>1,836,625</del>

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

PROPOSAL NO. 216, 1984. Councillor West stated that Proposal No. 216, appropriates \$106,377 for purposes of the Department of Public Works, Liquid Waste 24th Floor Administration. A portion of the funds will be for a Resource Recovery Financial Study which will analyze the various financing methods and recommend the most feasible method for the City to design and construct a resource recovery facility. The other project will be a Landfill Siting Study which will develop the schedule for landfill siting, estimate development and operation costs for each site and help in the selection of three to five sites. Proposal No. 216, 1984, was recommended Do Pass by the Public Works Committee on April 12, 1984, by a vote of 4-0. The President called for public testimony at 10:06 p.m. Councillor West moved, seconded by Councillor Howard, for adoption. Proposal No. 216, 1984, was adopted on the following roll call vote; viz:

27 YEAS: Borst, Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, SerVaas, Stewart, Strader, West

NO NAYS

2 NOT VOTING: Schneider, Shaw

Proposal No. 216, 1984, was retitled FISCAL ORDINANCE NO. 28, 1984, and reads as follows:

**CITY-COUNTY FISCAL ORDINANCE NO. 28, 1984**

A FISCAL ORDINANCE amending the City-County Annual Budget for 1984 (City-County Fiscal Ordinance No. 72, 1983) appropriating an additional One Hundred Six Thousand Three Hundred Seventy-seven Dollars (\$106,377) in the Sanitation General Fund for purposes of the Department of Public Works, Liquid Waste 24th Floor Administration and reducing the unappropriated and unencumbered balance in the Sanitation General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.03 of the City-County Annual Budget for 1984, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing funds for a resource recovery financial study, resource recovery engineering and a landfill site study.

SECTION 2. The sum of One Hundred Six Thousand Three Hundred Seventy-seven Dollars (\$106,377) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

DEPARTMENT OF PUBLIC WORKS	
LIQUID WASTE 24TH FLOOR ADMIN.	SANITATION GENERAL FUND
3. Other Services & Charges	<u>\$106,377</u>
TOTAL INCREASE	\$106,377

SECTION 4. The said additional appropriations are funded by the following reductions:

DEPARTMENT OF PUBLIC WORKS	
LIQUID WASTE 24TH FLOOR ADMIN.	SANITATION GENERAL FUND
Unappropriated and Unencumbered	
Sanitation General Fund	<u>\$106,377</u>
TOTAL REDUCTION	\$106,377

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

PROPOSAL NO. 217, 1984. Councillor West explained that this proposal appropriates \$4,352,413 for the Department of Public Works, Liquid Waste Processing

Operations. These funds will be used for the refurbishment of two lagoons and rehabilitate the thickner tank as well as several other projects. Councillor West reported that the Public Works Committee recommended Proposal No. 217, 1984, Do Pass by a vote of 4-0 on April 12, 1984. The President called for public testimony at 10:07 p.m. Councillor West moved, seconded by Councillor Coughenour, for adoption. Proposal No. 217, 1984, was adopted on the following roll call vote; viz:

27 YEAS: *Borst, Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, SerVaas, Schneider, Strader, West*

NO NAYS

2 NOT VOTING: *Shaw, Stewart*

Proposal No. 217, 1984, was retitled FISCAL ORDINANCE NO. 29, 1984, and reads as follows:

**CITY-COUNTY FISCAL ORDINANCE NO. 29, 1984**

A FISCAL ORDINANCE amending the City-County Annual Budget for 1984 (City-County Fiscal Ordinance No. 72, 1983) appropriating an additional Four Million Three Hundred Fifty-two Thousand Four Hundred Thirteen Dollars (\$4,352,413) in the Sanitation General Fund for purposes of the Department of Public Works, Liquid Waste Processing Operations and reducing the unappropriated and unencumbered balance in the Sanitation General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.03 of the City-County Annual Budget for 1984, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing funds for lagoon refurbishment estimated to cost \$1,500,000, thickener tank rehabilitation costing \$665,000 and thirteen other projects estimated to cost between \$34,600 and \$280,000.

SECTION 2. The sum of Four Million Three Hundred Fifty-two Thousand Four Hundred Thirteen Dollars (\$4,352,413) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

DEPARTMENT OF PUBLIC WORKS		
LIQUID WASTE PROCESSING OPERATIONS		SANITATION GENERAL FUND
1. Personal Services		\$ 145,000
2. Supplies		10,000
3. Other Services & Charges		3,552,913
4. Capital Outlay		644,500
TOTAL INCREASE		<u>\$4,352,413</u>

SECTION 4. The said additional appropriations are funded by the following reductions:



DEPARTMENT OF PUBLIC WORKS  
 LIQUID WASTE PROCESSING OPERATIONS SANITATION GENERAL FUND  
 Unappropriated and Unencumbered  
 Sanitation General Fund \$4,352,413  
 TOTAL REDUCTION \$4,352,413

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

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 145, 1984. Councillor Cottingham explained that the County Auditor is requesting the transfer of \$8,000 to purchase a computer which will be used in preparation of the annual report. This purchase should reduce the overall costs of the annual report. Councillor Cottingham reported that Proposal No. 145, 1984, was recommended Do Pass by a vote of 5-0 on April 10, 1984. Councillor Cottingham moved, seconded by Councillor Holmes, for adoption. Proposal No. 145, 1984, was adopted on the following roll call vote; viz:

26 YEAS: *Borst, Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, Curry, Durnil, Giffin, Gilmer, Hawkins, Howard, Holmes, Journey, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Stewart, Strader, West*

NO NAYS

3 NOT VOTING: *Dowden, McGrath, Shaw*

Proposal No. 145, 1984, was retitled FISCAL ORDINANCE NO. 30, 1984, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 30, 1984

A FISCAL ORDINANCE amending the City-County Annual Budget for 1984 (City-County Fiscal Ordinance No. 72, 1983) transferring and appropriating Eight Thousand Dollars (\$8,000) in the County General Fund for purposes of the Marion County Auditor and reducing certain other appropriations for that office.

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 2.03 (a)(2) of the City-County Annual Budget for 1984, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing a transfer of funds to purchase microcomputer equipment.

SECTION 2. The sum of Eight Thousand Dollars (\$8,000) 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:

MARION COUNTY AUDITOR  
4. Capital Outlay  
TOTAL INCREASE

COUNTY GENERAL FUND  
\$8,000  
\$8,000

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

MARION COUNTY AUDITOR  
3. Other Services & Charges  
TOTAL REDUCTION

COUNTY GENERAL FUND  
\$8,000  
\$8,000

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

PROPOSAL NO. 160, 1984. Councillor Dowden stated that Proposal No. 160, transfers \$4,350 of federal funds for a family crisis counseling service and has been recommended Do Pass by the Public Safety and Criminal Justice Committee by a vote of 6-0 on April 11, 1984. The Family Crisis Intervention will service runaways released from the Juvenile Center and provide the parents with a referral service for a charge. Councillor Dowden moved, seconded by Councillor Hawkins, for adoption. Proposal No. 160, 1984, was adopted on the following roll call vote; viz:

27 YEAS: *Borst, Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Stewart, Strader, West*

NO NAYS

2 NOT VOTING: *McGrath, Shaw*

Proposal No. 160, 1984, was retitled FISCAL ORDINANCE NO. 31, 1984, and reads as follows:

**CITY-COUNTY FISCAL ORDINANCE NO. 31, 1984**

A FISCAL ORDINANCE amending the City-County Annual Budget for 1984 (City-County Fiscal Ordinance No. 72, 1983) transferring and appropriating Four Thousand Three Hundred Fifty Dollars (\$4,350) in the State and Federal Grant Fund for purposes of the Marion County Prosecutor and reducing certain other appropriations for that division.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.03 (e) of the City-County Annual Budget for 1984, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing a transfer of Crime Control Funds in order to establish a Family Crisis Counseling Service for runaway youth in the Juvenile Diversion Program Grant.

SECTION 2. The sum of Four Thousand Three Hundred Fifty Dollars (\$4,350) 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:

MARION COUNTY PROSECUTOR	STATE AND FEDERAL GRANT FUND
32. Contractual Services	<u>\$4,350</u>
TOTAL INCREASE	\$4,350

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

MARION COUNTY PROSECUTOR	STATE AND FEDERAL GRANT FUND
31. Personal Services	<u>\$4,350</u>
TOTAL REDUCTION	\$4,350

SECTION 5. The personnel schedule is hereby amended by deleting the crosshatched portions and adding the new amount as underlined herein:

Personnel Classification	Maximum Number	Maximum Salary	Maximum Per Classification
Prosecutor	2	10,750	12,972
Witness Coordinator	1	17,870	11,145
Intern	1	17,870	8,434
Director	1	16,000	11,510
Volunteer Coordinator	1	6,000	4,038
Student Jury Coordinator	1	12,000	8,769
Secretary	1	15,000	4,019
Counselor	<u>3</u>	14,350	<del>12,870</del> <u>22,390</u>
<b>TOTAL</b>	<b>11</b>		<del>128,770</del> <u>\$83,277</u>

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

PROPOSAL NO. 192, 1984. Councillor Cottingham stated that the Small Claims Court Judge in Washington Township is requesting an additional clerk. The number of cases being filed in comparison to 1983 has almost doubled and the position can be funded through the additional filing fees. Councillor Cottingham reported that the County and Townships Committee recommended the proposal Do Pass by a vote of 5-0 on April 10, 1984, and moved, seconded by Councillor Bradley, for adoption. Proposal No. 192, 1984, was adopted on the following roll call vote; viz:

28 YEAS: Borst, Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas,

Stewart, Strader, West  
 NO NAYS  
 1 NOT VOTING: Shaw

Proposal No. 192, 1984, was retitled GENERAL ORDINANCE NO. 25, 1984, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 25, 1984

A GENERAL ORDINANCE amending City-County General Ordinance No. 78, 1983, authorizing changes in the personnel schedule of the Washington Township Trustee.

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

SECTION 1. Section 9 of City-County General Ordinance No. 78, 1983, be and is hereby amended by deleting the crosshatched portions and adding the underlined amounts as follows:

POSITION	NUMBER OF PERSONNEL	ANNUAL RATE OF COMPENSATION	TOTAL COMPENSATION
Township Trustee	1	16,800	16,800
Township Administrator	1	14,074	14,074
Advisory Board Members	3	1,290	3,870
Clerk Class I	1	11,142	11,142
Small Claims Court Clerks	<u>3</u>	11,142	<u>33,426</u>
Small Claims Sr. Court Clerk	1	12,317	12,317
Part-time Clerk for Small Claims Court		5,395	5,395
Small Claims Court Judge	<u>1</u>	18,764	<u>18,764</u>
<b>SUBTOTAL</b>	<u>11</u>		<u>115,788</u>

FIRE DEPARTMENT PERSONNEL

Fire Chief	1	29,942	29,942
Deputy Chief	1	26,060	26,060
Asst. Chief	4	24,333	97,332
Captain	10	22,893	228,930
Lieutenant	15	21,887	328,305
Chauffeurs	39	21,257	829,023
Privates	23	19,226	442,198
Probationary	0	13,500	0
Secretary	1	11,142	11,142
Extra Comp. for Param.	(19)	1,500	28,500
Total Year Longevity		40,000	40,000
Paid Holidays (7 at \$30 for 28 employees)		5,880	5,880
Part-time Compensation		<u>8,000</u>	<u>8,000</u>
<b>SUBTOTAL</b>	94		2,075,312

POOR RELIEF PERSONNEL

Suprs. of Investigators	1	14,074	14,074
Investigators (full-time)	4	11,142	44,568
Investigators (part-time)	—	5,571	<u>5,571</u>



SUBTOTAL		5		64,213
TOTAL	<u>109</u>	<u>110</u>	<del>2,244,171</del>	<u>2,255,313</u>

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

PROPOSAL NO. 205, 1984. Councillor Dowden explained that Marion County Superior Court, Civil Division - Room III has been operating without a commissioner since January 15, 1984. This vacancy has resulted in a back log of cases and paper work, so Judge Barteau is requesting a temporary clerical person for the summer months. Councillor Dowden reported that the Public Safety and Criminal Justice Committee recommended the proposal Do Pass by a vote of 6-0 on April 11, 1984, and moved, seconded by Councillor West, for adoption. Proposal No. 205, 1984, was adopted on the following roll call vote; viz:

26 YEAS: Borst, Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Rader, Rhodes, Schneider, SerVaas, Stewart, Strader, West

NO NAYS

3 NOT VOTING: Clark, Page, Shaw

Proposal No. 205, 1984, was retitled FISCAL ORDINANCE NO. 32, 1984, and reads as follows:

**CITY-COUNTY FISCAL ORDINANCE NO. 32, 1984**

A FISCAL ORDINANCE amending the City-County Annual Budget for 1984 (City-County Fiscal Ordinance No. 72, 1983) authorizing changes in the personnel compensation schedule (Section 2.03) of the Marion County Superior Court, Civil Division - Room III.

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

SECTION 1. Section 2.03 (b)(16) of City-County Fiscal Ordinance No. 72, 1983, be amended by deleting the crosshatched portions and adding the new amounts as underlined herein:

**(b)(16) SUPERIOR COURT, CIVIL DIVISION - ROOM III**

Personnel Classification	Maximum Number	Maximum Salary	Maximum Per Classification
Judge	<u>1</u>	16,493	16,493
Court Reporter	<u>1</u>	19,262	19,262
Asst. Court Reporter	<u>1</u>	17,004	17,004

Bailiffs	2	13,759	27,518
Commissioner	1	13,387	13,387
Temporary			<u>2,500</u>
<u>Vacancy Factor</u>	—		<u>(1,700)</u>
TOTAL	6		94,464

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

PROPOSAL NO. 206, 1984. Councillor Dowden stated that the Roving Court Reporter has been advised by I.B.M. that her memory typewriter is obsolete and they are no longer concentrating service on that particular model. The Roving Court Reporter is currently using a Xerox Memorywriter and Proposal No. 206, transfers \$1,900 for the purchase of the Memorywriter. Councillor Dowden reported that the Public Safety and Criminal Justice Committee recommend Proposal No. 206, Do Pass by a vote of 5-1 on April 11, 1984, and moved, seconded by Councillor Holmes, for adoption. Proposal No. 206, 1984, was adopted on the following roll call vote; viz:

26 YEAS: *Borst, Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Page, Rader, Rhodes, Schneider, SerVaas, Stewart, Strader,*

NO NAYS

3 NOT VOTING: *Nickell, Shaw, West*

Proposal No. 206, 1984, was retitled FISCAL ORDINANCE NO. 33, 1984, and reads as follows:

**CITY-COUNTY FISCAL ORDINANCE NO. 33, 1984**

A FISCAL ORDINANCE amending the City-County Annual Budget for 1984 (City-County Fiscal Ordinance No. 72, 1983) transferring and appropriating One Thousand Nine Hundred Dollars (\$1,900) in the County General Fund for purposes of the Superior Court - Roving Court Reporter and reducing certain other appropriations for that division.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.03 (b)(2) of the City-County Annual Budget for 1984, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing a transfer of funds to purchase a typewriter and transcriber.

SECTION 2. The sum of One Thousand Nine Hundred Dollars (\$1,900) 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:

SUPERIOR COURT - MOVING COURT REPORTER	COUNTY GENERAL FUND
4. Capital Outlay	<u>\$1,900</u>
TOTAL INCREASE	<u>\$1,900</u>

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

SUPERIOR COURT - MOVING COURT REPORTER	COUNTY GENERAL FUND
3. Other Services & Charges	<u>\$1,900</u>
TOTAL REDUCTION	<u>\$1,900</u>

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

PROPOSAL NO. 214, 1984. Councillor West stated that Proposal No. 214, reduces the appropriation of the Flood Control Division by \$475,000. These are Community Development Funds and this reduction is due to the delay of construction until 1985 of the Bean Creek Project from Raymond to Emerson. These funds will be transferred to the Solid Waste Division for landfill activities. Councillor West reported that the Public Works Committee has recommended Proposal No. 214, Do Pass by a vote of 4-0 on April 12, 1984, and moved, seconded by Councillor Coughenour, for adoption. Proposal No. 214, 1984, was adopted on the following roll call vote; viz:

26 YEAS: *Borst, Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, SerVaas, Stewart, West*  
NO NAYS

3 NOT VOTING: *Schneider, Shaw, Strader*

Proposal No. 214, 1984, was retitled FISCAL ORDINANCE NO. 34, 1984, and reads as follows:

**CITY-COUNTY FISCAL ORDINANCE NO. 34, 1984**

A FISCAL ORDINANCE amending the City-County Annual Budget for 1984 (City-County Fiscal Ordinance No. 72, 1983) by reducing the appropriation Four Hundred Seventy-five Thousand Dollars (\$475,000) in the Flood Control General Fund for purposes of the Department of Public Works, Flood Control Division.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.03 of the City-County Annual Budget for

1984, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of reducing the Flood Control General Fund to reflect the transfer of Community Development Funds to the Solid Waste Service District Fund.

SECTION 2. The sum of Four Hundred Seventy-five Thousand Dollars (\$475,000) be, and the same is hereby reduced for the purposes as shown in Section 3.

SECTION 3. The following reductions in appropriations are hereby approved:

<b>DEPARTMENT OF PUBLIC WORKS</b>	
<b>FLOOD CONTROL DIVISION</b>	<b>FLOOD CONTROL GENERAL FUND</b>
3. Other Services & Charges	<u>\$475,000</u>
<b>TOTAL REDUCTION</b>	<b>\$475,000</b>

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

PROPOSAL NO. 215, 1984. Councillor West stated that Proposal No. 215, 1984, transfers \$58,500 for the Office of the Director. During the 1984 budget process, the Department of Public Works budgeted a 3.8% increase in personal services. In January, 1984, the Department of Administration suggested that all departments give their employees a 2% cost of living and up to a 3% merit increase. Councillor West reported that the Public Works Committee has recommended Proposal 215, 1984, Do Pass by a vote of 3-0-1 on April 12, 1984, and moved, seconded by Councillor Rhodes, for adoption. Proposal No. 215, 1984, was adopted on the following roll call vote; viz:

27 YEAS: *Borst, Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Stewart, Strader, West*

NO NAYS

2 NOT VOTING: *Holmes, Shaw*

Proposal No. 215, 1984, was retitled FISCAL ORDINANCE NO. 35, 1984, and reads as follows:

**CITY-COUNTY FISCAL ORDINANCE NO. 35, 1984**

A FISCAL ORDINANCE amending the City-County Annual Budget for 1984 (City-County Fiscal Ordinance No. 72, 1983) transferring and appropriating Fifty-eight Thousand Five Hundred Dollars (\$58,500) in the City General Fund for purposes of the Department of Public Works, Office of the Director and reducing certain other appropriations for that division.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.03 of the City-County Annual Budget for 1984, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing funds for personal services in accordance with city policy.



SECTION 2. The sum of Fifty-eight Thousand Five Hundred Dollars (\$58,500) 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:

DEPARTMENT OF PUBLIC WORKS OFFICE OF THE DIRECTOR	CITY GENERAL FUND
1. Personal Services	\$55,500
2. Supplies	<u>3,000</u>
TOTAL INCREASE	\$58,500

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

DEPARTMENT OF PUBLIC WORKS OFFICE OF THE DIRECTOR	CITY GENERAL FUND
3. Other Services & Charges	\$58,500
TOTAL REDUCTION	<u>\$58,500</u>

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

PROPOSAL NO. 222, 1984. Councillor Gilmer explained that Proposal No. 222, places a stop sign at the intersection of Roosevelt Avenue and Bloyd Avenue. This is due to the fact that Roosevelt Avenue has been relocated near I-70 and Rural Street. The other intersection controls have been requested by private citizens. Councillor Gilmer reported that the Transportation Committee has recommended Proposal No. 222, Do Pass by a vote of 3-0 on April 18, 1984 and moved, seconded by Councillor Cottingham, for adoption. Proposal No. 222, 1984, was adopted on the following roll call vote; viz:

26 YEAS: *Borst, Boyd, Bradley, Clark, Cottingham, Coughenour, Crowe, Curry, Dowden, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Stewart, Strader, West*

NO NAYS

3 NOT VOTING: *Campbell, Durnil, Shaw*

Proposal No. 222, 1984, was retitled GENERAL ORDINANCE NO. 26, 1984, and reads as follows:

**CITY-COUNTY GENERAL ORDINANCE NO. 26, 1984**

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically Chapter 29, Section 29-92, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25, Pg. 24	Roosevelt Av. & N. Rural St.	N. Rural St.	STOP
10, Pg. 3	Golf Le. & Woodmere Dr.	None	NONE
37, Pg. 4	Phoenix Dr. & Tucson Dr.	Tucson Dr.	STOP

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically Chapter 29, Section 29-92, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
25, Pg. 3	Boyd Av. & Roosevelt Av.	Boyd Av.	STOP
1, Pg. 1	Andre Dr. & Normandy Blvd.	Normandy Blvd.	STOP
1, Pg. 1	Cabernet Wy & Normandy Blvd.	Normandy Blvd.	STOP
10, Pg. 3	Golf Le. & Woodmere Dr.	Golf Le.	STOP
10, Pg. 4	Hazelwood Av. & Hazelwood Ct.	Hazelwood Av.	YIELD
10, Pg. 6	Woodmere Ct. & Woodmere Dr.	Woodmere Dr.	YIELD
37, Pg. 4	Phoenix Dr. & Tucson Dr.	Phoenix Dr.	STOP
37, Pg. 4	Sealy Rd. & Tucson Dr.	Tucson Dr.	STOP

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

PROPOSAL NO. 223, 1984. Councillor Gilmer stated that Proposal No. 223, will allow the Department of Transportation to trim trees and cut grass and weeds in or along the public streets and alleys as is necessary. Currently, the Department of Parks and Recreation has this ability and the Department of Transportation must receive authorization from the Parks Department. Councillor Gilmer reported that the Transportation Committee recommended Proposal No. 223, 1984, Do Pass As Amended by a vote of 3-0 on April 18, 1984, and moved, seconded by Councillor Holmes, for adoption. Proposal No. 223, 1984, as amended, was adopted on the following roll call vote; viz:

27 YEAS: *Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Stewart, Strader, West*

NO NAYS

2 NOT VOTING: *Borst, Shaw*

Proposal No. 223, 1984, as amended, was retitled GENERAL ORDINANCE NO. 27, 1984, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 27, 1984

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", by increasing the authority of the Department of Transportation.

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

SECTION 1. Section 3-502 of Article VI of Chapter 3 of the "Code of Indianapolis and Marion County, Indiana", is hereby amended by inserting the words underlined and deleting the words crosshatched as follows:

Sec. 3-502. Divisions; duties, powers.

The department of transportation shall be composed of the following divisions:

(A) Administrative services division. The administrative services division shall:

- (1) Provide services for the department as a whole which can be more efficiently accomplished by a central division;
- (3) Receive and investigate complaints;
- (4) Prepare notices and billings for public improvement and services;
- (5) Coordinate federally funded projects;
- (6) Exercise the powers granted the department of transportation in I.C. 36-9-11.1; and
- (7) Provide personnel and public relations services for the department.

(B) Street engineering division. The Street engineering division shall:

- (1) Plan, design, engineer, construct, reconstruct and acquire land for streets and roads within public rights-of-way in the consolidated city including roadway drainage systems for newly constructed roads and streets; and
- (2) Exercise all other powers necessary for the construction of streets and roads.

(C) Traffic engineering division. The traffic engineering division shall:

- (1) Maintain traffic records;
- (2) Receive and study traffic complaints;
- (3) Determine placement of and place and maintain traffic-control signs and devices;
- (4) Perform street-lining, curb-marking and crosswalk-painting services;
- (5) Plan and install street lighting;
- (6) Issue driveway, street cut, truck loading zone, handicapped parking and other permits; and
- (7) Exercise all other powers necessary to facilitate traffic movement and safety within the public right-of-way in the consolidated city.

(D) Maintenance division. The maintenance division shall:

- (1) Perform street maintenance and repair services on consolidated city streets and open drainage ditches in the public right-of-way;
- (2) Remove ice and snow from consolidated city streets; ~~and~~
- (3) Clean streets in the consolidated city; and
- (4) Perform trimming and cutting of all flora as may be desirable to facilitate traffic movement and safety within the public right-of-way in the consolidated city.

In addition, each division shall have all powers awarded by statute, ordinance or by the Mayor.

SECTION 2. Section 22-5 of Article I of Chapter 22 of the "Code of Indianapolis and Marion County, Indiana", is hereby amended by inserting the words underlined and deleting the words crosshatched as follows:

Sec. 22-5. Injury to plants and trees.

(a) It shall be unlawful for any person who is not an employee of the department of parks and recreation, or who is not authorized to do so by the department, to pull, pluck, break, plant, trample, climb into, remove, injure, mutilate or destroy any tree, shrub, plant, vine, hedge, flower or fruit, whether wild or cultivated, or to cut, break down, bend, damage the bark or trim any sapling, tree, shrub or plant, or any limbs, branches, twigs or leaves thereof, that is growing and located in any public park, street, tree row or playground, or on any property controlled, leased or loaned to others by the department or on which a concession has been granted by it, or on any other property outside a park and which is under the control or supervision of the department.

(b) It shall be unlawful for any person who is not an employee of the department of parks and recreation or an employee of the department of transportation, or who is not authorized to do so by either department, to perform any trimming and cutting of flora along public streets or public ways.

SECTION 3. Section 30-3 of Chapter 30 of the "Code of Indianapolis and of Marion County, Indiana", is hereby amended by inserting the words underlined and deleting the words crosshatched as follows:

Sec. 30-3. Location; general supervision by department.

The department may adopt such reasonable rules and regulations for the location and control of flora in or upon all public streets, alleys, ways, places and parks in Marion County. Hereafter, no tree shall be planted in any public street, alley, way, place or park in Marion County less than fifty (50) feet from any other tree planted along the same street, alley, way, place or public park or at a distance of less than two (2) feet from any established sidewalk or curb bordering any public street, alley, way or place, except by written permission of or as may be otherwise determined by the department. The department shall control all flora now growing, or at any time grown in or on any public street, alley, way, place or park and shall also control the maintenance, removal or relocation thereof. However, the department of transportation shall have the authority to perform trimming and cutting of flora in or obstructing any public street, alley or way as may be necessary to provide unobstructed vision or free passage of pedestrians or motorists along the streets or public ways.

SECTION 4. Section 30-7 of Chapter 30 of the "Code of Indianapolis and of Marion County, Indiana", is hereby amended by inserting the words underlined and deleting the words crosshatched as follows:

Sec. 30-7. Injuring or trimming flora.

(a) No person shall damage, remove, deaden, destroy, break, carve, cut, deface, trim or in any way injure or interfere with any flora that is growing in or on any public street, alley, way, place or park within the consolidated city without the written consent of the department first obtained, except as may be necessary in an emergency to remove or abate any dangerous or unsafe condition.

(b) No person owning or controlling any public utility lines upon, above or below the earth's surface, and which are within the right-of-way of any public street, alley, way or place, shall trim any flora or cause it to be trimmed or its roots to be cut without first having submitted to the department a plan of the work to be done and receiving a permit therefor.



(c) The department of transportation shall have the authority to perform any trimming and cutting of flora growing in or obstructing any public street, alley or way as may be desirable to facilitate traffic movement and safety within the public right-of-way in the consolidated city.

SECTION 5. (a) The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted. (b) An offense committed before the effective date of this ordinance, under any ordinance expressly or impliedly repealed or amended by this ordinance shall be prosecuted and remains punishable under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 6. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the council in adopting this ordinance. To this end, the provisions of this ordinance are severable.

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

The President observed that the next items on the agenda were Special Service District Council items. The City-County Council recessed until completion of the Special Service District Councils agendas were complete.

#### SPECIAL SERVICE DISTRICT COUNCILS

##### POLICE SPECIAL SERVICE DISTRICT COUNCIL

The President called the Police Special Service District Council to order at 10:35 p.m. Twenty-nine members being present, he announced a quorum.

#### SPECIAL ORDERS - PUBLIC HEARING.

PROPOSAL NO. 211, 1984. Councillor Dowden reported that the Public Safety and Criminal Justice Committee has recommended Proposal No. 211, to the Police Special Service District Council Do Pass with a vote of 6-0 on April 11, 1984, and explained that Proposal No. 211, will provide the funds for five persons to attend the Federal Law Enforcement Training Center. This Indianapolis Police Department will purchase breath testing devices, provide special training for police officers and upgrade and expand the police DWI data base and record keeping system. The President called for public testimony at 10:36 p.m. Councillor Dowden moved, seconded by Councillor Hawkins, for adoption. Proposal No. 211, 1984, was adopted on the following roll call vote; viz:

24 YEAS: Borst, Boyd, Bradley, Campbell, Cottingham, Coughenour, Crowe, Curry, Dowden, Durnil, Giffin, Gilmer, Hawkins, Holmes, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, SerVaas, Stewart, Strader

1 NAY: Schneider

4 NOT VOTING: Clark, Howard, Shaw, West

Proposal No. 211, 1984, was retitled POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 1984, and reads as follows:

**POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 1984**

A POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE amending the Police Special Service District Annual Budget for 1984 (P.S.S.D. Fiscal Ordinance No. 4, 1983) transferring and appropriating an additional Eighty-five Thousand Eighty-three Dollars (\$85,083) in the Police General Fund for purposes of the Department of Public Safety, Police Division and reducing certain other appropriations for that division and the unappropriated and unencumbered balance in the Police General Fund.

**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 annual budget, Section 1 of the Police Special Service District Annual Budget for 1984, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing funds for training courses, purchase of radar guns, payment of traffic task force overtime and participation in a DWI Enforcement and Public Education Research Project. Crime Control Funds in this will be provided and the local match of \$12,667 will be funded within the current budget.

SECTION 2. The sum of Eighty-five Thousand Eighty-three Dollars (\$85,083) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the appropriations and the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

**DEPARTMENT OF PUBLIC SAFETY**

**POLICE DIVISION**

- 1. Personal Services
- 2. Supplies
- 3. Other Services & Charges
- 4. Capital Outlay
- TOTAL INCREASE**

**POLICE GENERAL FUND**

**\$39,500**  
**500**  
**30,583**  
**14,500**  
**\$85,083**

SECTION 4. The said additional appropriations are funded by the following reductions:

**DEPARTMENT OF PUBLIC SAFETY**

**POLICE DIVISION**

- 3. Other Services
- Unappropriated and Unencumbered
- Police General Fund
- TOTAL REDUCTION**

**POLICE GENERAL FUND**

**\$35,000**  
**\$50,083**  
**\$85,083**

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

There being no further business, the Police Special Service District Council adjourned at 10:37 p.m.

## SOLID WASTE SPECIAL SERVICE DISTRICT COUNCIL

The President called the Solid Waste Special Service District Council to order at 10:37 p.m. Twenty-nine members being present, he announced a quorum.

### SPECIAL ORDERS - PUBLIC HEARING.

PROPOSAL NO. 218, 1984. Councillor West explained that Proposal No. 218, appropriates \$475,000 of Community Development Funds for landfill activities. These funds were reduced from the budget of the Flood Control Division due to a delay in the construction of the Bean Creek Project. The President called for public testimony at 10:38 p.m. Councillor West reported that the Public Works Committee has recommended Proposal No. 218, Do Pass by a vote of 4-0 on April 12, 1984, and moved, seconded by Councillor Gilmer, for adoption. Proposal No. 218, 1984, was adopted on the following roll call vote; viz:

*27 YEAS: Borst, Boyd, Bradley, Campbell, Clark, Cottingham, Coughenour, Crowe, Curry, Dowden, Giffin, Gilmer, Hawkins, Holmes, Howard, Journey, McGrath, Miller, Nickell, Page, Rader, Rhodes, Schneider, SerVaas, Stewart, Strader, West*

*NO NAYS*

*2 NOT VOTING: Durnil, Shaw*

Proposal No. 218, 1984, was retitled SOLID WASTE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 1984, and reads as follows:

#### **SOLID WASTE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 1984**

**A SOLID WASTE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE amending the Solid Waste Special Service District Annual Budget for 1984 (S.W.S.S.D. Fiscal Ordinance No. 3, 1983) appropriating an additional Four Hundred Seventy-five Thousand Dollars (\$475,000) in the Solid Waste Service District Fund for purposes of the Department of Public Works, Solid Waste Division and reducing the unappropriated and unencumbered balance in the Solid Waste Service District Fund.**

**BE IT ORDAINED BY THE SOLID WASTE 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 annual budget, Section 1 of the Solid Waste Special Service District Annual Budget for 1984, be and is hereby amended by the increases and reductions hereinafter stated for the purposes of providing Community Development Funds for an

environmental study for landfill and landfill soil testing, for a solid waste collection study and for the landfill and collection system project.

**SECTION 2.** The sum of Four Hundred Seventy-five Thousand Dollars (\$475,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

**SECTION 3.** The following additional appropriations are hereby approved:

<b>DEPARTMENT OF PUBLIC WORKS</b>	
<b>SOLID WASTE DIVISION</b>	<b>SOLID WASTE SERVICE DISTRICT FUND</b>
3. Other Services & Charges	<u>\$475,000</u>
<b>TOTAL INCREASE</b>	<u>\$475,000</u>

**SECTION 4.** The said additional appropriations are funded by the following reductions:

<b>DEPARTMENT OF PUBLIC WORKS</b>	
<b>SOLID WASTE DIVISION</b>	<b>SOLID WASTE SERVICE DISTRICT FUND</b>
Unappropriated and Unencumbered	
Solid Waste Service District Fund	<u>\$475,000</u>
<b>TOTAL REDUCTION</b>	<u>\$475,000</u>

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

There being no further business, the Solid Waste Special Service District Council adjourned at 10:38 p.m.

President SerVaas reconvened the meeting of the City-County Council at 10:40 p.m.

#### ANNOUNCEMENTS AND ADJOURNMENT

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 10:41 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-County Council



of Indianapolis-Marion County, Indiana, and the Indianapolis Police, Fire and Solid Waste Special Service District Councils on the 23rd day of April, 1984.

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



President



Clerk of the City-County Council

ATTEST:

(SEAL)