

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

**REGULAR MEETINGS
MONDAY, NOVEMBER 28, 1994**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:03 p.m. on Monday, November 28, 1994, with Councillor SerVaas presiding.

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

ROLL CALL

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

29 PRESENT: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams

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

INTRODUCTION OF GUESTS AND VISITORS

Councillor Rhodes presented to Joan Romeril, County Recorder, the National Association of Indiana Counties' Outstanding Achievement Award for setting-up the document imaging system for Marion County.

Councillor Boyd introduced former Councillor Artricia Brown. Councillor Golc recognized Earline Moore, Executive Director, Community Centers of Indianapolis (CCI); Dr. Robert Burgbacher, Director, Mary Rigg Center; and Diane Arnold, Director, Hawthorne Community Center. Councillor Hinkle introduced Mary Stull, representative from Southwest Multi-Service Center.

Councillor Franklin recognized Henry Gaither, husband of former Councillor Beverly Mukes-Gaither, and Violet Gwenn, "Mayor of the Meadows."

OFFICIAL COMMUNICATIONS

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

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

Ladies and Gentlemen:

You are hereby notified that REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, November 28, 1994, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Beurt SerVaas
President, City-County Council

November 15, 1994

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 Thursday, November 17, 1994, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 577, 578, 580, 581, 582, 583, 584, 624 and 625, 1994, to be held on Monday, November 28, 1994, at 7:00 p.m., in the City-County Building.

Respectfully,
s/Suellen Hart
Clerk of the City-County Council

November 17, 1994

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, Suellen Hart, the following ordinances and resolutions:

GENERAL ORDINANCE NO. 157, 1994 - amending the Revised Code to reflect the new organizational structure of the Department of Parks and Recreation

GENERAL ORDINANCE NO. 158, 1994 - amending the Code by authorizing a multi-way stop at Kingsley Drive and 49th Street (District 6)

GENERAL ORDINANCE NO. 159, 1994 - amending the Code by authorizing no parking restrictions on Capitol Avenue from Sixteenth Street to Twenty-first Street (District 22)

FISCAL ORDINANCE NO. 100, 1994 - an appropriation from the Drug Free Community Fund in the amount of \$43,900 to pay county employee salaries and fringes rather than contractors by the Marion County Justice Agency financed by transferring other appropriations for that agency

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FISCAL ORDINANCE NO. 101, 1994 - an appropriation from the Drug Free Community Fund in the amount of \$20,038 to reimburse I-Challenge for its Executive Director's salary and fringes by the Marion County Justice Agency financed by transferring other appropriations for that agency

SPECIAL RESOLUTION NO. 77, 1994 - recognizing the Franklin Township School Board

SPECIAL RESOLUTION NO. 78, 1994 - an Inducement Resolution for Post Pointe Partners, Ltd., an Indiana limited partnership, to proceed with the acquisition, construction, renovation, installation and equipping of the existing 362 unit multifamily residential rental project known as Post Pointe Apartments located at 9027 East 39th Place on approximately 21.63 acres of land; the acquisition of machinery, equipment and furnishings for use in the facility; and the acquisition, renovation, construction and installation of various site improvements at the facility (District 14)

Respectfully,
s/Stephen Goldsmith, Mayor

ADOPTION OF THE AGENDA

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

APPROVAL OF JOURNALS

The President called for additions or corrections to the Journal of November 14, 1994. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS AND COUNCIL RESOLUTIONS

The President announced that Proposal No. 673, 1994 would be first on the agenda.

PROPOSAL NO. 673, 1994. This proposal, sponsored by Councillors Giffin, Boyd, McClamroch and SerVaas, recognizes Faye I. Mowery. Mayor Steve Goldsmith, Councillors SerVaas, McClamroch and Boyd all voiced their appreciation of Mrs. Mowery. Councillor Giffin read the resolution, and Mrs. Mowery expressed gratitude for the recognition. Councillor Giffin moved, seconded by Councillor Gilmer, for adoption. Proposal No. 673, 1994 was adopted by unanimous voice vote.

Proposal No. 673, 1994 was retitled SPECIAL RESOLUTION NO. 81, 1994 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 81, 1994

A SPECIAL RESOLUTION recognizing Faye I. Mowery.

WHEREAS, sixty years ago, in 1934, Roosevelt was President, the world had slid into the Great Depression, Art Deco was in style, the Indianapolis Council authorized the police department to buy six new cars--if the total bid came in less than \$7,600 and Faye I. Mowery became active in her community by working at the polls; and

WHEREAS, Mrs. Mowery carried on a strong tradition of her family since the earliest days of Southwestern Marion County by being enthusiastically involved in the Grand Old Party; and

WHEREAS, within the Party, she volunteered for almost all positions that exist, including poll worker, twenty years as a precinct committeeman, vice ward chairman, ward chairman, Decatur Township chairman, county vice chairman, the state central committee and as a delegate to five national conventions; and

WHEREAS, since 1970, Faye Mowery has served as Marion County Recorder, Auditor and Clerk, as well as serving capably as city Director of Personnel, city Director of Administration and service on the Airport Authority Board; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes Faye I. Mowery for a lifetime of dedication to her Party and to the people of Indianapolis.

SECTION 2. In this age of cynicism and criticism, the life of Faye Mowery stands as a beacon for citizens to do their civic duty by becoming involved in politics and government.

SECTION 3. Her many, many friends wish her well in her retirement years.

SECTION 4. The Mayor is invited to join in this resolution by affixing his signature hereto.

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

PROPOSAL NO. 671, 1994. This proposal, sponsored by Councillors Hinkle and Borst, recognizes the public service of David S. Gilman. Councillor Hinkle read the resolution and presented a copy of the document to Mr. Gilman, who expressed appreciation for the recognition. Also present was Mr. Gilman's mother. Councillor Hinkle moved, seconded by Councillor Borst, for adoption. Proposal No. 671, 1994 was adopted by unanimous voice vote.

Proposal No. 671, 1994 was retitled SPECIAL RESOLUTION NO. 79, 1994 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 79, 1994

A SPECIAL RESOLUTION recognizing the public service of David S. Gilman.

WHEREAS, David S. Gilman, a native of Hendricks County and a graduate of Indiana University, began working as a Senior Planner for the Indianapolis Department of Metropolitan Development on January 16, 1990; and

WHEREAS, later he was promoted to Development Petitions Manager to be in charge of processing petitions; and

WHEREAS, Mr. Gilman worked on the Address Guidelines and Standards for Indianapolis and Marion County, a major project that created the new more efficient system to assign addresses for the ultimate benefit of public safety, assessors, the U.S. Postal Service and citizens; and

WHEREAS, Mr. Gilman has, with patience, insight and understanding, successfully negotiated between petitioners and remonstrators in many large and often complicated zoning cases that required the coordination of many agencies, organizations and individuals; now, therefore:

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

SECTION 1. The Indianapolis City-County Council recognizes the public service to the people of Indianapolis by David S. Gilman, and wish him well in the future.

SECTION 2. Mr. Gilman is a sports fan, enjoys rooting for the Indianapolis Colts, and will be long remembered in the City-County Building for his personal easy going nature, his generosity with a smile, and his willingness to go the extra mile to help people.

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

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

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PROPOSAL NO. 672, 1994. This proposal, sponsored by Councillors Boyd and Jimison, commends and honors Chief of Police James D. Toler for his commitment to duty and his service to the citizens of Indianapolis and the nation. Councillor Boyd asked Dr. Katherine Gilkey, who is co-chairperson of the "Salute Committee," and members of the Salute Committee and the Indianapolis Police Athletic League (PAL Club) to join him at the podium. Councillor Boyd read the resolution and said that President SerVaas would present the resolution to Chief Toler at a dinner in the Chief's honor on December 8, 1994. Councillor Boyd moved, seconded by Councillor Jimison, for adoption. Proposal No. 672, 1994 was adopted by unanimous voice vote.

Proposal No. 672, 1994 was retitled SPECIAL RESOLUTION NO. 80, 1994 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 80, 1994

A SPECIAL RESOLUTION commending and honoring Chief of Police James D. Toler for his commitment to duty and his service to the citizens of Indianapolis and the nation.

WHEREAS, Chief of Police James D. Toler, having started his law enforcement career in 1963 as Probationary Patrolman, has continuously distinguished himself as he has risen through the ranks of Patrolman, Sergeant, Lieutenant, Major, and Captain to his present rank of Chief of Police, and

WHEREAS, during his more than thirty years in law enforcement Chief Toler has earned the respect of citizens, colleagues and peers and has been successful in functionally relating the work and image of the police department to community and neighborhood problems; and

WHEREAS, Chief Toler is a role model and champion for all the youth in our community, more especially those youth in our inner city; and

WHEREAS, friends and colleagues of Chief Toler will gather at the Indiana Convention Center on December 8, 1994, to salute the Chief and celebrate his presence in Indianapolis; and

WHEREAS, the entire net proceeds of the "Salute" will go to the Indianapolis Police Athletic League (PAL Club) as a fitting gesture and symbol of the Chief's continuing concern and interest in the youth of our city; now, therefore:

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

SECTION 1. The citizens of Indianapolis, acting through their elected City-County Council, commend and honor Chief of Police James D. Toler for his commitment to duty and his continuing service to the citizens of Indianapolis and the nation.

SECTION 2. This body calls upon all citizens to renew their faith in that order which is borne out of citizen participation in the creation of law and the desire to see that law equally applied toward the oneness, happiness and general welfare of all.

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

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

PROPOSAL NO. 686, 1994. The proposal approves a schedule of regular council meetings for the year 1995. The President called for a vote on Proposal No. 686, 1994. Proposal No. 686, 1994 was adopted by unanimous voice vote.

Proposal No. 686, 1994 was retitled COUNCIL RESOLUTION NO. 82, 1994 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 82, 1995

A COUNCIL RESOLUTION approving a schedule of regular council meetings for the year 1995.

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

SECTION 1. The City-County Council hereby approves the following schedule of regular meetings for the year 1995:

- | | |
|-------------------------------|---------------------------------|
| (1) Monday, January 09, 1995 | (11) Monday, June 26, 1995 |
| (2) Monday, January 23, 1995 | (12) Monday, July 17, 1995 |
| (3) Monday, February 13, 1995 | (13) Tuesday, August 01, 1995 |
| (4) Monday, February 27, 1995 | (14) Monday, August 28, 1995 |
| (5) Monday, March 20, 1995 | (15) Monday, September 11, 1995 |
| (6) Monday, April 10, 1995 | (16) Monday, September 25, 1995 |
| (7) Monday, April 24, 1995 | (17) Monday, October 16, 1995 |
| (8) Monday, May 08, 1995 | (18) Monday, October 30, 1995 |
| (9) Monday, May 22, 1995 | (19) Monday, November 20, 1995 |
| (10) Monday, June 12, 1995 | (20) Monday, December 11, 1995 |

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

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 665, 1994. Introduced by Councillor O'Dell. The Clerk read the proposal entitled: "A Proposal for a SPECIAL RESOLUTION approving the lease of the Marion County Healthcare Center"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 666, 1994. Introduced by Councillor Franklin. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation from the County General Fund in the amount of \$1,088 for the Superior Court, Criminal Division, Room Three, to pay for supplies through year-end 1994 financed by transferring other appropriations for that court"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 667, 1994. Introduced by Councillor Jimison. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation from the County General Fund in the amount of \$2,000 for the Superior Court, Criminal Division, Room One, to cover the cost of supplies and stamps for the balance of 1994 and to purchase a fax machine financed by transferring other appropriations for that court"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 668, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation from the County General Fund in the amount of \$8,000 for the Marion County Public Defender Agency to purchase new computers financed by transferring other appropriations for that agency"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 669, 1994. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by changing the name of the Department of Capital Asset Management to the Department of Engineering and

changing the name of the Board of Capital Asset Management to the Board of Engineering"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 670, 1994. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a multi-way stop at Bancroft Avenue and Walnut Street (District 15)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 674, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation from the County General Fund in the amount of \$150,000 for the County Sheriff to fund the last payroll in 1994 financed by transferring appropriated funds from the Clerk of the Circuit Court"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 675, 1994. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation from the State and Federal Grants Fund in the amount of \$71,350 for the Superior Court, Criminal Division, Probation Department, to fund additional staff and computer equipment financed by a state grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

Councillor Dowden moved to suspend the requirements of Sec. 151-76 of the Council Rules as to Proposal Nos. 674 and 675, 1994, and authorize the Clerk to advertise the same for public hearing before this Council at its meeting on December 12, 1994. This motion was seconded by Councillor Schneider, and passed by unanimous voice vote.

PROPOSAL NO. 676, 1994. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation from the Sanitation General Fund in the amount of \$2,132,806 for the Department of Public Works (DPW), Storm and Wastewater Management Division, to cover unanticipated expenses related to the transition to contract management of the Advanced Wastewater Treatment facility financed by equal reductions in DPW's Maintenance Operations Division and Solid Waste Management Division"; and the President referred it to the Public Works Committee.

Councillor Coughenour moved to suspend the requirements of Sec. 151-76 of the Council Rules as to Proposal No. 676, 1994, and authorize the Clerk to advertise the same for public hearing before this Council at its meeting on December 12, 1994. This motion was seconded by Councillor Rhodes, and passed by unanimous voice vote.

PROPOSAL NO. 677, 1994. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which approves reductions in proposed expenditures since the adoption of the 1994 City-County Annual Budget in the amount of \$2,021,916 in the Department of Public Works' (DPW), Maintenance Operations Division and Solid Waste Management Division in support of increased expenditures in DPW's Storm and Wastewater Management Division related to unanticipated expenses in the transition to contract management of the Advance Wastewater Treatment facility"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 678, 1994. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE which is an appropriation from

the Maintenance Operations General Fund and Consolidated County Fund in the amount of \$650,000 for the Department of Public Works, Maintenance Operations Division, to purchase capital equipment and supplies for the new customer service response team and the street and sewer maintenance area financed by transferring other appropriated funds from DPW's Maintenance Operations Division and Administration"; and the President referred it to the Public Works Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NOS. 679-685, 1994. Introduced by Councillor West. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on November 22, 1994." The Council did not schedule Proposal Nos. 679-685, 1994 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 679-685, 1994 were retitled REZONING ORDINANCE NOS. 152-158, 1994 and are identified as follows:

REZONING ORDINANCE NO. 152, 1994. 94-Z-165 (94-DP-6) WAYNE TOWNSHIP.
COUNCILMANIC DISTRICT # 18.

660I WEST 10TH STREET (approximate address), INDIANAPOLIS.
SCM REAL ESTATE DEVELOPMENT CORPORATION, by Thomas Michael Quinn, requests the rezoning of 42.6 acres, being in the D-6 District, to the D-P classification to provide for a planned unit development with 104 detached single-family residential units and 128 two-story "Villas" and single-story "Garden" homes.

REZONING ORDINANCE NO. 153, 1994. 94-Z-169 (Amended) CENTER TOWNSHIP.
COUNCILMANIC DISTRICT # 9.

1005-1019 WEST 27TH STREET (approximate address), INDIANAPOLIS.
REV. GEORGE WILLIAMSON requests rezoning of 0.69 acre, being in the D-5 and C-1 Districts, to the SU-I classification to provide for an addition to an existing church.

REZONING ORDINANCE NO. 154, 1994. 94-Z-179 CENTER TOWNSHIP.
COUNCILMANIC DISTRICT # 25.

1044-1050 DIVISION STREET (approximate address), INDIANAPOLIS.
INDIANAPOLIS CAMPUS ENERGY, INC., by Robert C. Crews II, requests the rezoning of 0.223 acres, being in the D-5 District, to the I-3-U classification to provide for a chilled water production facility.

REZONING ORDINANCE NO. 155, 1994. 94-Z-180 PERRY TOWNSHIP.
COUNCILMANIC DISTRICT # 24.

5079 EAST THOMPSON ROAD (approximate address), INDIANAPOLIS.
CONTINENTAL REALTY AND DEVELOPMENT CO., INC., by Thomas Michael Quinn, requests the rezoning of 1.547 acres, being in the D-A District, to the C-4 classification to provide for multi-user commercial facility.

REZONING ORDINANCE NO. 156, 1994 94-Z-181 WAYNE TOWNSHIP.
COUNCILMANIC DISTRICT # 17.

2002 SOUTH HOLT ROAD (approximate address), INDIANAPOLIS.
MILITARY DEPARTMENT OF INDIANA requests the rezoning of 117.641 acres, being in the I-4-U District, to the SU-9 classification to provide for offices, warehousing, vehicle repair and maintenance associated with military uses.

REZONING ORDINANCE NO. 157, 1994. 94-Z-182 WASHINGTON TOWNSHIP.
COUNCILMANIC DISTRICT # 2.

820 EAST 67TH STREET (approximate address), INDIANAPOLIS.
INDIANAPOLIS ART CENTER, INC., by Andrew Z. Soshnick, requests the rezoning of 7.108 acres, being in the C-4(FW)(FF), D-9(FW)(FF), and D-4(FF) Districts, to the SU-7(FW)(FF) classification to provide for the continued use and expansion of the Indianapolis Art Center facilities and grounds.

REZONING ORDINANCE NO. 158, 1994. 94-Z-183 WARREN TOWNSHIP.
COUNCILMANIC DISTRICT # 14.

10605 EAST 38TH STREET (approximate address), INDIANAPOLIS.

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DAVIS DEVELOPMENT, L.P., by Thomas Michael Quinn, requests the rezoning of 10.164 acres, being in the D-6(FF) and D-7 Districts, to the D-5II(FF) classification to provide for single-family residential development.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NOS. 577, 578, 580, 581, 582, 583, 584 and 585, 1994. Councillor Dowden asked for consent to vote on these eight fiscal ordinances together since they are all appropriations from the State and Federal Grants Fund. Consent was given. PROPOSAL NO. 577, 1994. The proposal is an appropriation from the State and Federal Grants Fund in the amount of \$44,830 for the continued operation of the Victim Assistance Program for the County Sheriff financed by a state grant. PROPOSAL NO. 578, 1994. The proposal is an appropriation from the State and Federal Grants Fund in the amount of \$22,119 for the continued operation of the Child Abuse Intervention Program for the County Sheriff financed by a state grant. PROPOSAL NO. 580, 1994. The proposal is an appropriation from the State and Federal Grants Fund in the amount of \$365,000 to pay for the continuation of a comprehensive traffic safety program in Marion County for the Prosecuting Attorney financed by a federal grant. PROPOSAL NO. 581, 1994. The proposal is an appropriation from the State and Federal Grants Fund in the amount of \$122,759 for the continuation of the Victim Witness Program through the Prosecuting Attorney financed by a state grant. PROPOSAL NO. 582, 1994. The proposal is an appropriation from the State and Federal Grants Fund in the amount of \$28,454 to pay for the continuation of Salvation Army's Domestic Violence Program through the Prosecuting Attorney financed by a state grant. PROPOSAL NO. 583, 1994. The proposal is an appropriation from the State and Federal Grants Fund in the amount of \$7,385 for the continuation of Adult Protective Services through the Prosecuting Attorney financed by a state grant. PROPOSAL NO. 584, 1994. The proposal is an appropriation from the State and Federal Grants Fund in the amount of \$109,094 to study sentencing alternatives for drunk drivers for the Prosecuting Attorney financed by a state grant. PROPOSAL NO. 585, 1994. The proposal is an appropriation from the State and Federal Grants Fund in the amount of \$521,656 for the Community Corrections Agency financed by a state grant for home detention services for the Juvenile Division of the Superior Court. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 577, 578, 580, 581, 582, 583, 584 and 585, 1994 on October 26, 1994. Proposal No. 584, 1994 was also heard on November 9, 1994. By unanimous votes, the Committee reported Proposal Nos. 577, 578, 580, 581, 582, 583 and 584, 1994 to the Council with the recommendation that they do pass. By a 4-3 vote, the Committee reported Proposal No. 585, 1994 to the Council with the recommendation that it do pass as amended.

The President called for public testimony at 7:56 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal Nos. 577, 578, 580, 581, 582, 583 and 584, 1994 were adopted on the following roll call vote; viz:

28 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams

0 NAYS:

1 NOT VOTING: Golc

Proposal No. 577, 1994 was retitled FISCAL ORDINANCE NO. 102, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 102, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) appropriating an additional Forty-four Thousand Eight Hundred Thirty Dollars (\$44,830) in the State and Federal Grant Fund for purposes of the Marion County Sheriff to continue the Victim Assistance Program and reducing the unappropriated and unencumbered balance in the State and Federal Grants 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 1.02 (b) and (aa) of the City-County Annual Budget for 1994 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of continuing the Victim Assistance Program through the Marion County Sheriff Department.

SECTION 2. The sum of Forty-four Thousand Eight Hundred Thirty (\$44,830) 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 appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services (Fringes)	8,966
 <u>COUNTY SHERIFF</u>	
1. Personal Services	<u>35,864</u>
 TOTAL INCREASE	 44,830

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>44,830</u>
TOTAL REDUCTION	44,830

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

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

Proposal No. 578, 1994 was retitled FISCAL ORDINANCE NO. 103, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 103, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) appropriating an additional Twenty-two Thousand One Hundred Nineteen Dollars (\$22,119) in the State and Federal Grants Fund for purposes of the Marion County Sheriff for the continued operation of the Child Abuse Intervention Program and reducing the unappropriated and unencumbered balance in the State and Federal Grants 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 1.02 (b) and (aa) of the City-County Annual Budget for 1994 be, and is hereby, amended by the

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increases and reductions hereinafter stated for purposes of continued operation of the Child Abuse Intervention Program through the Marion County Sheriff Department.

SECTION 2. The sum of Twenty-two Thousand One Hundred Nineteen (\$22,119) 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 appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services (Fringes)	4,423
<u>COUNTY SHERIFF</u>	
1. Personal Services	<u>17,696</u>
TOTAL INCREASE	22,119

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>22,119</u>
TOTAL REDUCTION	<u>22,119</u>

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

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

Proposal No. 580, 1994 was retitled FISCAL ORDINANCE NO. 104, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 104, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) appropriating an additional Three Hundred Sixty-five Thousand Dollars (\$365,000) in the State and Federal Grants Fund for purposes of a grant for the continuation of a comprehensive traffic safety program in Marion County and reducing the unappropriated and unencumbered balance in the State and Federal Grants 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 1.02 (b) and (x) of the City-County Annual Budget for 1994 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of a grant for the continuation of a comprehensive traffic safety program in Marion County through the Marion County Prosecuting Attorney.

SECTION 2. The sum of Three Hundred Sixty-five Thousand Dollars (\$365,000) 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 appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services (Fringes)	14,187

PROSECUTING ATTORNEY

1. Personal Services	43,463
2. Supplies	1,500
3. Other Services and Charges	282,300
4. Capital Outlay	<u>23,550</u>

TOTAL INCREASE 365,000

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

STATE AND FEDERAL GRANTS FUND

Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>365,000</u>
TOTAL REDUCTION	365,000

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

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

Proposal No. 581, 1994 was retitled FISCAL ORDINANCE NO. 105, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 105, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) appropriating an additional One Hundred Twenty-two Thousand Seven Hundred Fifty-nine Dollars (\$122,759) in the State and Federal Grants Fund for purposes of the annual appropriation for the Victim Witness Grant and reducing the unappropriated and unencumbered balance in the State and Federal Grants 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 1.02 (b) and (x) of the City-County Annual Budget for 1994 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the annual appropriation for the Victim Witness Grant through the Marion County Prosecuting Attorney.

SECTION 2. The sum of One Hundred Twenty-two Thousand Seven Hundred Fifty-nine Dollars (\$122,759) 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 appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services (Fringes)	24,552
<u>PROSECUTING ATTORNEY</u>	
1. Personal Services	<u>98,207</u>
TOTAL INCREASE	122,759

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

STATE AND FEDERAL GRANTS FUND

Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>122,759</u>
TOTAL REDUCTION	122,759

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SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

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

Proposal No. 582, 1994 was retitled FISCAL ORDINANCE NO. 106, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 106, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) appropriating an additional Twenty-eight Thousand Four Hundred Fifty-four Dollars (\$28,454) in the State and Federal Grants Fund for purposes of the Marion County Prosecuting Attorney for the 1993-1994 and 1994-1995 Salvation Army Grant and reducing the unappropriated and unencumbered balance in the State and Federal Grants 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 1.02(x) of the City-County Annual Budget for 1994 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the 1993-1994 and 1994-1995 Salvation Army Grant through the Marion County Prosecuting Attorney.

SECTION 2. The sum of Twenty-eight Thousand Four Hundred Fifty-four Dollars (\$28,454) 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 appropriation is hereby approved:

<u>PROSECUTING ATTORNEY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	28,454
TOTAL INCREASE	28,454

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

	<u>STATE AND FEDERAL GRANT FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	28,454
TOTAL REDUCTION	28,454

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

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

Proposal No. 583, 1994 was retitled FISCAL ORDINANCE NO. 107, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 107, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) appropriating an additional Seven Thousand Three Hundred Eighty-five Dollars (\$7,385) in the State and Federal Grants Fund for purposes of supplementing annual grant for Adult Protective Services and reducing the unappropriated and unencumbered balance in the State and Federal Grants 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 1.02 (b) and (x) of the City-County Annual Budget for 1994 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of supplementing annual grant for Adult Protective Services through the Marion County Prosecuting Attorney.

SECTION 2. The sum of Seven Thousand Three Hundred Eight-five Dollars (\$7,385) 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 appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services (Fringes)	1,477
<u>PROSECUTING ATTORNEY</u>	
1. Personal Services	<u>5,908</u>
TOTAL INCREASE	7,385

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered State and Federal Grants Fund	<u>7,385</u>
TOTAL REDUCTION	7,385

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

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

Proposal No. 584, 1994 was retitled FISCAL ORDINANCE NO. 108, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 108, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) appropriating an additional One Hundred Nine Thousand Ninety-four Dollars (\$109,094) in the State and Federal Grants Fund for purposes of a grant to study sentencing alternatives for drunk drivers and reducing the unappropriated and unencumbered balance in the State and Federal Grants 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 1.02 (b) and (x) of the City-County Annual Budget for 1994 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Prosecutor to utilize a grant to study sentencing alternatives for drunk drivers.

SECTION 2. The sum of One Hundred Nine Thousand Ninety-four Dollars (\$109,094) 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 appropriation is hereby approved:

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<u>MARION COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services, (Fringes)	18,675
 <u>PROSECUTING ATTORNEY</u>	
1. Personal Services	83,000
2. Supplies	750
3. Other Services and Charges	4,919
4. Capital Outlay	<u>1,750</u>
 TOTAL INCREASE	 109,094

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>109,094</u>
TOTAL REDUCTION	109,094

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

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

Proposal No. 585, 1994, as amended, was adopted by the following roll call vote; viz:

25 YEAS: *Beadling, Borst, Boyd, Brents, Coughenour, Dowden, Franklin, Giffin, Gilmer, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams*
 3 NAYS: *Black, Curry, Mullin*
 1 NOT VOTING: *Golc*

Proposal No. 585, 1994, as amended, was retitled FISCAL ORDINANCE NO. 109, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 109, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) appropriating an additional Five Hundred Twenty-one Thousand Six Hundred Fifty-six Dollars (\$521,656) in the State and Federal Grants Fund for purposes of the Community Corrections Agency, and reducing the unappropriated and unencumbered balance in the State and Federal Grants 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 1.02 (b) and (bb) of the City-County Annual Budget for 1994 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Community Corrections agency for purposes specified in a grant for the Superior Court. Juvenile Division.

SECTION 2. The sum of Five Hundred Twenty-one Thousand Six Hundred Fifty-six Dollars (\$521,656) 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 appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
I. Personal Services (Fringes)	50,136

COMMUNITY CORRECTIONS

1. Personal Services	195,566
3. Other Services and Charges	1,360
4. Capital Outlay	<u>274,594</u>
TOTAL INCREASE	521,656

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

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>521,656</u>
TOTAL REDUCTION	521,656

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This appropriation is made on condition of compliance with the terms of Resolution No. 1, 1994 of the Community Corrections Advisory Board; and the auditor shall refuse to further encumber or pay the appropriations in event of non-compliance with such resolution.

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

PROPOSAL NOS. 624 and 625, 1994. Councillor Rhodes asked for consent to discuss these two proposals together. Consent was given. PROPOSAL NO. 624, 1994. The proposal authorizes tax anticipation borrowing for the City during the period from January 1, 1995 through December 31, 1995. PROPOSAL NO. 625, 1994. The proposal authorizes tax anticipation borrowing for the County General Fund and the County Family and Children Fund during the period from January 1, 1995 through December 31, 1995. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal Nos. 624 and 625, 1994 on November 21, 1994. By 6-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

The President called for public testimony at 7:59 p.m. There being no one present to testify, Councillor Rhodes moved, seconded by Councillor Coughenour, for adoption. Proposal No. 624, 1994 was adopted on the following roll call vote; viz:

27 YEAS: Beadling, Black, Borst, Boyd, Brents, Curry, Dowden, Franklin, Giffin, Gilmer, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams

0 NAYS:

2 NOT VOTING: Coughenour, Golc

Proposal No. 624, 1994 was retitled FISCAL ORDINANCE NO. 110, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 110, 1994

A PROPOSAL FOR A FISCAL ORDINANCE approving temporary tax anticipation borrowing, authorizing the City of Indianapolis ("City") to make temporary loans for the use of the Police General Fund, the Police Pension Fund, the Fire General Fund, the Fire Pension Fund and the Park General Fund during the period January 1, 1995, through December 31, 1995, in anticipation of current taxes levied in the year 1994 and collectible in the year 1995 ("Taxes"), authorizing the issuance of tax anticipation time warrants ("Warrants")

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to evidence such loans; pledging and appropriating the Taxes to be received in such Funds to the payment of such Warrants, including the interest thereon; and fixing a time when this ordinance shall take effect.

WHEREAS, the Controller has represented and the City-County Council now finds:

- A. that there will be insufficient funds in the Police General Fund to meet the current expenses payable from such Fund prior to the June and December 1995 distributions of Taxes levied for such Fund, and the June and December 1995 distributions of Taxes to be collected for the Police General Fund will collectively amount to more than Thirty-three Million Nine Hundred One Thousand Two Hundred Fifty-nine Dollars (\$33,901,259) and the interest cost of making temporary loans for the Police General Fund;
- B. that there will be insufficient funds in the Police Pension Fund to meet the current expenses for the payment of pensions and benefits to retired members and dependents of deceased members and other death benefits payable from such Fund prior to the June and December 1995 distributions of Taxes levied for such Fund, and the June and December 1995 distributions of Taxes collected for the Police Pension Fund will collectively amount to more than Four Million Six Hundred Eighty-four Thousand Nine Hundred Eighty Dollars (\$4,684,980) and the interest cost of making temporary loans for the Police Pension Fund;
- C. that there will be insufficient funds in the Fire General Fund to meet the current expenses payable from such Fund prior to the June and December 1995 distributions of Taxes levied for such Fund, and the June and December 1995 distributions of Taxes to be collected for the Fire General Fund will collectively amount to more than Twenty-six Million Nine Hundred Fifty-one Thousand Twenty-three Dollars (\$26,951,023) and the interest cost of making temporary loans for the Fire General Fund; and
- D. that there will be insufficient funds in the Fire Pension Fund to meet the current expenses for the payment of pensions and benefits to retired members and dependents of deceased members and other death benefits payable from such Fund prior to the June and December 1995 distributions of Taxes levied for such Fund, and the June and December 1995 distributions of Taxes to be collected for the Fire Pension Fund will collectively amount to more than Four Million Two Hundred Twenty-nine Thousand Sixty-eight Dollars (\$4,229,068) and the interest cost of making temporary loans for the Fire Pension Fund; and
- E. that there will be insufficient funds in the Park General Fund to meet the current expenses for the payment of current expenses payable from such Fund prior to the June and December 1995 distributions of Taxes levied for such Fund, and the June and December 1995 distributions of Taxes to be collected for the Park General Fund will collectively amount to more than Twelve Million Six Hundred Seventy Thousand One Hundred Twenty-four Dollars (\$12,670,124) and the interest cost of making temporary loans for the Park General Fund; and

WHEREAS, a necessity exists for the making of temporary loans for these Funds in anticipation of Taxes for these Funds actually levied for the year 1994 and in the course of collection for the year 1995; now, therefore:

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

SECTION 1. The City is authorized to borrow on temporary loans for the use and benefit of the Police General Fund of the City in the maximum principal amount of Thirty-three Million Nine Hundred One Thousand Two Hundred Fifty-nine Dollars (\$33,901,259) in anticipation of Taxes for the Fund for the year 1995, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the Police General Fund and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the Police General Account from the June and December 1995 distributions of Taxes for the Police General Fund, to the Police General Fund, the 1995 Budget Payments of Loans (hereby created) for the payment of the principal of the Warrants evidencing such temporary loan, and the Police General Fund, 1995 Budget Fund No. 160, Character 03, Other Services and Charges. Interest (Temporary Loans) and the amount of interest on such principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 2. The City is authorized to borrow on temporary loans for the use and benefit of the Police Pension Fund of the City in the maximum principal amount of Four Million Six Hundred Eighty-four Thousand Nine Hundred Eighty Dollars (\$4,684,980) in anticipation of Taxes for the Fund for the year 1995, which loans shall

be evidenced by Warrants. The Warrants, including interest, shall be payable from the Police Pension Fund and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the Police Pension Fund from the June and December 1995 distributions of Taxes for the Police Pension Fund, to the Police Pension Fund, the 1995 Budget Payments of Loans (hereby created) for the payment of the principal of the Warrants evidencing such temporary loans, and the Police Fund, 1995 Budget Fund No. 810, Character 03, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 3. The City is authorized to borrow on temporary loans for the use and benefit of the Fire General Fund of the City in the maximum principal amount of Twenty-six Million Nine Hundred Fifty-one Thousand Twenty-three Dollars (\$26,951,023) in anticipation of Taxes for the Fund for the year 1995, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the Fire General Fund and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the Fire General Fund from the June and December 1995 distributions of Taxes for the Fire General Fund to the payment of the principal of the Fire General Fund, the 1995 Budget Payments of Temporary Loans (hereby created) for the payment of the principal of the Warrants evidencing such temporary loan, and to the 1995 Budget Fund No. 161, Character 03, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 4. The City is authorized to borrow on temporary loans for the use and benefit of the Fire Pension Fund of the City in the maximum principal amount of Four Million Two Hundred Twenty-nine Thousand Sixty-eight Dollars (\$4,229,068) in anticipation of Taxes for the Fund for the year 1995, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the Fire Pension Fund, and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the Fire Pension Fund from the June and December 1995 distributions of Taxes for the Fire Pension Fund to the Fire Pension Fund, the 1995 Budget Payments of Temporary Loans (hereby created) for the payment of the principal of the Fire Pension Fund 1995 Budget Fund No. 811, Character 03, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 5. The City is authorized to borrow on temporary loans for the use and benefit of the Park General Fund of the City in the maximum principal amount of Twelve Million Six Hundred Seventy Thousand One Hundred Twenty-four Dollars (\$12,670,124) in anticipation of Taxes for the Fund for the year 1995, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the Park General Fund and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the Park General Fund from the June and December 1995 distributions of Taxes for the Park General Fund to the payment of the principal of the Park General Fund, the 1995 Budget Payments of Temporary Loans (hereby created) for the payment of the principal of the Warrants evidencing such temporary loan, and to the 1995 Budget Fund No. 170, Character 03, Other Services and Charges, Interest (Temporary Loans) and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 6. (a) All Warrants issued pursuant to this ordinance shall bear interest at the rate or rates, not to exceed a maximum rate of eight percent per annum, to be determined as provided in Section 7. The Warrants for each Fund may be issued in one series, designated Series 1995 Warrants ("Series 1995 Warrants") or in two series, designated Series A and Series B ("Series A Warrants" and "Series B Warrants", respectively). The Series 1995 Warrants for each Fund may be issued in an amount not to exceed the respective amounts set forth herein with interest thereon. The Series A Warrants for each Fund may be issued in an amount not to exceed the amount of the distribution of Taxes scheduled for June 1995 for that Fund. The Series B Warrants for each Fund may be issued in amount not to exceed the amount of the December 1995 distribution of Taxes for that Fund. All Series A Warrants shall mature and be payable not later than June 30, 1995. All Series B Warrants and Series 1995 Warrants shall mature and be payable not later than December 31, 1995. The Warrants shall be dated as of the date or dates of actual delivery of the respective Warrants.

(b) The interest rate on the Warrants will be determined as provided in Section 7. The Warrants are not subject to redemption prior to their respective maturity dates if sold at public sale and may be redeemed as set forth in the purchase agreement with The Indianapolis Local Public Improvement Bond Bank ("Bond Bank") if sold to it.

SECTION 7. (a) The Controller may sell the Warrants in one or more Series as set forth in Section 6 pursuant to either subsection (b) or (c) of this section. The Controller is hereby authorized and directed to have the

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Warrants prepared, and the Mayor, Controller and Clerk are hereby authorized and directed to execute and attest the Warrants in the manner substantially set out in the form provided below.

(b) The Controller may sell any or all the Warrants to the Bond Bank pursuant to IC 5-1.4 on such terms and conditions as are consistent with this ordinance and mutually agreed to between the Controller and the Bond Bank. In the event of a sale of such Warrants to the Bond Bank, the Mayor, Controller and Clerk are authorized to execute a purchase agreement with the Bond Bank in an acceptable form and to do such other actions and execute such documents as may be required by the Bond Bank as a condition to the purchase of such Warrants.

(c) The Controller may sell any or all the Warrants at public sale. Prior to the sale of the Warrants at public sale, the Controller shall cause a notice of sale to be published twice, with the first publication at least fifteen days before the date of sale and the second publication at least three days before the sale date, in two newspapers of general circulation, printed in the English language and published in the City, as provided by IC 5-3-1. All bids at public sale for the Warrants shall be sealed and shall be presented to the Controller at his office, and all bids shall name the rate or rates of interest for the Warrants or portion thereof. If sold at public sale, the Warrants, or portion thereof bid for, shall be awarded to the bidder or bidders offering the lowest net interest cost to the City determined by computing the total interest on all Warrants and deducting any premium. Any premium shall be used solely for the repayment of the principal of and interest on the Warrants. No bid at public sale for less than par shall be considered, and the Controller shall have the right to reject any and all bids at public sale. The proper officers of the City are authorized to deliver the time Warrants to the purchaser or purchasers of the Warrants at public sale in one or more series in exchange for the agreed purchase price in immediately available funds. The Warrants may be delivered in one or more Series at one time or in parcels from time to time, pursuant to any agreements or understandings with respect to such delivery by and between the Controller and the purchaser of the Warrants at public sale.

SECTION 8. The Warrants shall be issued in substantially the following form (all blanks, including the appropriate amounts, date, statutory citations, and other data, to be properly completed prior to the execution and delivery thereof):

No. _____ Principal \$ _____

CITY OF INDIANAPOLIS
TAX ANTICIPATION TIME WARRANT, SERIES 1995 ____
(_____ [FUND])

On the ____ day of _____, 1995, the City of Indianapolis ("City") in Marion County, Indiana promises to pay to [bearer] [The Indianapolis Local Public Improvement Bond Bank], at the office of the Marion County Treasurer, ex officio Treasurer of the City, the sum of _____ Dollars (\$ _____), or so much of the principal amount of this Warrant (set forth below) as shall have been advanced as shown in Exhibit A plus interest at the rate of ____% per annum on the amount advanced for the period of the advance, except that any advance in excess of the Maximum Cumulative Monthly Advance as shown on Exhibit B shall bear as a rate of ____% per annum. This Warrant shall be payable solely out of and from ad valorem property taxes levied in the year of 1994, and payable in the [first installment] [second installment] for the year 1995 ("Taxes"), which Taxes are now in course of collection for the _____ of the City, with which to pay general, current, operating expenses.

This Warrant is in the principal amount of \$ _____ evidencing a temporary loan in anticipation of the Taxes for the _____.

The temporary loan was authorized by an ordinance duly adopted by the City-County Council at a meeting thereof duly and legally convened and held on the ____ day of December, 1994, for the purpose of providing funds for the _____ of the City, in compliance with IC 36-3-4-22.

The consideration for this Warrant is a loan made to the City in anticipation of Taxes levied for the _____ of the City for the year of 1994, payable in the [first installment] [second installment] for the year 1995, and the Taxes so levied are hereby specifically appropriated and pledged to the payment of this Tax Anticipation Time Warrant.

It is hereby certified and recited that all acts, conditions, and things required to be done precedent to the authorization, preparation, complete execution and delivery of the warrants have been done and performed as provided by law.

IN WITNESS WHEREOF, the City of Indianapolis has caused the warrant to be signed in its corporate name by the manual or facsimile signature of the Mayor, and countersigned by the Controller of the City of Indianapolis, the corporate seal of the City to be hereunto affixed, and attested by the Clerk of the City of Indianapolis.

Dated this ___ day of _____, 1995.

CITY OF INDIANAPOLIS

By: _____
Mayor, City of Indianapolis

COUNTERSIGNED

By: _____
Controller, City of Indianapolis

ATTEST:

By: _____
Clerk, City of Indianapolis

EXHIBIT A

(Advances)

(to be placed on a separate page)

SECTION 9. The Warrants shall be executed in the name of the City by the manual or facsimile signature of the Mayor of the City, countersigned by the Controller of the City, the corporate seal of the City to be affixed thereto and attested by the Clerk of the City. The Warrants shall be payable at the office of the Marion County Treasurer, the ex officio City Treasurer, or the paying agent of the City. The Controller may pay costs of issuance of the Warrants from the proceeds thereof.

SECTION 10. In order to preserve the exclusion of interest on the Warrants from gross income for federal tax purposes under Section 103 of the Internal Revenue Code of 1986 as amended and in existence on the date of issuance of the Warrants ("Code") and as an inducement to purchasers of the Warrants, the City represents, covenants and agrees that:

(a) No person or entity other than the City or another state or local governmental unit will use proceeds of the Warrants other than as a member of the general public. Warrant proceeds shall be used exclusively for the purposes of the respective Funds.

(b) No portion of the payment of the principal of or interest on the Warrants will (under the terms of the Warrant, this ordinance or any underlying arrangement), directly or indirectly, be (i) secured by an interest in property used or to be used for a private business use or payments in respect of such property or (ii) derived from payments in respect of such property or borrowed money used or to be used for a private business use.

(c) No Warrant proceeds will be loaned to any person or entity other than another state or local governmental unit. No Warrant proceeds will be transferred, directly or indirectly, or deemed transferred to a nongovernmental person in any manner that would in substance constitute a loan of the Warrant proceeds.

(d) The City will not take any action nor fail to take any action with respect to the Warrants that would result in the loss of the exclusion from gross income for federal tax purposes on the Warrants pursuant to Section 103 of the Code, nor will the City act in any other manner which would adversely affect such exclusion.

(e) The City represents that it intends to qualify for the exception to the rebate requirement of Section 148(f) of the Code set forth in Section 148(f)(4)(B) of the Code. However, if the City does not qualify for such exception with regard to any of the Warrants the City will comply with the rebate requirement of Section 148(f) of the Code to the extent necessary to preserve the exclusion from gross income of interest on the Warrants and the Bond Bank obligations issued to purchase the Warrants for federal tax purposes.

(f) It shall not be an event of default under this ordinance, including without limitation subsections (a) through (e) of this Section, if the interest on any Warrants is not excludable from gross income for federal tax

purposes or otherwise pursuant to any provision of the Code which is not currently in effect and in existence on the date of issuance of the Warrants.

SECTION 11. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 625, 1994 was adopted on the following roll call vote; viz:

27 YEAS: *Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams*

0 NAYS:

2 NOT VOTING: *Beadling, Golc*

Proposal No. 625, 1994 was retitled FISCAL ORDINANCE NO. 111, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 111, 1994

A PROPOSAL FOR A FISCAL ORDINANCE approving temporary tax anticipation borrowing, authorizing Marion County, Indiana ("County") to make temporary loans for the use of the County General Fund and the County Family and Children's Fund ("Funds") during the period from January 1, 1995, through December 31, 1995, in anticipation of current taxes levied in the year 1994 and collectible in the year 1995 ("Taxes"), authorizing the issuance of tax anticipation time warrants ("Warrants") to evidence such loans; pledging and appropriating the Taxes to be received in the Funds to the payment of such Warrants, including the interest thereon; and fixing a time when this ordinance shall take effect.

WHEREAS, the Auditor of the County has filed with the Mayor of the City of Indianapolis ("City") an estimate and statement showing the amount of money needed to pay current expenses from the County General Fund and the County Family and Children's Fund pending the receipt of Taxes actually levied in 1994 and in the process of collection in 1995, and the Mayor did make and enter of record a finding and the Auditor and the Mayor have requested the City-County Council of Indianapolis and of Marion County ("City-County Council") to authorize temporary borrowing to procure funds necessary for use by the Funds to pay the incidental expenses necessary to be incurred in connection with the issuance and sale of the Warrants;

WHEREAS, the City-County Council now finds that the request should be granted and:

- A. that there will be insufficient funds in the County General Fund to meet the current expenses payable from the County General Fund prior to the distributions of Taxes levied for such Fund, and the distributions of Taxes to be collected for the County General Fund will collectively amount to more than Seventy-one Million Nine Hundred Five Thousand Five Hundred Seventy-eight (\$71,905,578) and the interest cost of making temporary loans for the County General Fund; and
- B. that there will be insufficient funds in the County Family and Children's Fund to meet the current expenses payable from such Fund prior to the distributions of Taxes levied for such Fund, and the distributions of Taxes to be collected for the County Family and Children's Fund will collectively amount to more than Thirty-two Million Eight Hundred Thirty Thousand Ninety-one Dollars (\$32,830,091) and the interest cost of making temporary loans for the County Family and Children's Fund; and

WHEREAS, a necessity exists for the making of temporary loans for these Funds in anticipation of Taxes for these Funds actually levied for the year 1994 and in the course of collection for the year 1995; now, therefore:

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

SECTION 1. The Auditor of the County and the Mayor of the City are authorized to borrow in the name of the County on temporary loans for the use and benefit of the County General Fund of the County in the maximum principal amount of Seventy-one Million Nine Hundred Five Thousand Five Hundred Seventy-eight Dollars (\$71,905,578) in anticipation of Taxes for the Fund for the year 1995, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the County General Fund and there is hereby

appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the County General Fund from the June and December 1995 distributions of Taxes for the County General Fund, for the payment of the principal of the Warrants evidencing such temporary loan and the amount of interest on such principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 2. The Auditor of the County and the Mayor of the City are authorized to borrow on temporary loans for the use and benefit of the County Family and Children's Fund of the County in the maximum principal amount of Thirty-Two Million Eight Hundred Thirty Thousand Ninety-one Dollars (\$32,830,091) in anticipation of Taxes for the Fund for the year 1995, which loans shall be evidenced by Warrants. The Warrants, including interest, shall be payable from the County Family and Children's Fund and there is hereby appropriated and pledged to the payment of these Warrants, including interest, a sufficient amount of the Taxes to be received in the County Family and Children's Fund from the June and December 1995 distributions of Taxes for the County Family and Children's Fund, to the County Family and Children's Fund for the payment of the principal of the Warrants evidencing such temporary loans and the amount of interest on the principal computed from the date or dates of the Warrants to their dates of maturity.

SECTION 3. (a) All Warrants issued pursuant to this ordinance shall bear interest at the rate or rates, not to exceed a maximum rate of eight percent per annum, to be determined as provided in Section 4 and subsection (b). The Warrants for each Fund may be issued in one series, designated Series 1995 Warrants ("Series 1995 Warrants") or in two series, designated Series A and Series B ("Series A Warrants" and "Series B Warrants", respectively). The Series 1995 Warrants for each Fund may be issued in an amount not to exceed the respective amounts set forth herein with interest thereon. The Series A Warrants for each Fund may be issued in an amount not to exceed the amount of the distribution of Taxes scheduled for June 1995 for that Fund. The Series B Warrants for each Fund may be issued in amount not to exceed the amount of the December 1995 distribution of Taxes for that Fund. All Series A Warrants shall mature and be payable not later than on June 30, 1995. All Series B Warrants and Series 1995 Warrants shall mature and be payable not later than December 31, 1995. The Warrants shall be dated as of the date or dates of actual delivery of the respective Warrants.

(b) The interest rate on the Warrants will be determined as provided in Section 4. The Warrants are not subject to redemption prior to their respective maturity dates if sold at public sale and may be redeemed as set forth in the purchase agreement with The Indianapolis Local Public Improvement Bond Bank ("Bond Bank") if sold to it.

SECTION 4. (a) The Auditor may sell the Warrants in one or more series as set forth in Section 3 pursuant to either subsection (b) or (c) of this section. The Auditor is hereby authorized and directed to have the Warrants prepared, and The Board of Commissioners of the County ("Commissioners"), Mayor and Auditor are hereby authorized and directed to execute and attest the Warrants in the manner substantially set out in the form provided below.

(b) The Auditor may sell any or all the Warrants to the Bond Bank pursuant to IC 5-1.4 on such terms and conditions as are consistent with this ordinance and mutually agreed to between the Auditor and the Bond Bank. In the event of a sale of such Warrants to the Bond Bank, the Commissioners, the Mayor and Auditor are authorized to execute a purchase agreement with the Bond Bank in an acceptable form and to do such other actions and execute such documents as may be required by the Bond Bank as a condition to the purchase of such Warrants.

(c) The Auditor may sell any or all the Warrants at public sale. Prior to the sale of the Warrants at public sale, the Auditor shall cause a notice of sale to be published twice, with the first publication at least fifteen days before the date of sale and the second publication at least three days before the sale date, in two newspapers of general circulation, printed in the English language and published in the County, as provided by IC 5-3-1. All bids at public sale for the Warrants shall be sealed and shall be presented to the Auditor at his office, and all bids shall name the rate or rates of interest for the Warrants or portion thereof. If sold at public sale, the Warrants, or portion thereof bid for, shall be awarded to the bidder or bidders offering the lowest net interest cost to the County determined by computing the total interest on all Warrants and deducting any premium. Any premium shall be used solely for the repayment of the principal of and interest on the Warrants. No bid at public sale for less than par shall be considered, and the Auditor shall have the right to reject any and all bids at public sale. The proper officers of the County are authorized to deliver the time Warrants to the purchaser or purchasers of the Warrants at public sale in one or more series in exchange for the agreed purchase price in immediately available funds. The Warrants may be delivered in one or more series at one time or in parcels from time to time, pursuant to any agreements or understandings with respect to such delivery by and between the Auditor and the purchaser of the Warrants at public sale.

November 28, 1994

SECTION 5. The Warrants shall be issued in substantially the following form (all blanks, including the appropriate amounts, date, statutory citations, and other data, to be properly completed prior to the execution and delivery thereof):

No. _____

Principal \$ _____

MARION COUNTY
TAX ANTICIPATION TIME WARRANT, SERIES 1995 ____
(_____ FUND)

On the ____ day of _____, 1995, the Board of Commissioners of Marion County, Indiana ("County") promises to pay to [bearer] [The Indianapolis Local Public Improvement Bond Bank], at the office of the Marion County Treasurer the sum of _____ Dollars (\$ _____), or so much of the principal amount of this Warrant (set forth below) as shall have been advanced as shown in Exhibit A plus interest at the rate of ____% per annum on the amount advanced for the period of the advance, except that any advance in excess of the Maximum Cumulative Monthly Advance as shown on Exhibit B shall bear interest at the rate of ____% per annum. This Warrant shall be payable solely out of and from ad valorem property taxes levied in the year 1994, and payable from the [first installment] [second installment] for the year 1995 ("Taxes"), which Taxes are now in course of collection for the County _____ Fund, with which to pay general, current, operating expenses.

This Warrant is in the principal amount of _____ Dollars (\$ _____), evidencing a temporary loan in anticipation of the Taxes for the County _____ Fund.

The temporary loan was authorized by an ordinance duly adopted by the City-County Council at a meeting thereof duly and legally convened and held on the ____ day of _____, 1994, for the purpose of providing funds for the County _____ Fund, in compliance with IC 36-2-6.

The consideration for this Warrant is a loan made to the County in anticipation of Taxes levied for the County _____ Fund for the year of 1994, payable in the [first installment] [second installment] for the year 1995, and the Taxes so levied are hereby specifically appropriated and pledged to the payment of this Tax Anticipation Time Warrant.

It is hereby certified and recited that all acts, conditions, and things required to be done precedent to the authorization, preparation, complete execution and delivery of the warrants have been done and performed as provided by law.

IN WITNESS WHEREOF, The Board of Commissioners of Marion County, Indiana has caused the warrant to be signed in the corporate name of the County by the manual or facsimile signatures of the Commissioners, countersigned by the Mayor and attested by the Auditor and the corporate seal of The Board of Commissioners to be hereunto affixed.

Dated this ____ day of _____, 1995.

THE BOARD OF COMMISSIONERS OF
MARION COUNTY, INDIANA

By: _____
Commissioner

By: _____
Commissioner

By: _____
Commissioner

COUNTERSIGNED:

By: _____
Mayor, City of Indianapolis

ATTEST:

By: _____
Auditor, Marion County

EXHIBIT A
(Advances)
(to be placed on a separate page)

SECTION 6. The Warrants shall be executed in the name of the County by the manual or facsimile signatures of the Commissioners, countersigned by the Mayor of the City, the corporate seal of the County to be affixed thereto and attested by the Auditor of the County. The Warrants shall be payable at the office of the Marion County Treasurer, or the paying agent of the City. The Auditor may pay costs of issuance of the Warrants from the proceeds thereof.

SECTION 7. In order to preserve the exclusion of interest on the Warrants from gross income for federal tax purposes under Section 103 of the Internal Revenue Code of 1986 as amended and in existence on the date of issuance of the Warrants ("Code") and as an inducement to purchasers of the Warrants, the County represents, covenants and agrees that:

(a) No person or entity other than the County or another state or local governmental unit will use proceeds of the Warrants other than as a member of the general public. Warrant proceeds shall be used exclusively for the purposes of the respective Funds.

(b) No portion of the principal of or interest on the Warrant proceeds will (under the terms of the Warrant, this ordinance or any underlying arrangement), directly or indirectly, be (i) secured by an interest property used or to be used for a private business use or payments in respect of such property or (ii) derived from payments in respect of such property or borrowed money used or to be used for a private business use.

(c) No Warrant proceeds will be loaned to any person or entity other than another state or local governmental unit. No Warrant proceeds will be transferred, directly or indirectly, or deemed transferred to a nongovernmental person in any manner that would in substance constitute a loan of the Warrant proceeds.

(d) The County will not take any action nor fail to take any action with respect to the Warrants that would result in the loss of the exclusion from gross income for federal tax purposes on the Warrants pursuant to Section 103 of the Code, nor will the County act in any other manner which would adversely affect such exclusion.

(e) The County represents that it intends to qualify for the exception to the rebate requirement of Section 148(f) of the Code set forth in Section 148(f)(4)(B) of the Code. However, if the County does not qualify for such exception with regard to any of the Warrants, the County will comply with the rebate requirement of Section 148(f) of the Code to the extent necessary to preserve the exclusion from gross income of interest on the Warrants and the Bond Bank obligations issued to purchase the Warrants for federal tax purposes.

(f) It shall not be an event of default under this ordinance, including without limitation subsections (a) through (e) of this Section, if the interest on any Warrants is not excludable from gross income for federal tax purposes or otherwise pursuant to any provision of the Code which is not currently in effect and in existence on the date of issuance of the Warrants.

SECTION 8. 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. 361, 1994. Councillor West reported that the Metropolitan Development Committee heard Proposal No. 361, 1994 on August 1, October 25, November 10 and November 22, 1994. The proposal, sponsored by Councillors McClamroch, Shambaugh and Short, recodifies and amends the Code, Article II, Administration and Enforcement, Chapter 8, Buildings and Construction. This proposal gives homeowners greater flexibility in working on their own premises. For most repair jobs on roofing, siding and windows, homeowners or contractors only have to notify the City building department--they do not have to purchase

a permit. Councillor West said that the City still could inspect those jobs, and registering with the City allows the inspection division to track faulty contractors. By a 5-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor West moved that Proposal No. 361, 1994, as amended, be adopted.

Councillor Moriarty Adams asked what recourse would homeowners have against contractors who performed inferior work on their property. Councillor West responded that listed contractors obtain bonds in the amount of up to \$10,000 a year. Homeowners are entitled to inspections. All they have to do is call the Neighborhood and Development Division and ask for an inspection.

Councillor Smith voiced his support of Proposal No. 361, 1994, as amended, and moved the question. Councillor Beadling seconded this motion.

Councillor Golc said that he believes that this proposal is just as cumbersome for the homeowner and contractor as the present one. Councillor McClamroch said that it is difficult under existing law to know when a building permit is needed. This proposal states that a building permit is always needed except in the certain situations--and the exceptions are listed.

Councillor Smith's motion to move the question passed by a unanimous voice vote.

Proposal No. 361, 1994, as amended, was adopted on the following roll call vote; viz:

25 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams
4 NAYS: Black, Gilmer, Golc, Gray

Councillor Gilmer asked for consent to explain his vote. Consent was given. Councillor Gilmer said he voted against this proposal because he believes the homeowner will be the loser due to the lack of regulation, but he hopes it works.

Councillor Williams asked for consent to explain her vote. Consent was given. Councillor Williams said she voted for this proposal because she was told that this would provide better inspections and more enforcement.

Proposal No. 361, 1994, as amended, was retitled GENERAL ORDINANCE NO. 160, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 160, 1994

A GENERAL ORDINANCE recodifying and amending Article II, Administration and Enforcement, Chapter 8, Buildings and Construction, of the Code of Indianapolis and Marion County, Indiana.

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

SECTION 1. The "Revised Code of the Consolidated City and County" be, and is hereby amended to add a new Chapter 536 (which is a revision and recodification of Article II, Chapter 8, of the Code of Indianapolis and Marion County) that deletes the stricken-through text and inserts the underlined text to read as follows:

CHAPTER 536. BUILDINGS AND CONSTRUCTION

ARTICLE II. BUILDING PERMITS AND DESIGN AND SUPERVISION

Sec. ~~8-30~~ 536-201. When building permits required.

~~No person, partnership or corporation shall engage in any construction activity in the consolidated city unless a written building permit issued by the division of development services describing the activity has been obtained by and is in force relative to the person, partnership or corporation which is actually accomplishing, supervising accomplishment or is contractually responsible for accomplishment of the construction activity allowed by the building permit; provided, however, that a building permit shall not be required for:~~

- ~~(a) Ordinary maintenance and repair of a structure or building equipment, except as provided below in this section; or~~
- ~~(b) Construction activity other than that described in (a) above where the total value of labor and materials does not exceed five hundred dollars (\$500.00) except as provided below in this section; or~~
- ~~(c) Erection of any sign in those categories of signs described in section 8-330(c) of this chapter; or~~
- ~~(d) Connection, provision or use of temporary electrical power for on-site construction activity; or~~
- ~~(e) Installation of a single-phase electric circuit not exceeding sixty (60) amperes at a nominal 120/240 volts which is accomplished in connection with work in an existing one or two family residential structure which involves the installation, modernization, replacement, service or repair of a heating system, space heating equipment, cooling system, space cooling equipment, a water heater or a food waste disposer for which a building permit has been issued; or~~
- ~~(f) Construction of a structure which spans one hundred twenty (120) square feet or less of base area, is less than fifteen (15) feet in height, is not placed on or attached to a permanent foundation and does not contain an electrical power distribution system, heating system, space heating equipment, cooling system, or space cooling equipment; or~~
- ~~(g) Installation of household appliances such as window air conditioners, refrigerators, refrigerators with automatic icemakers, ranges, clothes washers, clothes dryers, dishwashers, food waste disposers and trash compactors in one or two family residential structures or apartment buildings when such installation does not include the installation of an electrical circuit; or~~
- ~~(h) Installation of thermal insulation; or~~
- ~~(i) Construction of a fence six (6) feet in height or less; or~~
- ~~(j) Installation, maintenance and repair of storm windows and other exterior windows designed and used as protection against severe weather; or~~
- ~~(k) Placement of a one-family factory constructed building not on a permanent foundation in a mobile home park licensed by the Indiana State Board of Health; or~~
- ~~(l) Initial connection or reconnection of plumbing to a mobile home not placed on a permanent foundation located in a mobile home park licensed by the Indiana State Board of Health; or~~
- ~~(m) Initial connection or reconnection of electric plug-in cable connections from a mobile home not placed on a permanent foundation to service equipment supplying electrical power in a mobile home park licensed by the Indiana State Board of Health; or~~
- ~~(n) Construction of an aboveground swimming pool thirty (30) inches or less deep and fifteen (15) feet or less at its widest points.~~

~~Relative to paragraphs (a) and (b) above, building permits shall be required for construction activity on either a structure or building equipment where the activity, if done improperly, is a potential health or safety hazard. Examples of construction activity relative to a structure which, if done improperly, would be a potential health or safety hazard include the construction or alteration of a chimney or venting system, stripping and~~

~~reapplication of roofing material; a change in exterior bulk or facade; the creation or cutting away of any load-bearing wall, partition or portion thereof; the addition of concentrated roof loading; the creation, removal or change of any required means of egress; rearrangement of parts of a structure affecting the exitway requirements; or a change of the use group, occupancy or structure type. Examples of construction activity relative to building equipment which, if done improperly, would be a potential health or safety hazard include installation, significant alteration or relocation of any water distribution system within a structure, gas distribution system within a structure, soil, waste, vent or similar piping; relocation of plumbing fixtures; installation or significant alteration of an electrical power distribution system; installation of heating system, space heating equipment, cooling system or space cooling equipment; installation of a hot water heater; or replacement of a hot water heater with one that is not identical as to temperature or pressure protection, venting arrangement and type of fuel or energy input. Provided further, construction activity for which a permit is required may be accomplished without a permit being then in force, notwithstanding what is stated hereinabove in section, where an emergency need for such construction activity occurs on a day when the office of the division of development services is not open for business and the person, partnership or corporation which has accomplished such construction applies for a building permit on the first day the office of the division of development services is open for business after the initiation of such construction activity.~~

(a) Permit required: No person, partnership or corporation shall engage in any construction activity in the consolidated city unless a written building permit issued by the neighborhood and development services division describing the activity has been obtained by and is in force relative to the person, partnership or corporation which is actually accomplishing, supervising accomplishment or is contractually responsible for accomplishment of the construction activity allowed by the building permit; provided, however, that :

(b) Exemptions for one and two family dwellings: With respect to one or two family residential structures the permit specified in subsection (a) shall not be required for:

- (1) Ordinary maintenance and repair of a structure where the work does not reduce performance or create additional health or safety risks as defined in section 8-12; or
- (2) Installation and replacement of fixtures attached to the walls or floors such as cupboards, cabinets, shelving, railings, tracks, wall and floor coverings, and doors; or
- (3) Installation, maintenance and repair of storm windows and other exterior windows designed and used as protection against severe weather; or
- (4) Replacement of prime windows (limited to like for like in a wall opening of the same dimensions which does not reduce the egress required by code provision existing at the time the building was constructed) so long as the listed contractor files a prescribed written notification form with the neighborhood and development services division prior to the commencement of such services; or a person who owns or is purchasing a residential structure on contract with intention to utilize the property for his or her own occupancy may likewise replace prime windows in such structure; or
- (5) Exterior repair or renovation of a masonry chimney above the roof line that does not reduce the size of the flue opening; or
- (6) Replacement of an existing roof so long as the listed contractor files a prescribed written notification form with the Division of Neighborhood & Development Services prior to the commencement of construction, that does not involve:
 - a. a change in roof configuration; or
 - b. a change in type of roof covering (e.g., tile roofing replacing asphalt shingles) that would increase the dead load on the structure; or
 - c. the replacement of basic structural members that support the roof (e.g., replacement of a rafter or more than 128 square feet of decking); or
 - d. the installation of heat-applied roofing material; or
 - e. a requirement for a certificate of appropriateness in a historical preservation district; or

Additionally, a person who owns or is purchasing a residential structure on contract with the intention to utilize the property for his or her own occupancy may affix without permit a layer of replacement

shingles to a single layer of existing shingles provided that a layer of shingles is not removed and provided that the total shingle-roof application is performed by the owner or contract purchaser with assistance only by non-compensated volunteers.

- (7) Gutter replacement or installation; or
- (8) Installation and replacement of exterior siding so long as the listed contractor files a prescribed written notification form with the Division of Neighborhood & Development Services prior to the commencement of construction; additionally, a person who owns or is purchasing a residential structure on contract with the intention to utilize the property for his or her own occupancy may attach without permit a layer of siding to the existing sheathing without removal of existing sheathing, provided that the total siding application is performed by the owner or contract purchaser assisted only by non-compensated volunteers; or
- (9) Attachment of window awnings to exterior walls where the awnings project not more than forty-eight (48) inches from any wall; or
- (10) Installation of thermal insulation; or
- (11) Installation of additional non-load bearing walls that do not result in the creation of sleeping rooms; provided however, permits are required (except as otherwise specifically exempted by provisions of this section) for electrical, heating and cooling, or plumbing work; or
- (12) Replacement of an attic fan, bathroom exhaust fan, range hood exhaust fan or whole house fan ; or
- (13) Construction of a fence in conformance with city zoning requirements and any necessary certificates of appropriateness in a historic district; or
- (14) Construction of an above ground swimming pool thirty (30) inches or less deep and fifteen (15) feet or less at its widest points; or
- (15) Construction of a deck where:
 - a. no part of the floor is more than thirty (30) inches above finished grade; and
 - b. there is compliance with the assessor notification requirement of section 536-215; or
- (16) Erection of retaining walls which are not over four feet in height measured from the lowest finished grade to the top of the wall, unless the walls are supporting a surcharge or used as a dike to impound flammable or combustible liquids or products that pose a health or safety risk (e.g., corrosives, oxidizers, poisons); or
- (17) Construction of a structure which spans one hundred twenty (120) square feet or less of base area, is less than fifteen (15) feet in height, is not placed on or attached to a permanent foundation and does not contain an electrical power distribution system, heating system, space heating equipment, cooling system, or space cooling equipment; or
- (18) Ordinary maintenance and repair of building equipment where the work does not reduce performance or create additional safety or health risks; or
- (19) Installation of a single-phase electric circuit not exceeding sixty (60) amperes at a nominal 120/240 volts which involves the installation, modernization, replacement, service or repair of a heating system, space heating equipment, cooling system, space cooling equipment, a water heater or a food waste disposer for which a building permit has been issued; or
- (20) Installation of household appliances such as window air conditioners, refrigerators, refrigerators with automatic icemakers, ranges, clothes washers, clothes dryers, dishwashers, food waste disposers and trash compactors when such installation does not include the installation of an electrical circuit; or
- (21) Repairs in kind on parts of a plumbing system involving the same performance specifications and capacity, including plumbing fixtures, appliances, piping (but not more than twenty percent (20%) of all piping in the structure), valves, and traps; or

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- (22) Replacement of a water heater with one that is identical as to venting arrangement and type of fuel or energy input; or
 - (23) Extension of heating or cooling duct work ; or
 - (24) Placement of a one-family factory constructed building not on a permanent foundation in a mobile home park licensed by the Indiana State Department of Health; or
 - (25) Initial connection or reconnection of plumbing to a mobile home not placed on a permanent foundation located in a mobile home park licensed by the Indiana State Department of Health; or
 - (26) Erection of real estate signs advertising real estate for sale or for rent, provided such signs do not exceed twenty-five (25) square feet in area in conformance with the size provisions of the "sign ordinance"; or
 - (27) Connection, provision or use of temporary electrical power for on-site construction activity; or
- (c) Exemption for commercial construction. With respect to commercial structures, the permits specified in subsection (a) shall not be required for:
- (1) Ordinary maintenance and repair of a structure where the work does not reduce performance or create additional safety or health risks as defined in section 8-12; or
 - (2) Installation, maintenance and repair of storm windows and other exterior windows designed and used as protection against severe weather; or
 - (3) Attachment of window awnings to exterior walls where the awnings project to more than forty-eight (48) inches from any wall; or
 - (4) Painting, papering and similar finish work; or
 - (5) Installation of movable cases, counters and partitions not over sixty-nine (69) inches high; or
 - (6) Construction or installation of temporary motion picture, television and theater stage sets and scenery; or
 - (7) Installation of thermal insulation; or
 - (8) Construction of a fence in conformance with city zoning requirements and any necessary certificates of appropriateness in a historic district; or
 - (9) Construction of an above ground swimming pool thirty (30) inches or less deep and fifteen (15) feet or less at its widest points; or
 - (10) Construction of platforms, walks and driveways not more than thirty (30) inches above grade and not over any basement or story below; or
 - (11) Installation of water tanks supported directly upon grade if the capacity does not exceed five thousand (5,000) gallons and the ratio of height to diameter or width does not exceed two (2) to one (1); or
 - (12) Erection of oil derricks; or
 - (13) Erection of retaining walls which are over four feet in height measured from the lowest finished grade to the top of the wall, unless the walls are supporting a surcharge or used as a dike to impound flammable or combustible liquids or products that pose a health or safety risk (e.g., corrosives, oxidizers, poisons); or
 - (14) Construction of a structure which spans one hundred twenty (120) square feet or less of base area, is less than fifteen (15) feet in height, is not placed on or attached to a permanent foundation and does not contain an electrical power distribution system, heating system, space heating equipment, cooling system, or space cooling equipment; or
 - (15) Erection of any sign in those categories of signs described in section 8-330 (c) of this chapter; or

- (16) Ordinary maintenance and repair of building equipment where the work does not reduce performance or create additional safety or health risks; or
- (17) Connection, provision or use of temporary electrical power for on-site construction activity; or
- (18) Installation of household appliances such as window air conditioners, refrigerators, refrigerators with automatic icemakers, ranges, clothes washers, clothes dryers, dishwashers, food waste disposers and trash compactors in apartment buildings when such installation does not include the installation of an electrical circuit; or
- (19) Repair in kind on parts of a plumbing system involving the same performance specifications and capacity, including plumbing fixtures, appliances, piping (but not more than twenty percent (20%) of all piping in the structure), valves, and traps; or
- (20) Replacement of a water heater with one that is identical as to venting arrangement and type of fuel or energy input.

(d) Provisions in subsection (b) or (c) that exempt those engaged in certain construction activity from the obligation to secure a building permit do not affect the possible obligation to secure a certificate of appropriateness for construction either in an historic area designated by the Indianapolis Historic Preservation Commission or in the Meridian Street Preservation District designated by the Indiana Code. While a building permit may not be required, a certificate of appropriateness from the Commission may be required in such an area.

(e) With respect to construction activity which is exempted by subsection (b) from the permit required by subsection (a) only if the written notice is given by a listed contractor:

- (1) such written notice shall be given on the forms and in the manner prescribed by the administrator of neighborhood and development services;
- (2) commencement of such construction activity prior to the required written notice shall subject such activity to all the provisions and penalties of this chapter applicable to construction activity conducted without a required permit;
- (3) copies of the written notice shall be posted on the job site in the same manner required for permits issued under this chapter;
- (4) upon receipt of the written notice, the administrator shall notify the owner or occupant, who authorized such construction activity, of the right to an inspection of such activity by the division upon request of that owner or occupant;
- (5) the listed contractor shall notify the division of the completion of such construction activity in the same manner as required by sec. 536-301 for activity for which a permit is required; and
- (6) the listed constructor shall advise the division if such construction activity is not completed in 150 days after such written notice was given.

Sec. ~~8-31~~ 536-202. Eligibility to obtain and apply for a building permit.

(a) To obtain a building permit a person, partnership or corporation must meet the requirements of ~~and make application through a person possessing the qualifications stated in one of paragraphs (1) through (5) below~~ and must be the person, partnership or corporation which will either actually accomplish, supervise accomplishment or be contractually responsible for accomplishment of the construction activity allowed by the building permit:

- (1) Any person, partnership or corporation which is a listed contractor under Article IV, ~~Division 2 I~~ of this chapter 875 may:
 - a. obtain a building permit to accomplish any construction activity except work for which Articles II, III or IV ~~Division 3, 4 or 5~~ of this chapter 875 requires licensure or ~~Public Law 188 of the Acts of 1972, as amended, IC 25-28.5-1~~ requires a state license; or

b. obtain a master building permit under sections 536-203 and 536-204.

~~If the listed contractor is a person, application for a building permit must be made by that person. If the listed contractor is a partnership or corporation, application for a building permit must be made by an employee, partner or officer designated in a written document filed with the division of development services as having authority to act for that partnership or corporation.~~

- (2) Any person, partnership or corporation licensed under Articles II, III or IV ~~Division 3, 4 or 5~~ of this chapter 875 may obtain a building permit solely to accomplish construction activity allowed by the license or type of license held by the person, partnership or corporation. ~~If the license holder is a person, application for a building permit must be made by that person. If the license holder is a partnership or corporation, application for a building permit must be made by an employee, partner or officer designated in a written document filed with the division of development services as having authority to act for that partnership or corporation and who himself holds a license or type of license which allows accomplishment of the construction activity stated in the building permit.~~
- (3) Any person or corporation registered under Article IV, V ~~Division 6~~ of this chapter 875 may obtain a building permit solely to accomplish construction activity for which state licensure as a plumbing contractor is required. ~~If a person holding a state plumbing contractor license is registered under Article IV, Division 6 of this chapter, application for a building permit must be made by that person. If a corporation holding a state plumbing contractor license is registered, application for a building permit must be made either by the officer named in the state license or another officer or employee holding a plumbing contractor license.~~
- (4) Any person who is either a registered architect or registered engineer licensed to practice in the State of Indiana may obtain a building permit to accomplish any construction activity for which the approval of the Indiana department of fire prevention and building safety commission services, division of plan review is required and has been given. Such architect or engineer, however, may not obtain a building permit for work relative to which Articles II, III or IV ~~Division 3, 4 or 5~~ of this chapter 875 requires a license. ~~Such architect or engineer must himself apply for the building permit which he is authorized to obtain.~~
- (5) Any person, partnership or corporation which owns, is a contract purchaser or is a long-term lessee of an improved or unimproved parcel of land which the person, partnership or corporation intends to utilize for its own purposes (e.g., permanent business location, place of residence, rental property that the owner is obligated to maintain) may obtain a building permit to accomplish construction activity on such parcel carried out through direct efforts of: ~~the person or direct efforts of employees or noncompensated volunteers of the person, partnership or corporation.~~

a. the person; or

b. one or more employees of the person, partnership or corporation (including temporary employees hired to do construction work); or

c. persons who volunteer to work on the construction activity and who are not compensated for their services.

Such a person, partnership or corporation may not obtain a building permit to wreck a structure for which Article IV, Division 5 of chapter 875 requires licensure. Such a person, partnership or corporation may not obtain a building permit for work relative to which Public Law 188 of the Acts of 1972, as amended, IC 25-28.5-1 requires a state license. The requirements of section ~~8-200~~ 875-222 and section ~~8-230~~ 875-321 must be met for such a person, partnership or corporation to obtain a building permit to accomplish construction activity relative to which Articles II and III of chapter 875 require licensure. ~~he is authorized to obtain. Such a partnership must apply for the building permit which it is authorized to obtain through a partner. Such a corporation must apply for the building permit which it is authorized to obtain through an employee having authority to act for the corporation.~~

In addition, any person, partnership or corporation which owns, is a contract purchaser or is a long-term lessee of an improved or unimproved parcel of land which the person, partnership or corporation intends to utilize for its own purposes (e.g., permanent business location, place of residence, rental property that the owner is obligated to maintain) may obtain a building permit to allow construction activity on such parcel to be carried out by one or more listed contractors as long as a single listed contractor is not responsible for all of the construction activity to be done on the parcel. Such a

person, partnership or corporation may not obtain a building permit to wreck a structure for which Article IV of chapter 875 requires licensure. Such a person, partnership or corporation may not obtain a building permit for work relative to which IC 25-28.5-1 requires a state license. The requirements of section 875-222 and section 875-321 must be met for such a person, partnership or corporation to obtain a building permit to accomplish construction activity relative to which Articles II and III of chapter 875 require licensure.

(b) Application for a building permit may be made by the person entitled to obtain the permit or by an employee or agent of the person, partnership or corporation entitled to obtain the permit. The neighborhood and development services division may require that an employee or agent provide written authority to apply for the permit.

Sec. 536-203. Master Permit.

A person, partnership or corporation listed as a contractor under section 8-166 may elect to obtain a master permit for all construction activity occurring at a structure. (However, the neighborhood and development services division is not obligated to start issuing master permits until computer equipment and programs needed to make issuance of such permits practicable and effective have been secured). The master permit shall identify all construction activity to occur at the structure and shall be the sole permit needed to accomplish all work identified on the permit at the structure. The person, partnership or corporation obtaining the master permit shall be responsible for all construction activity occurring at the structure, including code compliance for all construction activity for which Articles II, III or IV of chapter 875 of this chapter requires licensure or IC 25-28.5-1 requires a state license.

Sec. 536-204. Procedure for obtaining a Master Permit

In order to obtain a master permit the person, partnership, or corporation must either be licensed for all the types of construction activity that will occur at the structure, or identify, at the time of application, a licensed subcontractor for every type of construction activity that will occur at the structure.

Sec. ~~8-32~~ 536-205. Building permits obtained by written application.

(a) Application for a building permit shall be made to the ~~division of neighborhood and~~ development services division. The application shall be made in accordance with this section, unless each and every requirement of section ~~8-36~~ 536-209 is met and the administrator decides to issue a building permit on the basis of that section.

(b) The application shall be in writing on a form prescribed by the ~~division of neighborhood and~~ development services and shall be supported with:

- (1) Two (2) copies of detailed plans and specifications drawn to scale which indicate in a precise manner the nature and location of all work to be accomplished pursuant to the building permit. In lieu thereof, it shall be within the discretion of the administrator of the ~~division of neighborhood and~~ development services division to accept two (2) copies of a written statement indicating the nature and location of the work to be done pursuant to the building permit where such written statement describes the work as precisely as a copy of detailed plans and specifications drawn to scale.
- (2) Two (2) copies of a plot plan drawn to scale which reflect the location of the structure in relation to existing property lines and which show streets, curbs and sidewalks and proposed changes or additions to such streets, curbs and sidewalks; provided, however, such plot plan shall not be required in the instance where all of the construction activity is to occur inside an existing structure.
- (3) An improvement location permit, issued by the ~~division of neighborhood and~~ development services division, department of metropolitan development, if required by the ordinance providing for the improvement location permit.
- (4) Written approval from the Marion County Health and Hospital Corporation for any contemplated private sewage disposal system.
- (5) Written approval from the Indiana department of fire prevention and building services safety commission, division of plan review, if required by Indiana law or any rule ~~or standard~~ of the fire prevention and building safety commission.

- (6) A drainage permit, issued by the department of public works, if required by the ordinance providing for a drainage permit.
- (7) A connection permit, issued by the department of public works, if required by the ordinance requiring a permit for connection to a sewer.

(c) In the instance where a building permit is requested for the purpose of allowing the demolition or removal of a structure, such application shall be supported with a written statement from each utility that its service to the premises has been disconnected, and with either a written statement from the record titleholder of such premises authorizing the demolition or removal or a court order or administrative order requiring the demolition or removal of the structure.

(d) In the instance where a building permit is requested for the purpose of allowing the demolition or removal of a structure which is in excess of seventy-five (75) feet in height, such application shall be supported by a certificate of insurance reflecting that the obtainer of the building permit has a public liability and property damage insurance policy naming the licensee and the Consolidated City of Indianapolis as the assured and providing also for the payment of any liability imposed by law on such licensee or the Consolidated City of Indianapolis in the minimum amounts of one million dollars (\$1,000,000.00) for any occurrence relative to where there is injury to or death of one or more persons and five hundred thousand dollars (\$500,000.00) for any occurrence relative to which there is property damage.

(e) In the instance where a building permit is requested for the purpose of constructing a swimming pool, such application shall include the name of the person responsible for constructing the required fence or safety pool cover.

- (f) Except as provided in section ~~8-100~~ 536-701 or ~~8-101~~ 536-702, a building permit shall be issued if:
 - (1) The application and supporting information required by this section have been properly prepared and submitted; and
 - (2) The application and supporting information filed in accordance with this section reflect compliance with building standards and procedures; and
 - (3) The fee has been paid in compliance with Article II, Division 6 of this chapter. All fees for all permits required to complete the structure for which the permit application is submitted have been paid; and
 - (4) The person, partnership or corporation obtaining the building permit complies with the requirements of section ~~8-31~~ 536-202; and
 - (5) The person applying for the building permit complies with the requirements of section ~~8-31~~ 536-202.

(g) By making payment for the building permit, the applicant shall be deemed to represent and certify that the information contained in that permit is complete and accurate, unless the applicant shall within ten (10) days provide in writing to the ~~division of neighborhood and development services~~ division any additions or corrections to that information.

Sec. ~~8-33~~ 536-206. Structure requiring professional services of architects or engineers.

Except for those structures for which the rules of the fire prevention and building safety commission does not require filing of plans for approval by the responsible design architect or engineer, all detailed plans and specifications supplied with building permit applications shall be designed by and prepared under the control and supervision of a registered architect or engineer duly licensed to practice in the State of Indiana. Such professionally prepared plans and specifications shall bear the stamp or seal and registration number of such architect or engineer and shall be accompanied by the usual form of certification which is now or may be hereafter prescribed for use by architects and engineers by the fire prevention and building safety commission.

Sec. ~~8-34~~ 536-207. Scales of plans, numbering of plan sheets, provision of address on plan sheets.

All plans shall be drawn to scale or scales suitable to illustrate the work using accepted professional practices. Drawing scale or scales must be noted on each sheet. All plans with more than one sheet shall be numbered. Except with respect to one- or two-family residential structures, an index shall be furnished on the first sheet setting forth the character of each sheet in the set of plans. The address appearing on the building permit shall be placed in letters at least one-quarter inch high on the face of each sheet.

Sec. ~~8-35~~ 536-208. Examination of detailed plans and specifications.

The purpose of any examination of detailed plans and specifications and plot plans shall be to determine consistency with building standards and procedures. Design characteristics not affecting consistency with building standards and procedures shall not be considered in any examination of detailed plans and specifications and plot plans. Issuance of a building permit relative to plans which do not comply with building standards and procedures shall not relieve the person, partnership or corporation who applied for or obtained the building permit of the responsibility of complying with all building standards and procedures. The ~~division of neighborhood and~~ development services division shall file-mark all acceptable plans "plans received and application approved" and then return one copy of the detailed plans and specifications and one copy of the plot plan to the applicant.

Sec. ~~8-36~~ 536-209. Permits obtained by a telephone communication.

(a) The administrator may, but is not required to, issue a permit on the basis of information received by a telephone call over a specified telephone line in the office of the ~~division of neighborhood and~~ development services division (to which may be attached a recording device to make a record of all information supplied).

(b) To receive a permit on the basis of a telephone communication, all of the following requirements must be met:

(1) The person, partnership or corporation obtaining the permit and the person applying for the permit are eligible to obtain and apply for a building permit pursuant to section ~~8-31~~ 536-202, and:

a. Have accomplished construction activity in the consolidated city for a period of the preceding twelve (12) calendar months without a violation of building standards or procedures which caused a revocation of a building permit pursuant to section ~~8-103~~ 536-704; issuance of a stop-work order pursuant to section ~~8-104~~ 536-705; issuance of an order forbidding occupancy pursuant to section ~~8-105~~ 536-706; initiation of a civil action filed pursuant to section ~~8-106~~ 536-707; forfeiture of a licensing bond pursuant to section ~~8-107~~ 536-708; or a judicially imposed fine or imprisonment pursuant to section ~~8-108~~ 536-709; and

b. Have over the period of the previous one hundred eighty (180) days made prompt payment of all building permit fees for permits issued under this chapter;

(2) The construction activity is being accomplished in or on an existing structure;

(3) The construction activity does not involve the demolition or removal of a structure;

(4) The construction activity does not require the issuance of a design release by the Indiana department of approval of the fire prevention and building services safety commission, division of plan review;

(5) An improvement location permit, issued by the ~~division of neighborhood and~~ development services division, department of metropolitan development, is not required;

(6) Approval of the Marion County Health and Hospital Corporation for a private sewage disposal system is not required;

(7) The construction activity does not require a drainage permit; and

(8) The construction activity is susceptible to being accurately described without the aid of either a plot plan or detailed plans and specifications.

(c) The following information shall be supplied over the specified telephone line in order to obtain a building permit under this section ~~8-36~~ 536-210:

(1) The name and address of the person telephoning (applicant);

(2) The name, address and number of the contractor in whose name the requested building permit is being issued (obtainer);

(3) The address of the construction activity;

- (4) A precise description of the construction activity to be accomplished;
- (5) The value of the construction activity.

(d) The obtainer of the building permit shall remit fees for the permit along with a written application (as provided for in section ~~8-32~~ 536-205) to the ~~division of neighborhood and~~ development services division within five (5) business days following the date of the permit's issuance by check or money order made payable to the controller of the City of Indianapolis. The permit number shall be clearly marked on the face of the check or money order. Payment shall be made in the office of the ~~division of neighborhood and~~ development services division or through the United States Postal Service. If mailed, the postmark on the envelope shall be evidence of compliance with the five-day remittance requirement. If payment is not received within five (5) business days, the permit shall be voidable by order of the administrator. If a permit issued under this section is voided, no further construction activity shall be accomplished under that permit.

(e) The building permit obtained in accordance with this section shall be in full force and effect at the time a building permit number is furnished by the ~~division of neighborhood and~~ development services division over the telephone line to the applicant. Following the issuance of the building permit in accordance with this section, the ~~division of neighborhood and~~ development services division shall, as soon as conveniently possible after the payment of the permit fee, mail a copy of the building permit document to the applicant for the building permit.

(f) By making payment for the building permit, the applicant shall be deemed to represent and certify that the information contained in that permit is complete and accurate, unless the applicant shall within ten (10) days provide in writing to the ~~division of neighborhood and~~ development services division any additions or corrections to that information.

Sec. ~~8-37~~ 536-210. Permit and file-marked plans to be available.

Any person, partnership or corporation to which a building permit has been issued shall prominently display such permit or a document bearing the permit number provided by the ~~division of neighborhood and~~ development services division which evidences permit issuance, or, in the instance of a permit obtained by telephone communication, a paper bearing the authorization number, at the job site during construction activity. If required to submit detailed plans and specifications in order to obtain a building permit such person, partnership or corporation shall have available for inspection at all times a copy of the detailed plans and specifications bearing the file mark of the ~~division of neighborhood and~~ development services division. Any change in such detailed plans and specifications, except for minor deviations that neither diminish structural quality nor would cause noncompliance with applicable building standards and procedures, shall be filed with and approved by the ~~division of neighborhood and~~ development services division prior to the time construction involving the change occurs.

Sec. ~~8-38~~ 536-211. Transfer of building permits.

(a) A building permit may be transferred with the approval of the administrator of the ~~division of neighborhood and~~ development services division to a person, partnership or corporation which would be eligible under section ~~8-34~~ 536-202 to obtain such building permit in the first instance (hereinafter called "transferee"), after both the payment of a fee specified in section ~~8-90~~ 536-610 and the execution and filing of a form furnished by the ~~division of neighborhood and~~ development services division. Such transfer form shall contain, in substance, the following certifications, release and agreement:

- (1) The person who applied for the original building permit or a person who meets the requirements of section ~~8-54~~ 536-302 for the execution and filing of a modified certificate of completion and compliance (hereinafter called "transferor") shall:
 - a. Certify under penalties for perjury that ~~he~~ such person is familiar with construction activity accomplished pursuant to the building permit; ~~he~~ such person is familiar with the building standards and procedures applicable to the construction activity; and to the best of ~~his~~ such person's knowledge, information and belief the construction activity, to the extent performed, is in conformity with all building standards and procedures; and
 - b. Sign a statement releasing all rights and privileges secured under the building permit to the transferee.

- (2) The transferee shall:

- a. Certify that ~~he~~ the transferee is familiar with the information contained in the original building permit application, the detailed plans and specifications, the plot plan and any other documents filed in support of the application for the original building permit; and
- b. Certify that ~~he~~ the transferee is familiar with the present condition of the premises on which construction activity is to be accomplished pursuant to the building permit; and
- c. Agree to adopt and be bound by the information contained in the original application for the building permit, the detailed plans and specifications, the plot plan and other documents supporting the original building permit application; or in the alternative, agree to be bound by such application plans and documents modified by plan amendments submitted to the ~~division of neighborhood and development services~~ division of neighborhood and development services for approval.

(b) The transferee shall assume the responsibilities and obligations of and shall comply with the same procedures required of the transferor (including, but not being limited to the requirement of section ~~8-50 536-301~~ that a certificate of completion and compliance be executed and filed and the requirement of sections ~~8-61 536-402~~ and ~~8-62 536-403~~ that further construction activity not be accomplished without notice of and opportunity for inspection at certain stages) and shall be subject to any written orders issued by the administrator or his authorized representative.

Sec. ~~8-39 536-212~~. Obligation of subsequent obtainer of building permit relative to partially completed work.

If construction activity allowed by a building permit has been commenced but only partially completed and a person, partnership or corporation desires to complete such construction activity, then such person, partnership or corporation must obtain a building permit covering the construction previously accomplished as well as that to be accomplished, shall be responsible for accomplishing all construction activity encompassed by the subsequent building permit (including that previously accomplished) in accordance with building standards and procedures and shall be obligated to file a certificate of completion and compliance required by section ~~8-50 536-301~~ or ~~8-51 536-302~~ covering all the construction activity encompassed by the subsequent permit.

Sec. ~~8-40 536-213~~. Expiration by operation of law.

If the construction activity for which a building permit has been issued has not been commenced within one hundred fifty (150) days from the date of its issuance, the permit shall expire by operation of law and shall no longer be of any force or effect; provided, however, the administrator of the ~~division of neighborhood and development services~~ division may, for good cause shown in writing, extend the validity of any such permit for an additional period which is reasonable under the circumstances, but in no event shall the continuance exceed a period of sixty (60) days. Such extension shall be confirmed in writing. If the construction activity has been commenced but only partially completed, and thereafter substantially no construction activity occurs on the construction site over a period of six (6) months, the permit shall expire by operation of law and no longer be of any force or effect; provided, however, the administrator may, for good cause shown in writing, extend the validity of any such permit for an additional period which is reasonable under the circumstances to allow reinitiation of construction activity.

Sec. ~~8-41 536-214~~. Defacing permit.

It shall be unlawful for any person, other than an employee of the ~~division of neighborhood and development services~~ division to intentionally remove, deface, obscure, mutilate, mark or sign a posted building permit or a document bearing the permit number provided by the ~~division of neighborhood and development services~~ division which evidences permit issuance without authorization from the administrator of the ~~division of neighborhood and development services~~ division or his authorized representative until fifteen (15) calendar days after both the construction activity is completed and the ~~division of neighborhood and development services~~ division is notified of such completion.

Sec. ~~8-42 536-215~~. Notification to assessor about construction of deck.

(a) When a deck is constructed, the contractor (or the owner, if a contractor is not doing the work) must either:

- (1) secure a building permit; or
- (2) send a notice of the construction to the County Assessor.

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(b) The notice to the County Assessor shall include the following information:

- (1) the township where the property is located,
- (2) the address of the property where the deck was constructed,
- (3) the name of the owner of the property,
- (4) the approximate size of the deck,
- (5) the name of the contractor who constructed the deck, and
- (6) the listing number of the contractor.

The notice shall be provided to the County Assessor within 30 days of the time the deck is substantially completed.

ARTICLE III. CERTIFICATE OF COMPLETION AND COMPLIANCE

Sec. ~~8-50~~ 536-301. Filing of certificate of completion and compliance.

Within ten (10) days after completion of the construction activity for which a building permit has been issued pursuant to the provisions of this chapter and prior to the occupancy or use of the structure, the person who applied for the building permit for such construction activity shall execute and file a certificate of completion and compliance with the ~~division of neighborhood and~~ development services division. If a master permit was obtained for the structure all licensed subcontractors who worked on the structure shall also execute the certificate of completion. Such certificate shall be in the following form:

CERTIFICATE OF COMPLETION AND COMPLIANCE

Address of premises on which construction activity was accomplished:

Permit number/notification number: _____

The undersigned person(s) hereby certifies/certify under the penalties for perjury that:

1. I applied for the above referenced building permit or was a licensed subcontractor, who performed work on the structure, and
2. I am familiar with the construction activity accomplished pursuant to that building permit, and
3. I know such construction activity has been completed with exceptions here noted _____, and
4. I am familiar with building standards and procedures applicable to such construction activity, and
5. To the best of my knowledge, information and belief such construction activity has been performed in conformity with all building standards and procedures.

Date: _____ Signature: _____ Typed or printed name _____

Signature: _____ Typed or printed name _____

Signature: _____ Typed or printed name _____

Signature: _____ Typed or printed name _____

Signature: _____ Typed or printed name _____

Electrical, heating and cooling or wrecking contractor license number, plumbing contractor registration number, contractor listing number and contractor's license number, or registered architect or registered engineer registration number: _____

If a licensed electrical contractor has properly executed and delivered or mailed an electrical craft work certificate of completion and compliance pursuant to section ~~8-63~~ 536-404(b)(3), he shall not be required to file the above certificate of completion and compliance.

If a registered architect or registered engineer has properly executed and delivered or mailed an architect's or engineer's certificate of completion and compliance pursuant to section ~~8-52~~ 536-303, he shall not be required to file the above certificate of completion and compliance.

Sec. ~~8-51~~ 536-302. Modified certificate of completion and compliance.

If it is impossible or will impose a substantial hardship for the person who applied for the building permit to execute and file a certificate of completion and compliance, a modified certificate of completion and compliance omitting the language stating the person signing the certificate obtained the building permit will be accepted from a person having sufficient knowledge of the construction activity to allow ~~him~~ such person to execute the certificate of completion and compliance, if:

- (1) The person executing and filing the modified certificate of completion and compliance fulfills the requirements imposed by section ~~8-31~~ 536-202 of an applicant for the type of building permit obtained to allow such construction activity; and
- (2) An affidavit is executed and filed along with the modified certificate of completion and compliance which provides in substance that it is impossible or will impose a substantial hardship for the person who applied for the building permit to execute and file a certificate of completion and compliance.

Where a building permit is obtained for a partnership or corporation by an applicant and a certificate of completion and compliance is not filed because it would be impossible to impose a substantial hardship for the applicant to execute and file such certificate, it shall be the responsibility of the partnership or corporation to cause a modified certificate of completion and compliance to be executed and filed relative to such construction activity within ten (10) days after completion of the construction activity.

Sec. ~~8-52~~ 536-303. Filing of architect's or engineer's certificate of completion and compliance.

Within ten (10) days after the completion of construction activity for which a building permit was issued pursuant to this chapter and for which review and monitoring of construction activity by an architect or engineer is required by the rules of the fire prevention and building safety commission, the architect or engineer who observed the construction activity accomplished pursuant to the permit shall execute and file an architect's or engineer's certificate of completion and compliance with the ~~division of~~ neighborhood and development services division in the following form:

ARCHITECT'S AND ENGINEER'S CERTIFICATE OF COMPLETION AND COMPLIANCE

Address of construction activity: _____

Permit number: _____

The undersigned architect or engineer hereby states under penalties for perjury that:

1. I have made reasonable and periodic observation of the above mentioned construction project to determine whether the work accomplished is in accordance with the plans and specifications for this project as released by the fire prevention and building safety commission and whether the work accomplished is in compliance with building standards promulgated by the fire prevention and building safety commission and provisions of Article III, Divisions 1 and 3, of Chapter 8 of the Code of Indianapolis and Marion County, with the following exceptions hereafter noted:

2. I am familiar with such building standards and the provisions of Article III, Divisions 1 and 3, of Chapter 8 applicable to the work accomplished; and
3. To the best of my knowledge, information and belief such work has been accomplished in conformity with such building standards promulgated by the fire prevention and building safety commission and the provisions of Article III, Divisions 1 and 3 of Chapter 8.

Date: _____ Signature: _____

SEAL Typed name: _____

 Architect No.: _____

 Engineer No.: _____

 Indiana Registration No.: _____

 Address: _____

 Phone number: _____

ARTICLE IV. INVESTIGATIONS AND INSPECTIONS OF CONSTRUCTION ACTIVITIES

Sec. ~~8-60~~ 536-401. General authority to make investigations and inspections.

The administrator of the ~~division of~~ neighborhood and development services division or his authorized representative may at any reasonable time go in, upon, around or about the premises where any structure or building equipment subject to the provisions of this chapter or to the rules of the fire prevention and building safety commission is located (irrespective of whether a building permit has been or is required to be obtained) for the purpose of investigation and inspection of such structure or building equipment. Such investigation and

inspection may be made either before or after construction activity on the project is completed and it may be made for the purposes, among others, of determining whether the structure or building equipment meets building standards and procedures, and ascertaining whether the construction activity and procedures have been accomplished in a manner consistent with a certificate filed pursuant to sections ~~8-50, 8-51, 8-52 or 8-63~~ 536-301, 536-302, 536-303, or 536-304(b)(3). Reasonable efforts to afford an opportunity for investigation and inspection of the structure or building equipment by the ~~division of neighborhood and~~ development services division shall be made by persons working on or having control of the construction activity. However, nothing in this section shall be construed to require the administrator to make inspections and investigations.

Sec. ~~8-61~~ 536-402. Notice of availability for inspection as a condition to the accomplishment of further work.

(a) Whenever a stage of construction activity is reached which is designated below, the person who applied for the building permit (or if it is impossible or would impose a substantial hardship for the applicant, the person, partnership or corporation which obtained the permit) shall be under a duty to give appropriate notice to the administrator of the ~~division of neighborhood and~~ development services division that the construction activity is available for inspection.

(ab) Relative to the construction of, remodeling of or addition to a structure, notice of availability is required, as applicable, for:

- (1) A "foundation inspection" after poles or piers are set, trenches or basement areas excavated, any required reinforcing steel is in place, but prior to the placing of concrete; and
- (2) A "frame and masonry inspection" after the roof, masonry, all framing, firestopping and bracings are in place and all electrical wiring, pipes, chimneys and vents are complete, but prior to the interior covering of walls.

(bc) Relative to the installation, modernization or replacement of building equipment (including but not limited to plumbing work for which licensure is required by the Indiana Plumbing Commission, or work on electrical power distribution systems, heating systems, space heating equipment, cooling systems or space cooling equipment), notice of availability for a separate "rough inspection" is required, as applicable, for each of the three (3) crafts after installation, but prior to the covering or concealment thereof and before fixtures are set.

(ed) Relative to demolition or removal of a structure, notice of availability for a "fill inspection" is required (in the instance when a basement or subgrade chamber exists) after demolition or removal and prior to placing fill.

(de) The administrator or ~~his~~ the administrator's authorized representative may, relative to any construction activity, add a reasonable number of other construction stages by communicating the additional stage requirements to the person obtaining the building permit for that construction activity.

(f) Notice of availability shall be given either by telephone communication over a specified telephone line in the office of the ~~division of neighborhood and~~ development services division (to which may be attached a recording device to make a record of all information supplied), by hand-delivered written notice or by a letter delivered by the United States Postal Service.

Sec. ~~8-62~~ 536-403. Requirement that construction activity remain available for inspection.

Whenever a stage of construction activity designated in section ~~8-61~~ 536-402 is reached, no person shall take any action or accomplish any additional construction activity which would substantially impede the opportunity of the administrator or ~~his~~ the administrator's authorized representative to inspect that stage of construction activity for a period of at least forty-eight (48) hours after notice of the availability for inspection has been received during business hours in the ~~division of neighborhood and~~ development services division or until after an inspection is made, whichever first occurs. The forty-eight (48) hour period shall begin to run upon actual receipt of the notice during business hours but shall not run during any day when an inspection attempt by a representative of the ~~division of neighborhood and~~ development services division is unsuccessful because the work is not accessible.

A person, partnership or corporation may, however, pour a foundation two (2) hours after notification is received in the office of the ~~division of neighborhood and~~ development services division. If a foundation is so

poured, the remainder of the excavation must remain open for a period of forty-eight (48) hours from the time when notice is received and the person, partnership or corporation must assist an inspector in making the excavation available for proper inspection.

Sec. ~~8-63~~ 536-404. Connection, provision or use of electrical power.

(a) No person, partnership or corporation shall accomplish or allow the connection, provision or use of electrical power relative to an electrical power distribution system in or on a structure where construction activity (for which a building permit has been or is required to be obtained pursuant to this chapter) has been accomplished, until after an inspection has been made and a distinctive sticker (signifying the electrical power distribution system may be used) has been attached to each service equipment by the administrator or ~~his~~ the administrator's authorized representative. It shall be unlawful for any person other than the administrator or ~~his~~ the administrator's authorized representative to use, complete, apply or alter such sticker.

(b) As an alternative to section ~~8-63~~ 536-404(a), the administrator of the ~~division of neighborhood and~~ division of neighborhood and development services division may allow the connection, provision or use of electrical power on the basis of certification by a person who is a licensed electrical contractor if all of the following requirements are met:

- (1) After the completion of the work and before use of the electrical power distribution system is initiated, the licensed electrical contractor who applied for the building permit shall communicate over a specified telephone line in the office of the ~~division of neighborhood and~~ division of neighborhood and development services division during business hours (to which the division of development services may attach a recording device to make a record of all information supplied) the following information:
 - a. The name of the person telephoning;
 - b. The electrical contractor license number of the person telephoning;
 - c. The address of the affected premises;
 - d. The building permit number under which the construction activity was accomplished; and
 - e. The serial number of the electrical craft work certificate of completion and compliance form to be used.
- (2) If such information is in order and if the licensed electrical contractor has accomplished construction activity for a period of the preceding twelve (12) calendar months without violation of building standards or procedures which in the discretion of the administrator are of sufficient seriousness to make the contractor ineligible to use the certificate, the ~~division of neighborhood and~~ division of neighborhood and development services division shall indicate over the specified telephone line authorization to attach a certificate to each service equipment and assign an authorization number to be placed on each certificate by the licensee.
- (3) A certificate, in the following form, must then be executed and attached to each service equipment as a precondition to the connection, provision or use of electrical power.

ELECTRICAL CRAFT WORK CERTIFICATE OF COMPLETION AND COMPLIANCE

Address of the craft work: _____

Serial number: _____

Permit number: _____

Authorization number: _____

The undersigned licensee hereby certifies under the penalties for perjury that:

1. I am an electrical contractor licensed in accordance with chapter 875 of the Code of Indianapolis-Marion County, Indiana;
2. I am responsible for the proper completion of the construction activity which is the subject of the above referenced building permit as applicant for the permit or applicant representing the transferee of the permit; and
3. I have either personally accomplished or personally inspected all such construction activity, or in the alternative, I have caused the construction activity to be inspected by a responsible and competent employee who works under my direction and control, who has fully reported to me the condition of the construction activity; and
4. I know that such construction activity is completed and in condition for immediate and final inspection on the date stated below; and
5. I am familiar with building standards and procedures applicable to such construction activity; and
6. I know that such construction activity has been done in compliance with all building standards and procedures; and
7. I acknowledge and understand that if such construction activity is done in violation of building standards and procedures, that under the provisions of chapter 875 my electrical contractor's license may be suspended or revoked.

Date certificate attached to service equipment: _____

Signature: _____

Electrical contractor license number: _____

Type or printed name: _____

After the signatory attaches a certificate to each service equipment, ~~he~~ such person shall cause a duplicate copy of each certificate to be either delivered to the ~~division of neighborhood and development services~~ division or postmarked no later than the next business day by the United States Postal Service.

(4) After completion of the above requirements, the ~~division of neighborhood and development services~~ division will notify the electric utility that electrical power can be connected and used at the site.

(c) It shall be unlawful for any person, partnership or corporation to accomplish the connection, provision or use of electrical power relative to an electrical power distribution system without first receiving authorization from the ~~division of neighborhood and development services~~ division either by telephone communication and attachment of an electrical craft work certificate of completion and compliance or by the distinctive sticker described in section ~~8-63~~ 536-404(a).

(d) Nothing stated in this section shall be construed to deny the right of the ~~division of neighborhood and development services~~ division to inspect the electrical power distribution system to which electrical power is connected either before or after such connection is made or before or after the electrical power distribution system is used.

(e) Electrical craft work certificates of completion and compliance may be purchased only by a licensed electrical contractor who is eligible to use such forms from the ~~division of neighborhood and~~ development services division, acting on behalf of the controller, for a fee specified in Article ~~II, Division 6~~ VI of this chapter. Each certificate form shall bear a different serialized number which shall be recorded by the ~~division of neighborhood and~~ development services division along with the name and licensure number of the electrical contractor who purchases the form. The certificate may only be signed and attached by the licensed electrical contractor who purchased it from the ~~division of neighborhood and~~ development services division. It shall be unlawful to sell or transfer such certificate and unlawful to use, complete, sign or attach such a certificate except as prescribed in this section.

ARTICLE V. INSPECTION OF EXISTING STRUCTURES AND BUILDING EQUIPMENT CONTAINED THEREIN; SPECIAL STRUCTURES

Sec. ~~8-70~~ 536-501. Inspection of existing public, institutional, commercial and industrial structures and building equipment contained therein.

The administrator of the ~~division of neighborhood and~~ development services division or ~~his~~ the administrator's authorized representative may inspect public school buildings, public assembly halls, churches, theaters, grandstands, buildings used for manufacturing or commercial purposes, hotels, motels, apartment houses, hospitals, nursing homes, buildings used for entertainment or amusement, and all other structures which are used, occupied or frequented by large numbers of people for the purpose of determining whether such structures and the building equipment related to such structures are safe and comply with applicable building standards and procedures.

Sec. ~~8-71~~ 536-502. Inspection of dangerous structures.

The administrator of the ~~division of neighborhood and~~ development services division or ~~his~~ the administrator's authorized representative may inspect any structure or building equipment reported or appearing to be defective, dangerous or damaged by fire, casualty or vandalism for the purpose of determining whether such structure or building equipment is safe and complies with applicable building standards and procedures.

Sec. ~~8-72~~ 536-503. Inspection of premises on which municipally licensed activities are to be carried out.

At the request of the controller, the administrator of the ~~division of neighborhood and~~ development services division or ~~his~~ the administrator's authorized representative may inspect the structure and building equipment on any premises which are being used or may be used in connection with a business operation licensed pursuant to Chapter 17 of the Code of Indianapolis and Marion County. Such inspection shall be made for the purpose of determining whether such structure and building equipment are safe and comply with applicable building standards and procedures. A fee specified by Article ~~II VI, Division 6~~ shall be paid for the original inspection and each annual reinspection by the person, partnership or corporation which made application to the controller for licensure of such business operation.

ARTICLE VI. FEES

Sec. ~~8-80~~ 536-601. Payment of fees.

Fees required for activities regulated by this chapter shall be collected by the administrator, ~~division of neighborhood and~~ development services division, acting on behalf of the city controller and are specified in the following sections. All fees shall be rounded to the nearest whole dollar after computation. Floor area shall be determined on the basis of exterior dimensions.

Sec. ~~8-81~~ 536-602. Permit fees for construction, placement or additions to structures.

- (a) One- or two-family residential structures:
 - (1) A one- or two-family dwelling structure:
 - a. Minimum fee--\$85.00.
 - b. General rate--\$0.03 per square foot of gross floor area, which shall include the area of an attached garage or carport and the area of a finished basement or attic, but exclude the area of an unfinished basement or attic.

(2) Accessory structure appurtenant to a one- or two-family dwelling structure:

- a. Minimum fee--\$40.00.
- b. General rate--\$0.03 per square foot of gross floor area.

(b) Structures other than one- or two-family residential structures:

- (1) Minimum fee--\$135.00.
- (2) General rate--\$0.04 per square foot of gross floor area, each floor.

Sec. ~~8-82~~ 536-603. Permit fees for remodeling, alteration, or repair of structures.

(a) One- or two-family residential structures:

- (1) Minimum fee--\$40.00.
- (2) General rate--\$7.00 per \$1,000.00 of total value or \$0.03 per square foot of gross floor area of each floor being remodeled or altered; whichever method of computation yields the lesser fee amount.
- (3) When remodeling, alteration, or repair of a one- or two-family residential structure is accomplished at the same time as an addition to an existing structure, a single permit fee shall be determined according to section ~~8-81~~ 536-602.

(b) Structures other than one- or two-family residential structures:

- (1) Minimum fee--\$75.00.
- (2) General rate--\$7.00 per \$1,000.00 of total value or \$0.04 per square foot of gross floor area of each floor being remodeled or altered; whichever method of computation yields the lesser fee amount.

Sec. ~~8-83~~ 536-604. Permit fees for plumbing activity.

(a) Installation of plumbing system in a new structure or in an addition to an existing structure other than a one- or two-family dwelling structure:

- (1) Minimum fee--\$30.00.
- (2) General rate--15% of the fee for the building permit (as provided for in section ~~8-81~~ 536-602) which has been obtained for the new structure.

(b) Alteration, repair or replacement of plumbing in an existing structure, in an addition to an existing one- or two-family dwelling structure, or in a structure appurtenant to a one- or two-family dwelling structure:

- (1) Minimum fee--\$20.00.
- (2) General rate--\$5.50 per \$1,000.00 of total value.
- (3) When documentation submitted prior to the issuance of a permit indicates that the value structural work is greater than or equal to the value of the plumbing work, the plumbing permit fee shall not exceed the structural permit fee (as provided in section ~~8-81~~ 536-602(a), or in section ~~8-82~~ 536-603).

(c) Initial connection or reconnection of plumbing to a structure which has been removed from one location and is being placed at another location or to a factory constructed building--\$25.00.

(d) If plumbing activity is limited solely to replacement or installation of one or more water heaters in a structure:

- (1) Minimum fee--\$15.00.
- (2) General rate--\$5.50 per \$1,000.00 of total value.

(e) A permit may encompass plumbing activity in one fee category to be accomplished within a single structure, regardless of the number of independent systems in the structure. The amount of the permit fee for such activity shall be the minimum fee or the general rate, whichever is higher.

Sec. ~~8-84~~ 536-605. Permit fees for electrical activity.

(a) Installation of an electrical power distribution system in a new structure or in an addition to an existing structure other than a one- or two-family dwelling structure:

- (1) Minimum fee--\$35.00.
- (2) General rate--20% of the fee for the building permit (as provided for in section ~~8-81~~ 536-602) which has been obtained for the new structure or addition.

(b) Repair, alteration or remodeling of an electrical power distribution system in an existing structure, in an addition to a one- or two-family dwelling structure, or in an accessory structure appurtenant to a one- or two-family dwelling structure:

- (1) Minimum fee--\$20.00.
- (2) General rate--\$5.50 per \$1,000.00 total value.
- (3) When documentation submitted prior to the issuance of a permit indicates that the value to the structural work is greater than or equal to the value of the electrical work, the electrical permit fee shall not exceed the structural permit fee (as provided for in section ~~8-81~~ 536-602(a)).

(c) Installation or replacement of space heating equipment using electricity as its primary source of energy:

- (1) Minimum fee--\$20.00.
- (2) General rate--\$0.15 per each 1,000 Btuh of output capacity up to the first 1,200,000 Btuh and \$0.07 per each additional 1,000 Btuh.

(d) Installation or replacement of space cooling equipment using electricity as its primary source of energy:

- (1) Minimum fee--\$20.00.
- (2) General rate--\$0.20 per 1,000 Btuh, of output capacity up to the first 600,000 Btuh, and \$0.07 per each additional 1,000 Btuh.

(e) Installation or replacement of combined space heating and space cooling equipment using electricity as their primary source of energy:

- (1) Minimum fee--\$25.00.
- (2) General rate--70% of the sum of both general rates provided above in section ~~8-84~~ 536-605(c)(2) and (d)(2) as they are applied to the heating output capacity and cooling output capacity, respectively, of the combined space equipment.

(f) Initial connection or reconnection of electrical power to a structure which has been removed from one location and is being placed at another location--\$25.00.

(g) Installation, alteration, replacement or repair of a system distributing electrical power to service equipment supplying power to factory constructed dwellings located in a mobile home park:

- (1) Minimum fee--\$25.00.
- (2) General rate--\$6.00 per service equipment assembly located on property owned by the same person, partnership or corporation and available for inspection at one time.

(h) "Electrical craft work certificate of completion and compliance" forms, as allowed in section ~~8-63~~ 536-404--\$7.00 each.

(i) A permit may encompass electrical activity in one fee category to be accomplished within a single structure, regardless of the number of independent systems or equipment units in the structure. The amount of the permit fee for such activity shall be the minimum fee or the general rate, whichever is higher.

Sec. ~~8-85~~ 536-606. Permit fees for heating, cooling and refrigeration activity.

(a) Heating systems:

(1) Installation, replacement, or addition which entails duct work or other types of heating transfer:

- a. Minimum fee--\$25.00.
- b. General rate--\$0.15 per each 1,000 Btuh of input capacity up to the first 1,200,000 Btuh, and \$0.07 per additional 1,000 Btuh.

(2) Replacement or addition which does not entail duct work or other types of heating transfer:

- a. Minimum fee--\$20.00.
- b. General rate--\$0.15 per each 1,000 Btuh of input capacity up to the first 1,200,000 Btuh, and \$0.07 per each additional 1,000 Btuh.

(b) Cooling systems:

(1) Installation, addition or replacement which entails duct work or other types of heating transfer:

- a. Minimum fee--\$25.00.
- b. General rate--\$0.20 per each 1,000 Btuh of input capacity up to the first 600,000 Btuh, and \$0.07 per additional 1,000 Btuh.

(2) Installation or replacement which does not entail duct work or other types of cooling transfer:

- a. Minimum fee--\$20.00.
- b. General rate--\$0.20 per each 1,000 Btuh of input capacity up to the first 600,000 Btuh, and \$0.07 per each additional 1,000 Btuh.

(c) Combined heating systems and cooling systems:

(1) Combined heating system and cooling systems entailing duct work or other types of heating or cooling transfer:

- a. Minimum fee--\$30.00.
- b. General rate--70% of the sum of both general rates provided above in section ~~8-85~~ 536-806(a)(1)b and ~~8-85~~ 536-806(b)(1)b as they are applied to the heating input capacity and cooling input capacity, respectively, of the combined systems.

(2) Replacement or addition which does not entail duct work or other types of heating or cooling transfer:

- a. Minimum fee--\$25.00.
- b. General rate--70% of the sum of both general rates provided above in section ~~8-85~~ 536-606(a)(1)b and ~~8-85~~ 536-606(b)(1)b as they are applied to the heating input capacity and cooling input capacity, respectively, of the combined systems.

(d) Space heating equipment:

(1) Installation of space heating equipment:

- a. Minimum fee--\$20.00.

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- b. General rate--\$0.15 per each 1,000 Btuh of input capacity up to the first 1,200,000 Btuh, and \$0.07 per each additional 1,000 Btuh.
- (2) Replacement of space heating equipment:
 - a. Minimum fee--\$20.00.
 - b. General rate--\$0.15 per each 1,000 Btuh of input capacity up to the first 1,200,000 Btuh, and \$0.07 per each additional 1,000 Btuh.
- (e) Space cooling equipment:
- (1) Installation of space cooling equipment:
 - a. Minimum fee--\$20.00.
 - b. General rate--\$0.20 per each 1,000 Btuh of input capacity up to the first 600,000 Btuh, and \$0.07 per each additional 1,000 Btuh.
- (2) Replacement of space cooling equipment:
 - a. Minimum fee--\$20.00.
 - b. General rate--\$0.20 per 1,000 Btuh of input capacity up to the first 600,000 Btuh, and \$0.07 per each additional 1,000 Btuh.
- (f) Combined space heating and space cooling equipment:
- (1) Installation of combined space heating and space cooling equipment:
 - a. Minimum fee--\$25.00.
 - b. General rate--70% of the sum of both general rates provided above in section ~~8-85 536-606~~(d)(1)b and ~~8-85 536-606~~(e)(1)b as they are applied to the heating output capacity and cooling output capacity, respectively, of the combined space equipment.
- (2) Replacement of combined space heating and space cooling equipment:
 - a. Minimum fee--\$25.00.
 - b. General rate--70% of the sum of both general rates provided above in section ~~8-85 536-606~~(d)(2)b and (e)(2)b as they are applied to the heating output capacity and cooling output capacity, respectively, of the combined space equipment.
- (g) Refrigeration equipment:
- (1) Installation of refrigeration equipment:
 - a. Minimum fee--\$20.00.
 - b. General rate--\$3.00 per horsepower or fraction thereof.
- (2) Alteration or repair of refrigeration equipment:
 - a. Minimum fee--\$20.00.
 - b. General rate--\$5.50 per \$1,000.00 of total value.
- (h) A permit may encompass heating, cooling and refrigeration activity in one fee category to be accomplished within a single structure, regardless of the number of independent systems or equipment units in the structure. The amount of the permit fee for such activity shall be the minimum fee or the general rate, whichever is higher.

Sec. ~~8-86~~ 536-607. Permit fees for demolition or removal of structures.

- (a) One- or two-family dwelling structures:
 - (1) One- or two-family dwelling structures located on the same premises:
 - a. Tallest building is two-story--\$40.00.
 - b. For each additional story of tallest building over two (2) stories, add \$15.00.
 - (2) Accessory structure appurtenant to a one- or two-family dwelling structure--\$25.00.
- (b) Structures other than one- or two-family residential structures:
 - (1) One story:
 - a. Ground floor area up to 2,000 square feet--\$45.00.
 - b. Ground floor area up to 4,000 square feet--\$85.00.
 - c. Ground floor area up to 10,000 square feet--\$125.00.
 - d. Ground floor area up to 20,000 square feet--\$180.00.
 - e. Ground floor area over 20,000 square feet--\$355.00.
 - (2) For each additional story over one story, add 50% of the ground floor area fee.
 - (c) Smokestacks, aboveground storage tanks, overhead hoppers, or other similar structures--\$100.00.

Sec. 536-608. Fee for master permit.

(a) The fee for the master permit shall be the sum of the fees (calculated according to sections 536-602, 536-603, 536-604, 536-605, 536-606, and 536-607) for the structural and craft work for which the master permit is issued.

Sec. ~~8-87~~ 536-609. ~~Listing, registration and license fees.~~

- ~~(a) General contractors, annual listing fee for sole proprietors --\$75.00.~~
- ~~(b) Plumbing contractors, annual registration fee for sole proprietors --\$55.00.~~
- ~~(c) Electrical contractors, annual license fee:
 - ~~(1) Master electrical --\$100.00.~~
 - ~~(2) Residential electrical --\$75.00.~~~~
- ~~(d) Heating and cooling contractors, annual license fee:
 - ~~(1) Heavy commercial (unrestricted), light commercial/ residential, steam and refrigeration licenses --\$100.00.~~
 - ~~(2) Residential and all services licenses --\$75.00.~~~~
- ~~(e) Wrecking contractors, annual license fee:
 - ~~(1) Type A --\$125.00.~~
 - ~~(2) Type B --\$100.00.~~
 - ~~(3) Type C --\$75.00.~~~~

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~~(f) Licensure, listing and registration fees for partnerships and corporations shall be \$100.00;~~

~~(l) A listed contractor shall be allowed five (5) names which includes officers, partners or employees of the corporation who are eligible to obtain permits. An additional \$40.00 shall be charged for each subsequent name.~~

~~(g) Plumbing registration fees for individuals within a corporation who are eligible to obtain permits \$45.00.~~

~~(h) A person who meets the inspector status requirements stated in section 8-167, 8-192, 8-222 or 8-252 is relieved of the requirement of the annual license, listing [or registration] fees.~~

~~Sec. 8-88 536-610. Examination fees.~~

~~Fees for examinations which are required as a condition to contractor licensure shall be in the amounts following, or be in the amounts established as the actual cost incurred by the division of development services in having an outside organization prepare and grade such examinations, whichever amount shall be greater:~~

~~(1) Electrical examination fee \$100.00.~~

~~(2) Heating and cooling examination fee \$100.00.~~

~~(3) Wrecking examination fee \$100.00.~~

Sec. 536-609. Reinspection Fee.

A reinspection fee of seventy-five dollars (\$75.00) may be assessed at the discretion of the administrator when an additional inspection visit to a construction address is needed because:

(1) notice was not given that construction activity was available for inspection within the time period required by section 536-402;

(2) notice was given pursuant to section 536-402 that construction activity was available for inspection; and

a. the construction activity could not be found because the construction address provided on the permit application was incorrect; or

b. the construction activity was not accessible when the inspector attempted to make the requested inspection; or

c. the construction activity was not yet sufficiently completed for an inspection to be made; or

d. the construction activity was covered or otherwise concealed and therefore not available for inspection; or

(3) a notice of correction was issued to the contractor; or

(4) a certificate required by section 536-301, 536-302, 536-303 or 536-404 was not filed within the time period required by those sections.

~~Sec. 8-89 536-610. Miscellaneous inspection fees.~~

~~For inspection of premises upon which municipally licensed activities are to be carried out, as specified in section 8-72 536-503, initial inspection and annual reinspection--\$35.00.~~

~~Sec. 8-90 536-611. Fee for transfer of building permit.~~

~~Fee for transfer of building permit as provided for in section 8-38 536-211--\$25.00.~~

~~Sec. 8-91 536-612. Fee for construction activity not specifically defined above.~~

~~If construction activity should not be adequately specified by above sections of this Division 6 Article VI, the general permit or inspection fee shall be calculated at the following rate:~~

- (1) Minimum fee (residential)--\$25.00.
- (2) Minimum fee (anything other than residential)--\$30.00.
- (3) General rate--\$5.50 per \$1,000.00 of total value.

Sec. ~~8-92~~ 536-613. Fee exemption relative to construction activity accomplished by or for a governmental unit.

Permits, as required by section ~~8-30~~ 536-201, shall be obtained for construction activity in the consolidated city accomplished by or for a governmental unit and inspections as specified by this chapter relative to such construction activity shall be allowed. Fees shall be required as specified in this division, except for the following:

- (1) Construction activity for which a fee cannot be charged by the municipality because of federal or state law; or
- (2) Construction activity accomplished by an employee of the Consolidated City of Indianapolis or the Indianapolis-Marion County Building Authority in the course of his governmental duties.

Sec. ~~8-93~~ 536-614. Fee for building permit obtained by telephone communication.

When a building permit is obtained by telephone communication (as provided for in section ~~8-36~~ 536-209) an additional fee of \$7.00 shall be assessed.

ARTICLE VII. PENALTIES

Sec. ~~8-100~~ 536-701. Failure to file a proper certificate of completion and compliance.

Any person, partnership or corporation which, being required to do so, fails to file with the ~~division of neighborhood and development services division~~ a certificate of completion and compliance in accordance with section ~~8-50, 8-51, 8-52 or 8-63~~ 536-301, 536-302, 536-303, or 536-304(b)(3) of this chapter or who files a certificate of completion and compliance which is false in a material respect shall not be eligible to subsequently obtain a building permit until a proper certificate of completion and compliance is filed. This sanction shall in no way limit the operation of penalties provided elsewhere in this chapter.

Sec. ~~8-101~~ 536-702. Authority to withhold issuance of permits.

Whenever a person, partnership or corporation which is either an applicant for or obtainer of a building permit owes fees (including checks returned for insufficient funds, ~~and~~ permit fees owed pursuant to section ~~8-36~~ 536-209 or reinspection fees owed pursuant to section 536-611) to the ~~division of neighborhood and development services division~~ pursuant to this chapter or has failed to maintain the bond and insurance requirements of ~~this~~ chapter 875, the administrator is authorized to withhold the issuance of subsequently requested permits until such time that the debt is satisfied or the bond and insurance requirements are satisfied.

Sec. ~~8-102~~ 536-703. Fees for permits obtained after commencement of work.

If work for which a permit is required by this chapter has been commenced by the obtainer without compliance with the provisions of section ~~8-30~~ 536-201, the permit fee shall be five (5) times the applicable amount stated in Article ~~II VI, Division 6~~ of this chapter plus the amount of the normal fee for the permit; provided, however, that the maximum fee incurred under this section shall be one thousand dollars (\$1,000.00) plus the amount of the normal fee for the permit. This sanction shall in no way limit the operation of penalties provided elsewhere in this chapter.

Sec. ~~8-103~~ 536-704. Revocation of permits.

The administrator of the ~~division of neighborhood and development services division~~ may revoke a building permit when:

- (1) The application, plans or supporting documents contain a false statement or misrepresentation as to a material fact; or

- (2) The application, plans or supporting documents reflect a lack of compliance with building standards and procedures; or
- (3) There is a failure to comply with the requirements of section ~~8-31, 8-32 or 8-36~~ 536-202, 536-205, or 536-209; or
- (4) The contractor has failed to maintain the surety bond or insurance required as a condition to his licensure or listing; or
- (5) The contractor has failed to maintain the insurance required by section ~~8-32~~ 536-205 as a prerequisite for obtaining a building permit for the demolition or removal of a structure in excess of seventy-five (75) feet in height.

This sanction shall in no way limit the operation of penalties provided elsewhere in this chapter.

Sec. ~~8-104~~ 536-705. Stop-work order.

Whenever the administrator of the ~~division of neighborhood and development services division~~ or ~~his~~ the administrator or the administrator's authorized representative authorized representative discovers the existence of any of the circumstances listed below, he is empowered to issue an order requiring the suspension of the pertinent construction activity. The stop-work order shall be in writing and shall state to which construction activity it is applicable and the reason for its issuance. The stop-work order shall be posted on the property in a conspicuous place and, if conveniently possible, shall be given to the person doing the construction and to the owner of the property or his agent. The stop-work order shall state the conditions under which construction may be resumed.

- (1) Construction activity is proceeding in an unsafe manner, including, by way of example and not of limitation, in violation of any standard set forth in this chapter or any state ~~standard~~ rule pertaining to safety during construction; or
- (2) Construction activity is occurring in violation of building standards and procedures or in such a manner that if construction is allowed to proceed, there is a reasonable probability that it will be substantially difficult to correct the violation; or
- (3) Construction activity has been accomplished in violation of building standards and procedures and a period of time which is one-half the time period in which construction could be completed, but no longer than fifteen (15) calendar days has elapsed since written notice of the violation or noncompliance was either posted on the property in a conspicuous place or given to the person doing the construction, without the violation or noncompliance being corrected; or
- (4) Construction activity for which a building permit is required is proceeding without a building permit being in force; in such an instance, the stop-work order shall indicate that the effect of the order terminates if the required building permit is obtained; or
- (5) Construction activity for which a building permit was issued more than thirty (30) days earlier is proceeding without there being in force applicable permits and approvals required by governmental units (including, but not limited to, department of public safety, department of public works, department of transportation, Health and Hospital Corporation of Marion County, state ~~board~~ department of health, state department of natural resources, state highway department) for compliance with standards for air quality, drainage, flood control, fire safety, vehicular access, and waste treatment and disposal on the real estate on which the structure is located; in such an instance, the stop-work order shall indicate that the order is applicable to all construction activity allowed by the building permit and that the effect of the order terminates if the required permits and approvals are obtained; or
- (6) Construction activity is occurring for which a certificate of appropriateness from the Indianapolis Historic Preservation Commission is required pursuant IC 18-4-22-1 et seq., without a certificate of appropriateness being in force; in such an instance, the stop-work order shall indicate that the effect of the order terminates if the required certificate of appropriateness is obtained.

This sanction shall in no way limit the operation of penalties provided elsewhere in this chapter.

Sec. ~~8-105~~ 536-706. Order forbidding occupancy.

The administrator of the ~~division of neighborhood and~~ development services ~~division~~ or ~~his~~ the administrator's authorized representative is empowered to issue an order forbidding the occupancy of any structure or part of any structure if construction activity on the structure or applicable part of the structure is not yet completed or has occurred in violation of applicable building standards and procedures.

The order forbidding occupancy shall be in writing specifying whether it is applicable to the entire structure or to only a part of the structure, and shall state the reason for its issuance. The order forbidding occupancy shall be posted on the structure in a conspicuous place and if conveniently possible, shall be given to the owner of the property or his agent and to any person doing work on the premises. The order forbidding occupancy shall state the conditions under which the structure or part of the structure may be occupied.

This sanction shall in no way limit the operation of penalties provided elsewhere in the chapter.

Sec. ~~8-106~~ 536-707. Civil action.

The Consolidated City of Indianapolis may initiate a civil action in a court of competent jurisdiction to restrain any person, partnership or corporation from violating a provision of this chapter, ~~chapter 875~~ or any building standard or procedure. The purposes for which injunctive relief may be obtained shall include, but not be limited to:

- (1) Preventing a person, partnership or corporation which is not licensed as an electrical contractor, heating and cooling contractor or wrecking contractor, is not a registered plumbing contractor or is not a listed contractor from engaging in construction activity for which such licensure, registration or listing is required by ~~this~~ chapter 875; or
- (2) Enforcing the provisions of a stop-work order issued pursuant to section ~~8-104~~ 536-705; or
- (3) Enforcing the provisions of an order forbidding occupancy issued pursuant to section ~~8-105~~ 536-706; or
- (4) Preventing work in violation of a building standard or procedure; or
- (5) Requiring the reconstruction of any structure or building equipment, or part thereof, which was constructed in violation of building standards or procedures.

This sanction shall in no way limit the operation of penalties provided elsewhere in this chapter or chapter 875.

Sec. ~~8-107~~ 536-708. Securing payment of bonds and drawing against letters of credit.

(a) Recovery of funds upon a surety bond obligation or letter of credit may be made by asserting a claim against the surety or financial institution or by initiating an action in a court of competent jurisdiction.

- (1) A claim may be asserted by providing written notice of the claim to [the surety or financial institution. The written notice must] be provided within one year of the date when the work occurred which gave rise to the claim or, in the instance when a fee is not paid, one year from the date when the fee was first due and owing.
- (2) Court actions may be initiated as follows:
 - a. The corporation counsel of the Consolidated City of Indianapolis may initiate an action in a court of competent jurisdiction to recover funds upon a bond obligation or a letter of credit:
 1. To declare a forfeiture on the bond or letter of credit in an amount to be determined by the court up to ten thousand dollars (\$10,000.00) whenever any listing or license issued pursuant to this chapter or chapter 875 is suspended or revoked; or
 2. To indemnify the Consolidated City of Indianapolis against any loss, damage or expense for damages to property of the city caused by an action of the contractor, his agents, employees, principals, subcontractors, materialmen or suppliers in violation of requirements of state statute, city regulation or this Code, which requirements must be met to properly carry out construction

activity, a land alteration (as defined in section 10 1/2-9 of this Code), sewer work (as defined in section 29-1 of this Code) [or driveway work (as defined in section 28-139 of this Code)] while engaged in any construction activity, land alteration, sewer work or driveway work; or excavation work as defined in section 28-163 of this Code;

3. To secure payment of any fees owed to the Consolidated City of Indianapolis pursuant to this chapter, Chapter 875, Chapter 10½, section 27-22 or Chapter 28, Article III, Divisions 2 and 3 of this Code which have become delinquent, after reasonable notice has been given to the contractor of the delinquency.

b. A person, partnership or corporation which holds a property interest in the real estate on which construction activity, a land alteration, sewer work, driveway work or excavation work has occurred may initiate an action in a court of competent jurisdiction against the bond or letter of credit for losses arising out of and expenses necessary to correct violations of requirements of state statute, city regulation or this Code which must be met to properly carry out construction activity, a land alteration, sewer work or driveway work, caused by any action of the contractor, his agents, employees, principals, subcontractors, materialmen or suppliers, after written notice of the Code deficiency has been given to the contractor and after the contractor is given a reasonable opportunity to correct performance. If such a person, partnership or corporation prevails in any action brought under this section, he may also recover, as part of the judgement court costs and attorneys' fees based on actual time expended determined by the court to have been reasonably incurred by the plaintiff in connection with the commencement and prosecution of such action, unless the court in its discretion shall determine that an award of court costs and attorneys' fees would be inappropriate.

(b) A surety shall have no obligation to pay on a bond and a financial institution shall have no obligation to disburse from a letter of credit for losses or expenses arising out of negligent conduct or improper workmanship unless such conduct or workmanship violates requirements of state statute, city regulation or this Code, which requirements must be met to properly carry out construction activity, a land alteration, sewer work, driveway work or excavation.

(c) A surety shall have no obligation to pay on a bond and a financial institution shall have no obligation to disburse from a letter of credit unless either written notice of the claim is given to the surety or financial institution or a court action has been initiated within one year of the date when the work occurred that gave rise to the claim or in the instance when a fee is not paid, one year from the date when the fee was first due and owing. This paragraph shall not be construed to limit the time allowed by state law for the filing of court actions.

(d) If payment is made on a bond or if a letter of credit is drawn against, such bond or letter of credit shall be deemed to not meet the requirements of section 8-168, 8-194, 8-224 or 8-254. In order to meet the requirements of section 8-168, 8-194, 8-224 or 8-254 the person, partnership or corporation shall secure a new bond or letter of credit or replenish the bond or letter of credit so that it reflects an obligation in the full amount required for listing or licensure by section 8-168, 8-194, 8-224 or 8-254.

Sec. ~~8-108~~ 536-709. General penalty.

(a) Any person, partnership or corporation violating any provision of this chapter, chapter 875 or any building standard or procedure ~~thereof~~ may be subject to a fine in any sum not exceeding two thousand five hundred dollars (\$2,500.00). This penalty shall in no way limit the operation of special penalties for specific provisions of this chapter, nor shall such special penalties in any way limit the operation of this general penalty.

(b) The minimum fine for engaging in construction activity without a license or listing, when required by this chapter or chapter 875, is one thousand dollars (\$1,000).

Sec. 536-710. Metropolitan Development Commission Penalty Guidelines.

The Metropolitan Development Commission may establish guidelines establishing recommended civil penalties for various violations of this chapter and chapter 875.

SECTION 2. The "Revised Code of the Consolidated City and County" be, and is hereby amended to add a new Sec. 875-601 to read as follows:

ARTICLE VI. DISPLAY OF SIGNS WITH SEAL

Sec. 875-601. Display of sign containing license/listing seal.

(a) Any person, partnership or corporation that is licensed under Articles II, III or IV of Chapter 875 or listed under Article I of Chapter 875 or registered under Article V of Chapter 875 may, at the work site of construction activity in which the contractor is engaged, place a sign or placard that displays both:

- (1) the name and address of the licensed or listed contractor, and
- (2) the license/listing seal of the City of Indianapolis

The sign or placard may include additional information about the contractor.

(b) The design of the license/listing seal of the City of Indianapolis shall be approved by the Metropolitan Development Commission. The Commission may adopt rules governing use of the license/listing seal.

(c) The sign or placard shall comply with applicable zoning restrictions.

(d) It shall be unlawful:

- (1) for a person, partnership or corporation that is not licensed or listed to display the license/listing seal, or
- (2) for a licensed or listed contractor to display the license/listing seal without also displaying the name and address of the contractor, or
- (3) for the seal to be used in a manner that violates rules of the Metropolitan Development Commission.

SECTION 3. The "Revised Code of the Consolidated City and County" be, and is hereby amended by amending Sec. 875-113 and Sec. 875-114 by deleting the stricken-through text and inserting the underlined text, by renumbering Sec. 875-116 as Sec. 875-117, and adding a new Sec. 875-116 to read as follows:

Sec. ~~8-172~~ 875-113. Suspension or revocation of listing for a person

The board may, pursuant to section 875-115, require the obtaining of building permits pursuant to section 875-116, suspend the listing of a person for a period of up to three hundred sixty-five (365) days or revoke the listing of a person if one of the following is shown:

- (1) The listed contractor made any materially false statement of fact on his application for listing;
- (2) The listed contractor failed to post and maintain the surety bond and insurance required by section ~~8-168~~ 875-109 and section ~~8-169~~ 875-110;
- (3) The listed contractor acted fraudulently or with deceit in his relationship with other persons, partnerships or corporations with regard to construction activity, a land alteration (as defined in section 10½-9), sewer work (as defined in section 27-1 of this Code), driveway work (as defined in section 28-139 of this Code), or excavation work (as defined in section 28-163 of this Code);
- (4) Construction activity, land alteration, sewer work, driveway work or excavation work for which the listed contractor was responsible as obtainer or as transferee of the permit was performed either incompetently or in such manner that it does not meet standards of reasonable workmanship or does not comply with building standards and procedures, provisions of state law, regulations of the city or provisions of this Code;
- (5) The listed contractor failed to correct a violation of building standards and procedures, provisions of state law, regulations of the city or provisions of this Code relative to construction activity, land alteration, sewer work driveway work or excavation work for which the listed contractor was responsible as permit obtainer or permit transferee after an authorized official or employee of the consolidated city issued a notice of code violation, revoked a permit or issued a stop-work order and the violations causing any of these actions remained uncorrected for a period of ten (10) days from the date when the listed contractor received notice of the code violation, revocation of permit or stop-work order, or in the

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instance where a period of ten (10) days was not sufficient, such longer period of time as was fixed by the authorized official or employee in writing;

- (6) The listed contractor has consistently failed to apply for or obtain required permits for construction activity, land alteration, sewer work, driveway work, or excavation work accomplished by the listed contractor;
- (7) The listed contractor has consistently failed to timely file certificates of completion and compliance, as required, for construction activity accomplished pursuant to his listing;
- (8) The listed contractor consistently failed to give notice of availability for inspection at designated stages of construction activity or sewer work as required by section ~~8-61~~ 536-402 and section 27-22 of this Code;
- (9) The listed contractor has attempted to conceal violations of building standards and procedures, provisions of state law, regulations of the city or provisions of this Code relative to construction activity, land alteration, sewer work, driveway work, or excavation work;
- (10) The contractor listed under section ~~8-167~~ 875-108 is no longer employed by the consolidated city and has not met the requirements of section ~~8-166~~ 875-107;
- (11) The listed contractor has not properly paid the fee specified by section ~~8-87~~ 875-701 for a listing which has been issued, or is delinquent in other fees owed pursuant to this chapter, Chapter 536, Chapter 10½, section 27-22 or Chapter 28, Article III, Divisions 2 and 3 of this Code.

Sec. ~~8-173~~ 875-114. Suspension or revocation of listing for a partnership or corporation

The board may, pursuant to section 875-115, require the obtaining of building permits pursuant to section 875-116, suspend the listing of a partnership or corporation for a period of up to three hundred sixty-five (365) days or revoke the listing of a partnership or corporation if one of the following is shown:

- (1) A materially false statement of fact was placed on the listed contractor's application for listing by an agent of the listed contractor;
- (2) The listed contractor failed to post and maintain the surety bond and insurance required by section ~~8-168~~ 875-109 and section ~~8-169~~ 875-110;
- (3) Agents of the listed contractor acted fraudulently or with deceit in its relationship with other persons, partnerships or corporations with regard to construction activity, a land alteration (as defined in section 10½-9), sewer work (as defined in section 28-139 of this Code), or excavation work (as defined in section 28-163 of this Code);
- (4) Construction activity, land alteration, sewer work, driveway work or excavation work for which the listed contractor was responsible as obtainer or as transferee of the permit was performed either incompetently or in such manner that it does not meet standards of reasonable workmanship or does not comply with building standards and procedures, provisions of state law, regulations of the city or provisions of this Code;
- (5) The listed contractor failed to correct a violation of building standards and procedures, provisions of state law, regulations of the city or provisions of this Code relative to construction activity, land alteration, sewer work or driveway work for which the listed contractor was responsible as permit obtainer or permit transferee after an authorized official or employee of the consolidated city issued a notice of code violation, revoked a permit or issued a stop-work order and the violation(s) causing any of these actions remained uncorrected for a period of ten (10) days from the date when the listed contractor received notice of the code violation, revocation of permit or stop-work order, or in the instance where a period of ten (10) days was not sufficient, such longer period of time as was fixed by the authorized official or employee in writing;
- (6) The listed contractor has consistently failed to apply for or obtain required permits for construction activity, land alteration, sewer work, driveway work or excavation work accomplished by the listed contractor;

- (7) The listed contractor consistently failed to give notice of availability for inspection at designated stages of construction activity or sewer work as required by section ~~8-61~~ 536-402 and section 27-22 of this Code;
- (8) The listed contractor has consistently failed to timely file certificates of completion and compliance, as required, for construction activity accomplished pursuant to its listing;
- (9) The listed contractor has not properly paid the fee specified by section ~~8-87~~ 875-701 for a listing which has been issued, or is delinquent in other fees owed pursuant to this chapter, Chapter 536, Chapter 10½, section 27-22 or Chapter 28, Article III, Divisions 2 and 3 of this Code;
- (10) The partnership presently has a partner or the corporation presently has an officer who has a listing under this ~~division Article~~ currently suspended or who has had such a listing revoked within the preceding three hundred sixty-five (365) days;
- (11) The partnership presently has a partner or the corporation presently has an officer who, within the preceding three hundred sixty-five (365) days, served as a partner in a partnership or an officer in a corporation listed under this ~~division Article~~ at the time when actions related to policies or practices of the partnership or corporation occurred when provided a primary basis on which the listing of the partnership or corporation was revoked or suspended for more than one hundred eighty (180) days;
- (12) The listed contractor has attempted to conceal violations of building standards and procedures, provisions of state law, regulations of the city or provisions of this Code relative to construction activity, land alteration, sewer work, driveway work or excavation work.

Sec. ~~8-173.5~~ 875-116. Requirement that a contractor secure building permits

The board may, pursuant to sec. 875-115, require that a listed contractor obtain building permits for construction activity set forth in sec. 536-201 that is otherwise exempt from building permit requirements. The board shall specify the kinds of construction activity for which permits must be obtained and shall specify the duration of the requirement. The period of time for which this requirement may be imposed shall not exceed one hundred eighty (180) days.

SECTION 4. Chapter 875 of the Revised Code of the Consolidated City and County be, and is hereby, amended to add a new Article VII to read as follows:

ARTICLE VII. FEES

Sec. ~~8-87~~ 875-701. Listing, registration and license fees.

- (a) General contractors, annual listing fee for sole proprietors --\$75.00.
- (b) Plumbing contractors, annual registration fee for sole proprietors--\$55.00.
- (c) Electrical contractors, annual license fee:
 - (1) Master electrical--\$100.00.
 - (2) Residential electrical--\$75.00.
- (d) Heating and cooling contractors, annual license fee:
 - (1) Heavy commercial (unrestricted), Air Conditioning "A", light commercial/ residential, Air Conditioning "B", Air Conditioning "D", steam and refrigeration licenses--\$100.00.
 - (2) Residential and all services licenses--\$75.00.
- (e) Wrecking contractors, annual license fee:
 - (1) Type A--\$125.00.
 - (2) Type B--\$100.00.

- (3) Type C--\$75.00.
- (f) Licensure, listing and registration fees for partnerships and corporations shall be \$100.00:
- (1) A listed contractor shall be allowed five (5) names which includes officers, partners or employees of the corporation who are eligible to obtain permits. An additional \$40.00 shall be charged for each subsequent name.
- (g) Plumbing registration fees for individuals within a corporation who are eligible to obtain permits--\$45.00.
- (h) A person who meets the inspector status requirements stated in section 8-167, 8-192, 8-222 or 8-252 is relieved of the requirement of the annual license, listing [or registration] fees.

Sec. ~~8-88~~ 875-702. Examination fees.

Fees for examinations which are required as a condition to contractor licensure shall be in the amounts following, or be in the amounts established as the actual cost incurred by the neighborhood and development services division in having an outside organization prepare and grade such examinations, whichever amount shall be greater:

- (1) Electrical examination fee--\$100.00.
- (2) Heating and cooling examination fee--\$100.00.
- (3) Wrecking examination fee--\$100.00.

SECTION 5. Chapter 875 is amended by deleting the text "section 8-31" in Sec. 875-221 and Sec. 875-420 and inserting in lieu thereof, the text "Sec. 536-202."

SECTION 6. Chapter 875 is amended by deleting the text "section 8-31(b), (d) or (e)" in Sec. 875-101 and inserting in lieu thereof the text "Sec. 536-202 (a) (2), (4), or (5)."

SECTION 7. Chapter 875 is amended by deleting the text "section 8-61" where it appears in Sec. 875-113 (8), Sec. 875-114 (7), Sec. 875-223 (9), Sec. 875-224 (7), Sec. 875-222 (8), Sec. 875-322 (8), Sec. 875-323 (7), Sec. 875-421 (8), Sec. 875-422 (7) and inserting in lieu thereof the text "Sec. 536-402."

SECTION 8. Chapter 875 is amended by deleting the text "section 8-87" where it appears in Sec. 875-107 (2), Sec. 875-113 (11), Sec. 875-114 (9), Sec. 875-208 (5), Sec. 875-215 (7), Sec. 875-223 (13), Sec. 875-224 (9), Sec. 875-307 (5), Sec. 875-314 (7), Sec. 875-322 (13), Sec. 875-323 (9), Sec. 875-407 (5), Sec. 875-421 (13), Sec. 875-422 (9), Sec. 875-501 and inserting in lieu thereof in each instance the text "Sec. 875-701."

SECTION 9. Chapter 875 is amended by deleting the text "by Article II, Division 6 of Chapter 8 of the Code" where it appears in Sec. 875-414 (7) and inserting in lieu thereof "Sec. 875-701."

SECTION 10. Chapter 875 is amended by deleting the text "section 8-247" in Sec. 875-403 and inserting in lieu thereof the text "Sec. 875-408."

SECTION 11. This ordinance shall be in full force and effect on and after January 1, 1995, upon compliance with IC 35-3-4-14.

PROPOSAL NO. 396, 1994. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 396, 1994 on November 15, 1994. The proposal, sponsored by Councillor West, amends the Revised Code to terminate the Public Housing Division as a division of the Department of Metropolitan Development and establish a new Public Housing Agency. By a 4-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Curry moved, seconded by Councillor Dowden, for adoption.

Councillor Boyd moved to amend Proposal No. 396, 1994, as amended in Committee, by adding at the end of Sec. 285-411 (a) the following language:

One member of the board will be nominated for appointment by the political party holding the highest number of seats on the City-County Council; one member of the board will be nominated for appointment by the political party holding the second highest number of seats on the City-County Council.

Councillor Short seconded this motion.

Councillor Borst stated that he thought all motions to amend were to be in a written format in order to be considered by the Council. Councillor Boyd's motion is not. He asked Councillor Boyd how this amendment would make it different from the current process. Councillor Boyd said that the language that has caused problems in the past has been language that no more than--for whatever the number might be--may be from the same political party. Usually nominations for independents are then submitted. With this amendment one of the seven members on the Public Housing Board will be clearly nominated by the minority party.

The President said that as long as the amendment is clear, he will accept it even if it is not in a written format.

Councillor West said that he believes this amendment will exclude independents and third party candidates. He also believes that the Council should nominate persons, not the political parties.

Councillor Franklin stated that he supports Councillor Boyd's amendment because virtually all twenty-seven hundred units of public housing are located in the districts of the minority councillors. For that reason he feels Councillor Boyd's request is fair and should be given consideration.

Councillor Boyd's amendment passed on the following roll call vote; viz:

15 YEAS: Black, Boyd, Brents, Coughenour, Franklin, Golc, Gray, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, SerVaas, Short, Williams

13 NAYS: Beadling, Borst, Curry, Dowden, Gilmer, Hinkle, O'Dell, Rhodes, Ruhmkorff, Schneider, Shambaugh, Smith, West

1 NOT VOTING: Giffin

Councillor Borst said that the substance of the proposal is very good. He believes that John Nelson, Jr., Director, Public Housing Division, has been excellent to work with and perhaps now he can focus on safe, decent and affordable housing for Marion County residents.

Councillor Short voiced his support for this proposal and moved the question.

The President recognized Robert Elrod, General Counsel. Mr. Elrod said that the copy of Proposal No. 396, 1994, as amended, that was distributed is missing the effective date in Section 10. The Committee amended Section 10 at their November 15, 1994 meeting. Section 10 should read as follows:

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SECTION 10. This ordinance shall be in full force and effect on and after January 1, 1995 upon compliance with IC 36-3-4-14.

Councillor Curry so moved because he said the effective date was discussed in Committee. Councillor McClamroch seconded this technical amendment, and it passed by consent.

The President said that he believes the whole effort of this proposal has been to encourage Mr. Nelson to continue to do the fine work that he is doing. Should he leave, this effort could resort back to its former status. The Council will monitor this change.

Proposal No. 396, 1994, as amended, was adopted on the following roll call vote; viz:

20 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Franklin, Golc, Gray, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, Ruhmkorff, SerVaas, Short, West, Williams
8 NAYS: Dowden, Gilmer, Hinkle, O'Dell, Rhodes, Schneider, Shambaugh, Smith
1 NOT VOTING: Giffin

Proposal No. 396, 1994, as amended, was retitled GENERAL ORDINANCE NO. 161, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 161, 1994

A GENERAL ORDINANCE amending Sections 231-12, 231-13, 231-21, 231-301, and 231-311 of the Revised Code to terminate the Public Housing Division as a division of the Department of Metropolitan Development and establish a new Public Housing Agency.

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

SECTION 1. Section 231-12 of the Revised Code of the Consolidated City and County is hereby amended to terminate the Public Housing Division by inserting the underlined language and deleting the stricken-through language as follows:

Section 231-12. Duties.

The director of the department of metropolitan development shall:

- (1) Prepare and submit a budget as required by IC 36-3-6-4(b)(1);
- (2) Establish operational procedures;
- (3) Approve the hiring and dismissal of personnel subject to limitations prescribed by law and rules adopted by the mayor;
- (4) Delegate to personnel of the department authority to act on the director's behalf;
- (5) Assign tasks to employees of the department and supervise the carrying out of those responsibilities;
- (6) Act as a hearing authority relative to unsafe buildings, or appoint a person to act as a hearing authority, as provided in IC 36-7-9;
- (7) Approve and execute legal instruments subject to limitations prescribed by law;
- (8) Approve or disapprove disbursement of funds subject to limitations prescribed by law;
- (9) Receive pertinent information, engage in departmental planning and establish policies and goals for the department subject to limitations prescribed by law, direction provided by the mayor, and policies and goals properly established by the metropolitan development commission;

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- (10) Coordinate the activities of divisions within the department;
- (11) Assign to a division in the department any power or duty which the law specifies is to be exercised by the division of planning and zoning of the metropolitan planning department, in instances where this Code does not indicate a responsible division or agency;
- (12) Appoint an administrator to manage each division of the department, subject to the approval of the mayor;
- (13) Provide advice and assistance to the historic preservation commission, as established by IC 36-7-11.1, and the administrator of its staff in coordinating the programs and policies of the department with historic preservation programs and policies, to review the work program of the commission as provided by IC 36-7-11.1-4 and to provide advice in the appointment of the administrator as provided in IC 36-7-11.1-4;
- ~~(14) Report to the city county council annually, or more frequently as the council may direct, on the operations of the public housing division with respect to public housing in Indianapolis and Marion County;~~
- (154) Designate and authorize the receipt and distribution of all funds received by the city pursuant to an act of the United States Congress entitled the Housing and Community Development Act of 1974, as amended. The granting of this power shall not limit the power of the mayor to execute agreements with the United States Government to receive those funds; and
- (165) Any other responsibilities granted by statute or ordinance or delegated by the mayor.

SECTION 2. Section 231-13 of the Revised Code of the Consolidated City and County is hereby amended to terminate the Public Housing Division by inserting the underlined language and deleting the stricken-through language as follows:

Sec. 231-13. Divisions established.

The department of metropolitan development shall be composed of the following divisions:

- (1) Neighborhood and development service division.
- (2) Planning division.
- ~~(3) Public housing division.~~
- (43) Financial services division.

SECTION 3. Section 231-21 of the Revised Code of the Consolidated City and County is hereby amended to terminate the Public Housing Division by inserting the underlined language and deleting the stricken-through language as follows:

Sec. 231-21. Metropolitan development commission.

- (a) The metropolitan development commission is established in the department of metropolitan development as authorized by IC 36-7-4-202.
- (b) The metropolitan development commission shall have the following powers and duties:
 - (1) Approve the award and amendment of all contracts for lease or purchase of capital equipment;
 - (2) Approve the employment of all persons engaged by contract to render professional or consulting services;
 - (3) Approve all acquisition of interest in real estate;
 - (4) Approve all contracts for public work as defined in IC 36-1-12;

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- (5) Powers and duties granted to the metropolitan development commission by IC 36-7-4;
- (6) Powers and duties granted to the metropolitan development commission by IC 36-7-15.1; and
- ~~(7) Approve the location of and general development plans for real estate proposed to be acquired by the public housing division for the purpose of providing public housing, as a condition of its acquisition by the division; and~~
- ~~(8)~~ All other powers and duties granted by statute or ordinance.

(c) Notwithstanding what is stated above in subsection (b), the metropolitan development commission is not:

- (1) Authorized to approve the receipt or distribution of community development grant funds.
- (2) Required to approve or execute the award or amendment of any contract let by the department for public works or for the lease or purchase of capital equipment when the contract is not required to be bid under state law.

SECTION 4. Section 231-301 of the Revised Code of the Consolidated City and County is hereby amended to terminate the Public Housing Division by deleting the stricken-through language as follows:

~~Sec. 231-301. Public housing division.~~

~~(a) The public housing division is responsible for the management, operation, maintenance and administration of public housing and public housing projects, and the provision of safe, sanitary and affordable dwelling accommodations for qualified persons of low and moderate income.~~

~~(b) Powers and duties of the division include:~~

- ~~(1) To acquire, lease, and operate housing projects;~~
- ~~(2) To provide for the construction, reconstruction, improvement, alteration, or repair of all or any part of a housing project;~~
- ~~(3) To acquire, lease, or rent any land, buildings, structures or facilities included in, or associated with, a housing project;~~
- ~~(4) To acquire any interest in real or personal property in any manner, including the power granted under IC 36-1-4-5;~~
- ~~(5) To dispose of any interest in real or personal property;~~
- ~~(6) To provide for the insurance of the property or the operations of the division against risk or hazard;~~
- ~~(7) To obtain from the federal government insurance or guarantees for the payment of any debts secured by mortgages on property included in a housing project, regardless of whether those debts were incurred by the division;~~
- ~~(8) To receive approval from the metropolitan development commission prior to the acquisition by the division of any real property, of both the proposed location and the general development plans;~~
- ~~(9) The division may also provide housing for persons engaged in national defense activities or for victims of a major disaster; and~~
- ~~(10) Any other powers and duties granted by statute or ordinance or delegated by the mayor.~~

SECTION 5. Section 231-311 of the Revised Code of the Consolidated City and County is hereby amended to terminate the Public Housing Division by deleting the stricken-through language as follows:

~~Sec. 231-311. Public housing advisory council.~~

~~(a) There is established a public housing advisory council in the department of metropolitan development. The advisory council shall consist of nine (9) community members who possess a broad base of experience in the areas of community services, community relations, apartment management and maintenance, finance, and tenant relations. The advisory council shall provide advice and counsel to the public housing division, through its administrator, concerning the management and operation of public housing in Indianapolis and Marion County.~~

~~(b) Appointments to the advisory council shall be made as follows:~~

~~(1) Two (2) members appointed by the mayor for an initial three-year term;~~

~~(2) Two (2) members appointed by the mayor for an initial two-year term;~~

~~(3) One member who shall be a tenant of a housing project, appointed by the mayor for an initial one-year term;~~

~~(4) One member appointed by the city-county council for an initial three-year term;~~

~~(5) One member appointed by the city-county council for an initial two-year term; and~~

~~(6) Two (2) members, of whom one shall be a city-county councillor, appointed by the city-county council for an initial one-year term;~~

~~Subsequent appointments shall be for a two-year term.~~

~~(c) All members shall serve at the pleasure of the appropriate appointing authority and shall be eligible for reappointment. Members shall serve in person and without compensation.~~

~~(d) The officers of the advisory council shall consist of a chairperson and a secretary, who shall be elected by the advisory council at their first meeting, and annually thereafter. The chairperson shall be the presiding officer of the advisory council, and the secretary shall be its recording officer.~~

~~(e) The advisory council shall establish a meeting schedule, and may meet at such other times and places as may be needed in special session called by the chairperson. All meetings, whether regular or special, shall be open to the public.~~

SECTION 6. The Revised Code of the Consolidated City and County is hereby amended by adding a new Article IV in Chapter 285 to read as follows:

ARTICLE IV. INDIANAPOLIS PUBLIC HOUSING AGENCY

Sec. 285-401. Agency established.

Pursuant to IC 36-7-18-1(b), there is hereby established an Indianapolis Public Housing Agency to perform the public housing function in Indianapolis and Marion County, Indiana.

Sec. 285-402. Powers.

(a) The Indianapolis Public Housing Agency is responsible for the management, operation, maintenance and administration of public housing and public housing projects, and the provision of safe, sanitary and affordable dwelling accommodations for qualified persons of low and moderate income.

(b) The Indianapolis Public Housing Agency shall:

(1) Acquire, lease, and operate housing projects;

(2) Provide for the construction, reconstruction, improvement, alteration, or repair of all or any part of a housing project;

(3) Acquire, lease, or rent any land, buildings, structures or facilities included in, or associated with, a housing project;

- (4) Fix the rentals or charges for property it rents or leases;
- (5) Own, hold, and improve real or personal property;
- (6) Acquire any interest in real or personal property in any manner, including the power granted under IC 36-1-4-5;
- (7) Dispose of any interest in real or personal property;
- (8) Provide for the insurance of the property or the operations of the agency against risk or hazard;
- (9) Obtain from the federal government insurance or guarantees for the payment of any debts secured by mortgages on property included in a housing project, regardless of whether those debts were incurred by the agency;
- (10) Provide housing for persons engaged in national defense activities or for victims of a major disaster;
- (11) Receive HUD grants, subsidies and other monies for the development and improvement of public housing and other federally-assisted programs. In accordance with all HUD rules and regulations and without further approval from the City, the Indianapolis Public Housing Agency shall establish all necessary accounts to enable it to expend and receive money; and
- (12) Exercise any other powers and duties designated in IC 36-7-18-1.5 and any additional powers granted by statute or ordinance.

Sec. 285-411. Public housing board established.

(a) There is hereby established a public housing board. The public housing board shall consist of seven (7) members, no more than four (4) of whom may be of the same political party: four (4) members appointed by the mayor, one of whom shall be a representative of the family housing community; and three (3) members appointed by the city-county council, one of whom shall be a representative of the senior housing community. One member of the board will be nominated for appointment by the political party holding the highest number of seats on the city-county council. One member of the board will be nominated for appointment by the political party holding the second highest number of seats on the city-county council.

(b) The terms of the members of the public housing board shall be as follows:

- (1) The representative of the family housing community appointed by the mayor shall serve an initial one-year term ending December 31, 1995;
- (2) The representative of the senior housing community appointed by the city-county council shall serve an initial one-year term ending December 31, 1995;
- (3) Two (2) members appointed by the mayor shall serve an initial four-year term ending December 31, 1998;
- (4) One (1) member appointed by the mayor shall serve an initial three-year term ending December 31, 1997;
- (5) One (1) member appointed by the city-county council shall serve an initial two-year term ending December 31, 1996; and
- (6) One (1) member appointed by the city-county council shall serve an initial three-year term ending December 31, 1997.

Subsequent appointments shall be for four-year terms with the exception of the family and senior housing community representatives who shall be reappointed on an annual basis, provided that all terms shall end upon abolishment of agency or transfer of all its powers.

(c) All members shall serve at the pleasure of the appropriate appointing authority and shall be eligible for reappointment. Members shall serve in person and without compensation.

(d) The officers of the public housing board shall consist of a chairperson and a vice-chairperson, who shall be elected by the board at its first meeting and annually thereafter at the regular March meeting. The executive director of the Indianapolis Public Housing Agency shall serve as secretary. The chairperson shall be the presiding officer of the board, and the secretary shall be its recording officer.

Sec. 285-412. Meetings.

The public housing board shall hold regular meetings at least once a month at times and places prescribed by its rules or established by resolution. No notice to members is required for holding or taking any action at a regular meeting. A special meeting of the board may be called by the presiding officer or by three-sevenths of the members at any place in the county designated in the call. Each member shall be notified of the time and place of such a meeting by written notice which must be delivered, mailed or sent by telegram so that each member has at least forty-eight (48) hours' notice of the meeting. The notice requirement may be waived as to a member if he attends the meeting or executes a written waiver of notice. The waiver may be executed either before or after the meeting, but if executed after, it must state in general terms the purpose of the meeting.

Sec. 285-413. Board action.

A majority of all members of the board constitutes a quorum. A majority vote of all board members is required to take official action.

Sec. 285-414. Powers.

The public housing board shall:

- (1) Approve the award and amendment of all contracts for lease or purchase of capital equipment;
- (2) Approve the employment of all persons engaged by contract to render professional or consulting services;
- (3) Approve all acquisition of interest in real estate;
- (4) Approve all contracts for public work as defined in IC 36-1-12;
- (5) Approve the location of and general development plans for real estate proposed to be acquired by the Indianapolis Public Housing Agency for the purpose of providing public housing, as a condition of its acquisition by the agency;
- (6) Exercise any other powers and duties granted by statute or ordinance.

Sec. 285-421. Executive director.

The Indianapolis Public Housing Agency shall be administered by an executive director appointed by the mayor, subject to confirmation by the city-county council and the public housing board, to serve at the pleasure of the board for a designated term.

Sec. 285-422. Duties.

The executive director of the Indianapolis Public Housing Agency shall:

- (1) Establish operational procedures;
- (2) Prepare and submit all operating budgets to the public housing board for review and approval on an annual basis and submit an annual operating budget to the city-county council for review one hundred twenty (120) days before the end of the fiscal year;
- (3) Submit for city-county council approval all expenditures of COIT funds;
- (4) Approve the hiring and dismissal of personnel subject to limitations prescribed by law and in accordance with the Indianapolis Public Housing Agency personnel policy and with all HUD guidelines;

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- (5) Delegate to personnel of the agency authority to act on the executive director's behalf;
- (6) Assign tasks to employees of the agency and supervise the carrying out of those responsibilities;
- (7) Approve and execute legal instruments subject to limitations prescribed by law;
- (8) Approve or disapprove disbursement of funds subject to limitations prescribed by law;
- (9) Receive pertinent information, engage in agency planning, and establish policies and goals for the agency subject to limitations prescribed by law and in accordance with all HUD rules and regulations, and all policies and goals properly established by the public housing board;
- (10) Coordinate the activities of departments within the agency;
- (11) Submit quarterly written reports to the city-county council on behalf of the agency and appear at the request of the appropriate council committee to review said reports. Said reports shall be based upon the HUD public housing management assessment criteria (i.e., tenant accounts receivable, fiscal management, maintenance response, modernization management, and related matters); and
- (12) Exercise any other powers and duties granted by statute or ordinance or delegated by the public housing board.

SECTION 7. Two (2) years after the date the Indianapolis Public Housing Agency succeeds the Public Housing Division of the Department of Metropolitan Development of the City of Indianapolis in its duties to operate safe and sanitary dwelling accommodations for persons of low income, the appropriate council committee shall review the status of the Indianapolis Public Housing Agency and recommend to the city-county council whether the Indianapolis Public Housing Agency should: (1) become a stand-alone housing authority; (2) continue as an agency; or (3) return to being a division of the Department of Metropolitan Development. If the city-county council fails to act upon the recommendation of the committee, the Indianapolis Public Housing Agency shall continue as an agency until such time as the city-county council directs otherwise.

SECTION 8. The express or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 9. 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 10. This ordinance shall be in full force and effect on and after January 1, 1995, upon compliance with IC 36-3-4-14.

PROPOSAL NOS. 397, 453 and 525, 1994. PROPOSAL NO. 397, 1994. The proposal determines the need for a housing authority in Indianapolis and Marion County to carry out the public housing function. PROPOSAL NO. 453, 1994. The proposal amends the Code authorizing a multi-way stop at Washington Boulevard and 32nd Street (Districts 6, 22). PROPOSAL NO. 525, 1994. The proposal amends the Code by authorizing a multi-way stop at Illinois Street and 43rd Street, Westbound (District 6). The President asked for consent to strike Proposal Nos. 397, 453 and 525, 1994. Consent was given.

PROPOSAL NO. 526, 1994. Councillor Gilmer reported that the Capital Asset Management Committee heard Proposal No. 526, 1994 on October 5, 1994. On that date, by a 5-0 vote, it recommended to the Council that it do pass. On October 17, 1994 the Council voted to return the proposal to Committee. The proposal, sponsored by Councillors Schneider and Rhodes, amends the Code by authorizing a traffic signal at 86th Street and Haverstick Road

(Districts 3, 7). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Schneider asked for consent to postpone Proposal No. 526, 1994 until December 12, 1994. Consent was given.

PROPOSAL NO. 528, 1994. The proposal, sponsored by Councillor Brents, amends the Code by authorizing reserved parking spaces for State War Memorial vehicle parking (District 16). Councillor Gilmer asked for consent to strike Proposal No. 528, 1994. Consent was given.

PROPOSAL NO. 586, 1994. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 586, 1994 on November 15, 1994. The proposal, sponsored by Councillor McClamroch, requests the Indianapolis-Marion County Building Authority to prepare specifications for provision of security services for the courts and to issue a request for proposals from private companies for such services. By a 5-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Curry moved, seconded by Councillor McClamroch, for adoption.

Councillor Ruhmkorff asked if the guards to secure the building will be from the private sector or city-county employees. Councillor Curry said that there are two requests for proposals (RFP)--one is for equipment only and city-county personnel would be used. The second RFP is for manpower and equipment and that would be from a private security firm.

Councillor Beadling asked if the security personnel for this job will have police powers to arrest. Councillor McClamroch said it is not anticipated that police officers or sheriff's deputies would be hired for this security project. It is more likely that bailiffs would perform that function.

Councillor Jimison asked what is the time frame for these RFP's. Councillor Curry replied that the time is uncertain, but he believes that Building Authority will have a report by the first Rules and Public Policy Committee meeting in January.

Councillor O'Dell said that the taxpayers already pay for bailiffs in the courts and believes they should be used for securing the courts. The President replied that the present bailiffs are now assigned other duties in the courts.

Councillor Williams stated that the bailiffs now are working full time on calendaring, dealing with the public and dealing with issues. The vision that bailiffs just stand around with nothing to do is archaic.

Councillor Franklin said that he has done some research on bailiffs and their job description is to protect the courts and keep the peace.

Proposal No. 586, 1994 was adopted on the following roll call vote; viz:

21 YEAS: Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Golc, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, Rhodes, Schneider, SerVaas, Shambaugh, Short, Smith, West

6 NAYS: Beadling, Black, Gray, O'Dell, Ruhmkorff, Williams

2 NOT VOTING: Giffin, Gilmer

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Councillor Beadling asked for consent to explain her vote. Consent was given. Councillor Beadling said that she has concerns about Building Authority preparing specifications to provide court security. She said she would like to see the Council's attorney or some other attorney work with Building Authority on the legality of such matters as the personnel hired for court security to carry guns.

Proposal No. 586, 1994 was retitled COUNCIL RESOLUTION NO. 83, 1994 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 83, 1994

A COUNCIL RESOLUTION requesting the Indianapolis-Marion County Building Authority to prepare specifications for provision of security services for the courts and to issue a request for proposals.

WHEREAS, there are continuing discussions about the security needs of various judges and courtrooms in the city-county building; and

WHEREAS, the Council has previously requested the Indianapolis-Marion County Building Authority to report on certain aspects of providing such security; and

WHEREAS, privatization of governmental services is one of the options that should be evaluated; now, therefore:

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

SECTION 1. The Indianapolis-Marion County Building Authority is requested to prepare specifications for provision of security services for the courts and to issue a request for proposals (RFP) inviting private security services to compete for the provision of such services under contract.

PROPOSAL NO. 587, 1994. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 587, 1994 on November 15, 1994. The proposal, sponsored by Councillor Gilmer, approves an amendment to the public lighting contract between the Indianapolis Power & Light Company and the City. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Curry moved, seconded by Councillor Gilmer, for adoption. Proposal No. 587, 1994 was adopted on the following roll call vote; viz:

27 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Short, Smith, West, Williams

0 NAYS:

2 NOT VOTING: Giffin, Schneider

Proposal No. 587, 1994 was retitled SPECIAL RESOLUTION NO. 82, 1994 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 82, 1994

A SPECIAL RESOLUTION approving an amendment to the public lighting contract between the Indianapolis Power & Light Company and the City of Indianapolis.

WHEREAS, the City of Indianapolis has entered into a public lighting contract with the Indianapolis Power & Light Company dated July 1, 1985; and

WHEREAS, Section 271-25(12) of the Revised Code of the Consolidated City and County requires City-County Council approval of any contract for providing streetlights, maintenance for streetlights and lighting for streets, alleys or public places; and

WHEREAS, the City of Indianapolis and the Indianapolis Power & Light Company desire to amend the renewal provision of the public lighting contract and extend the term of the contract to and including June 30, 1995, with a provision for month-to-month renewal; and

WHEREAS, the City-County Council now finds that it is appropriate to approve an amendment to the public lighting contract to extend the term of the contract to and including June 30, 1995, with a provision for month-to-month renewal.

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

SECTION 1. The City-County Council hereby approves an amendment to the public lighting contract between the Indianapolis Power & Light Company and the City of Indianapolis dated July 1, 1985, extending the term of the contract to and including June 30, 1995, with automatic renewal for up to fifty-four (54) successive thirty (30) day periods by the City; unless either party shall terminate the contract by giving the other party written notice at least fifteen (15) days prior to the expiration of the then current extended or renewal term.

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

AMENDMENT NO. 1
TO
PUBLIC LIGHTING CONTRACT
OF
INDIANAPOLIS POWER & LIGHT COMPANY
WITH
CITY OF INDIANAPOLIS

This Amendment No. 1, entered into by and between the Indianapolis Power & Light Company (hereinafter referred to as "Company") and the City of Indianapolis (hereinafter referred to as "City");

WITNESSETH THAT:

WHEREAS, Company and City entered into a contractual agreement (hereinafter referred to as "Contract") on April 4, 1985, to furnish and supply City with street lights and energy for traffic control signals; and

WHEREAS, the initial term of the Contract was July 1, 1985, to January 1, 1990, with an automatic renewal provision for successive terms of five (5) years each; and

WHEREAS, the parties now wish to amend the renewal provision of the Contract and extend the term of the Contract to and including June 30, 1995, with a provision for month-to-month renewal.

NOW, THEREFORE, in consideration of the terms and conditions expressed herein, Company and City agree as follows:

1. The renewal provision in section 4 of the Contract shall be amended as herein provided.
2. The term of the Contract shall be extended to and including June 30, 1995.
3. The Contract may be automatically renewed for up to fifty-four (54) successive thirty (30) day periods unless either party shall terminate the Contract by giving the other party written notice at least fifteen (15) days prior to the expiration of the then current extended or renewal term.
4. Except as herein modified, all other terms and conditions of the Contract shall remain in full force and effect.

IN WITNESS WHEREOF, Company and City have executed this Amendment No. 1 on this _____ day of _____, 1994.

November 28, 1994

INDIANAPOLIS POWER & LIGHT COMPANY

CITY OF INDIANAPOLIS

By: _____

By: _____

Gregory L. Henneke, Director
Department of Capital Asset Management

Printed: _____

Title: _____

ATTEST:

ATTEST:
By: _____

Ruth Landreth, Secretary

APPROVED AS TO FORM AND LEGALITY:

By: _____

Jane A. Morrison,
Assistant Corporation Counsel, City of Indianapolis

APPROVED:

By: _____

James H. Steele Jr., Controller
City of Indianapolis

Approved by the Capital Asset Management Board this ____ day of _____, 1994:

Gregory L. Henneke, Chairman

Howard Howe

Arno W. Haupt

Moir Carlstedt

Charles S. Eberhardt, II

ATTEST:

Ruth Landreth, Secretary

Approved by the City-County Council this ____ day of _____, 1994:

Dr. Beurt SerVaas, President, City-County Council

Suellen Hart, Clerk, City-County Council

Approved this ____ day of _____, 1994:

Stephen Goldsmith, Mayor, City of Indianapolis

PROPOSAL NO. 603, 1994. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 603, 1994 on November 15, 1994. The proposal, sponsored by Councillor McClamroch, amends the Rules of Council with respect to public hearings on requests for additional appropriations. By a 6-0 vote, the Committee reported the proposal

to the Council with the recommendation that it do pass. Councillor Curry moved, seconded by Councillor Dowden, for adoption. Proposal No. 603, 1994 was adopted on the following roll call vote; viz:

27 YEAS: *Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Smith, West, Williams*
0 NAYS:
2 NOT VOTING: *Giffin, Short*

Proposal No. 603, 1994 was retitled GENERAL ORDINANCE NO. 162, 1994 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 162, 1994

A PROPOSAL FOR A GENERAL ORDINANCE amending the Rules of Council with respect to public hearings on requests for additional appropriations.

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

SECTION 1. Sec. 151-76 of the Revised Code of the Consolidated City and County be, and is hereby, amended by inserting the underlined text, to read as follows:

Sec. 151-76. Public hearings.

Whenever a proposal is such that by law a hearing must be held before the entire council, the clerk shall advertise the hearing on the date set by the president and place the proposal on the agenda for that meeting under the order of business "special orders: public hearings," in the order of introduction. If the proposal is one for which a report of the chief financial officer is required under subsection (b) of Sec. 151-64 and the source of funding for such appropriation is not a state or federal grant, the public hearing shall not be scheduled before the first regular meeting more than thirty (30) days after the proposal is introduced.

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

PROPOSAL NO. 612, 1994. Councillor Coughenour reported that the Public Works Committee heard Proposal No. 612, 1994 on November 17, 1994. The proposal amends the Code by changing the provision of solid waste collection and disposal services for multi-family residences. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Coughenour moved, seconded by Councillor Rhodes, for adoption. Proposal No. 612, 1994 was adopted on the following roll call vote; viz:

27 YEAS: *Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Franklin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams*
0 NAYS:
2 NOT VOTING: *Dowden, Giffin*

Proposal No. 612, 1994 was retitled GENERAL ORDINANCE NO. 163, 1994 and reads as follows:

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CITY-COUNTY GENERAL ORDINANCE NO. 163, 1994

A GENERAL ORDINANCE amending the Code of Indianapolis and Marion County, Indiana to change the provision of solid waste collection and disposal services for multi-family residences.

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

SECTION 1. Sections 13-1, 13-3, and 13-12 of the Code are hereby amended by inserting the underlined text and deleting the stricken-through text to read as follows:

Sec. 13-1. Definitions.

The following definition shall apply in this chapter, unless otherwise indicated clearly by text:

- (1) *Containerized collection* means all mechanized collection of solid waste from dumpsters by front loading, rear loading and roll-off vehicles.
- (2) *Dumpster* means a receptacle used to contain solid waste and designed for mechanical pick up and provided by a hauler for use by the customer.
- (3) *Garbage* means all putrescible animal solid, vegetable solid and semi-solid wastes resulting from the processing, handling, preparation, cooking, serving or consumption of food or food materials, excluding human excreta.
- (4) *Incinerator* means any apparatus to burn waste substances in which all the factors of combustion-temperature, retention time, turbulence and combustion air-can be controlled.
- (5) *Landfill* means a sanitary landfill.
- ~~(6) *Multi-Family Residence* means a structure containing five or more residential units, and does not include condominiums.~~
- (67) *Noncommercial vehicle* means a vehicle used for the purpose of transporting solid waste including, but not limited to, pick-up trucks, cars, vans, dump trucks, and U-hauls and shall not mean rear loaders, front loaders, roll-off trucks, roll-off containers or sideloaders.
- ~~(78) *Processing* means the method, system or other treatment of solid wastes so as to change their chemical or physical form or affect it for disposal or recovery of material, but excluding vehicles for transportation or landfills.~~
- ~~(89) *Recycling station* means a facility for the processing or storage of separated solid wastes prior to transportation to markets.~~
- ~~(910) *Refuse* means all putrescible and nonputrescible solid and semi-solid wastes, except human excreta, but including ashes, street cleanings, offal and solid commercial, industrial and institutional wastes.~~
- ~~(101) *Residential solid waste* means all refuse, garbage and rubbish generated by persons in noncommercial settings, and may include food wastes, paper, cardboard, bottles, metal cans, plastics, cloth, wood, tarp, Christmas trees, accumulations of leaves, grass or shrubbery cuttings and other refuse attending the care of lawns, shrubbery, vines, trees, and tree limbs. Residential solid waste shall not include discarded building materials, trees, brush and other vegetation resulting from the activities of building contractors, commercial tree trimmers or commercial lawn services, larger quantities of sod, dirt and trash from land clearing and other materials requiring special handling.~~
- ~~(12) *Resource Recovery* means the buildings and equipment located at 2320 South Harding Street, Indianapolis, Indiana.~~
- (143) *Rubbish* means all nonputrescible solid wastes, such as cardboard, paper, plastic, metal or glass food containers, rags, waste metal, yard clippings, small pieces of wood, excelsior, rubbish, leather, crockery, and other waste materials that ordinarily accumulate around a home, business or industry.
- (124) *Salvaging* means the controlled removal of materials from solid wastes for utilization.

(135) *Sanitary landfill* means an engineering method of disposing of refuse on land in a manner that protects the public health and environment by spreading the waste in thin layers, compacting it to the smallest practical volume, and covering it with compacted soil at the end of each working day.

(16) *Single Family Residence* means a condominium and/or a structure containing four or less residential units, unless it is a component of multiple structures that together constitute an apartment complex operating under the same ownership.

(147) *Solid waste* means all rubbish, garbage and refuse.

Sec. 13-3. Duty to prepare solid wastes for collection.

Any person accumulating residential solid waste on any ~~premises~~ Single Family Residence owned or controlled by him, and desiring such solid waste to be collected and removed by the city or persons under contract with or licensed by the city, shall prepare and set out such solid waste according to the rules and regulations promulgated by the department of public works. Residential solid waste prepared and set out in this manner is presumed to be abandoned, and the owner's rights in such solid waste are relinquished upon collection and removal by the city, or persons under contract with or licensed by the city.

Sec. 13-12. Services for ~~apartments and condominiums~~ multi-family residences.

~~Any apartment or condominium constructed after January 1, 1990, shall receive:~~

- ~~(1) A maximum of three (3) pickups of residential solid waste per week if such facility receives containerized collection; or~~
- ~~(2) A maximum of one (1) pick up of residential solid waste per week if such facility receives hand collection.~~

Effective February 1, 1995, multi-family residences shall not receive collection service from the city.

SECTION 2. A new Section 13-306 shall be added to the Code by adding the underlined text as follows:

Sec. 13-306. Multi-family residence refunds/credits.

(a) Notwithstanding Section 13-301, an owner of a multi-family residence shall be entitled to a refund of 5/6 of the November 1994 installment of the solid waste disposal user fee, upon verification of payment.

(b) Notwithstanding Section 13-301, the director of the department of public works shall issue to an owner of a multi-family residence either a full refund of the May 1995 installment of the solid waste disposal user fee or a credit in the amount of the May 1995 installment of the solid waste disposal user fee, which may be used by the hauler of the owner's choice to satisfy tipping fee charges at Resource Recovery. The issuance of a refund or a credit shall be subject to verification of payment.

SECTION 3. The expressed or implied repeal or amendment by this ordinance or any other ordinance or any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 4. Should any provision 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 such remaining provisions can be given the effect intended by the council in adopting this ordinance. To this end, the provisions of this ordinance are severable.

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

PROPOSAL NO. 626, 1994. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 626, 1994 on November 21, 1994. The proposal approves reductions in proposed expenditures since the adoption of the 1994 City-County Annual Budget in the amount of \$2,092,292. By a 6-0 vote, the Committee reported the proposal to

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the Council with the recommendation that it do pass. Councillor Rhodes moved, seconded by Councillor Short, for adoption. Proposal No. 626, 1994 was adopted on the following roll call vote; viz:

27 YEAS: *Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West*

0 NAYS:

2 NOT VOTING: *Giffin, Williams*

Proposal No. 626, 1994 was retitled FISCAL ORDINANCE NO. 112, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 112, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) by reduction appropriations by Two Million Ninety-two Thousand Two Hundred Ninety-two Dollars (\$2,092,292) in the following: Historic Preservation Fund, IMAGIS Special Revenue Fund, Park General Fund, and Park General/Golf Fund.

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

SECTION 1. To reflect reductions in proposed expenditures since the adoption of the annual budget, Section 1.01 of the City-County Annual Budget for 1994 be, and is hereby, amended by the reductions hereinafter stated.

SECTION 2. The following appropriations are hereby reduced:

DEPARTMENT OF METROPOLITAN DEVELOPMENT
HISTORIC PRESERVATION COMMISSION

	<u>HISTORIC PRESERVATION FUND</u>
1. Personal Services	400
2. Supplies	1,828
3. Other Services and Charges	8,918
4. Capital Outlay	105
<i>TOTAL REDUCTION HISTORIC PRESERVATION FUND</i>	11,251

DEPARTMENT OF PUBLIC WORKS
ADMINISTRATION

	<u>IMAGIS SPECIAL REVENUE FUND</u>
3. Other Services and Charges	134,436
<i>TOTAL REDUCTION IMAGIS SPECIAL REVENUE FUND</i>	134,436

DEPARTMENT OF PARKS AND RECREATION

	<u>PARK GENERAL FUND</u>
1. Personal Services	377,082
2. Supplies	328,776
4. Capital Outlay	171,747
<i>TOTAL REDUCTION PARK GENERAL FUND</i>	877,605

DEPARTMENT OF PARKS AND RECREATION
GOLF DIVISION

	<u>PARK GENERAL/GOLF FUND</u>
1. Personal Services	35,000
2. Supplies	1,500
4. Capital Outlay	1,032,500
<i>TOTAL REDUCTION PARK GENERAL/GOLF FUND</i>	1,069,000

GRAND TOTAL 2,092,292

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

PROPOSAL NO. 629, 1994. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 629, 1994 on November 21, 1994. The proposal is an

appropriation from the County General Fund in the amount of \$16,826 for the County Coroner to fund unexpected "buy out" expenses of terminated employees necessitated by the agency's contracting out of forensic services financed by transferring other appropriations for that agency. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Rhodes moved, seconded by Councillor Shambaugh, for adoption.

Councillor Golc questioned if there are any other expenses that will have to be paid as a result of the people who were terminated. Councillor Rhodes said that Robert Ward, Chief Deputy Coroner, stated that this will complete the contractual obligations for these two particular employees.

Proposal No. 629, 1994 was adopted on the following roll call vote; viz:

23 YEAS: Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Short, West
5 NAYS: Beadling, McClamroch, Schneider, Smith, Williams
1 NOT VOTING: Giffin

Proposal No. 629, 1994 was retitled FISCAL ORDINANCE NO. 113, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 113, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) transferring and appropriating an additional Sixteen Thousand Eight Hundred Twenty-six Dollars (\$16,826) in the County General Fund for purposes of the County Coroner and reducing certain other appropriations for that agency.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (g) of the City-County Annual Budget for 1994 be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of the County Coroner to fund unexpected "buy out" expenses of terminated employees necessitated by the agency's contracting out of forensic services.

SECTION 2. The sum of Sixteen Thousand Eight Hundred Twenty-six Dollars (\$16,826) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>COUNTY CORONER</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	16,826
TOTAL INCREASE	16,826

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

<u>COUNTY CORONER</u>	<u>COUNTY GENERAL FUND</u>
2. Supplies	8,342
3. Other Services and Charges	3,908
4. Capital Outlay	4,576
TOTAL DECREASE	16,826

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

PROPOSAL NO. 630, 1994. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 630, 1994 on November 21, 1994. The proposal is an appropriation from the Property Reassessment Fund in the amount of \$8,107 for the Washington Township Assessor to place funds in the correct character for anticipated expenditures financed by transferring other appropriations for that agency. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Rhodes moved, seconded by Councillor Black, for adoption. Proposal No. 630, 1994 was adopted on the following roll call vote; viz:

28 YEAS: *Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams*

0 NAYS:

1 NOT VOTING: *Giffin*

Proposal No. 630, 1994 was retitled FISCAL ORDINANCE NO. 114, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 114, 1994

A FISCAL ORDINANCE amending the City-County Annual Budget for 1994 (City-County Fiscal Ordinance No. 70, 1993) transferring and appropriating an additional Eight Thousand One Hundred Seven Dollars (\$8,107) in the Property Reassessment Fund for purposes of the Washington Township Assessor and reducing certain other appropriations for that agency.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (u) of the City-County Annual Budget for 1994 be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of the Washington Township Assessor to place funds in the proper character for additional and originally anticipated expenditures.

SECTION 2. The sum of Eight Thousand One Hundred Seven Dollars (\$8,107) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>WASHINGTON TOWNSHIP ASSESSOR</u>	<u>PROPERTY REASSESSMENT FUND</u>
2. Supplies	2,502
4. Capital Outlay	<u>5,605</u>
TOTAL INCREASE	8,107

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

<u>WASHINGTON TOWNSHIP ASSESSOR</u>	<u>PROPERTY REASSESSMENT FUND</u>
3. Other Services and Charges	<u>8,107</u>
TOTAL REDUCTION	8,107

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

PROPOSAL NO. 631, 1994. Councillor West reported that the Metropolitan Development Committee heard Proposal No. 631, 1994 on November 22, 1994. The proposal is an appropriation from the HUD Section 8 Special Revenue Fund in the amount of \$205,000 for the Department of Metropolitan Development, Public Housing Division, to hire additional staff and to purchase the necessary office equipment financed by transferring other appropriations for that division. By a 5-0-1 vote, the Committee reported the proposal to the

Council with the recommendation that it do pass. Councillor West moved, seconded by Councillor Smith, for adoption. Proposal No. 631, 1994 was adopted on the following roll call vote; viz:

27 YEAS: *Beadling, Black, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams*
0 NAYS:
2 NOT VOTING: *Borst, Giffin*

Proposal No. 631, 1994 was retitled FISCAL ORDINANCE NO. 115, 1994 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 115, 1994

A FISCAL ORDINANCE amending the City-County Annual, Budget for 1994 (City-county Fiscal Ordinance No. 70, 1993) transferring and appropriating an additional Two Hundred Five Thousand Dollars (\$205,000) in the HUD Section 8 Special Revenue Fund for the purposes of the Department of Metropolitan Development, Public Housing Division, and reducing certain other appropriations in the HUD Section 8 Special Revenue Fund for the Department of Metropolitan Development, Division of Public Housing.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 (j) of the City-County Annual Budget for 1994 be, and is hereby, amended by the increases and reductions hereinafter stated for the purposes of the Department of Metropolitan Development, Public Housing Division, to hire additional staff for the HUD Section 8 Program and provide necessary equipment for the staff.

SECTION 2. The sum of Two Hundred Five Thousand Dollars (\$205,000) 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:

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u> <u>PUBLIC HOUSING DIVISION</u>	<u>HUD SECTION 8 SPECIAL REVENUE FUND</u>
1. Personal Service	105,000
4. Capital Outlay	<u>100,000</u>
TOTAL INCREASE	205,000

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

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u> <u>PUBLIC HOUSING DIVISION</u>	<u>HUD SECTION 8 SPECIAL REVENUE FUND</u>
3. Other Services and Charges	<u>205,000</u>
TOTAL REDUCTION	205,000

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

**POLICE SPECIAL SERVICE DISTRICT
FIRE SPECIAL SERVICE DISTRICT
SPECIAL ORDERS - PUBLIC HEARING**

A quorum being present, the President called the Police Special Service District Council and the Fire Special Service District Council to order at 9:34 p.m.

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PROPOSAL NOS. 627 and 628, 1994. PROPOSAL NO. 627, 1994. The proposal, sponsored by Councillor Dowden, approves reductions in proposed expenditures since the adoption of the 1994 Police Special Service District Annual Budget in the amount of \$990,955. PROPOSAL NO. 628, 1994. The proposal, sponsored by Councillor Dowden, approves reductions in proposed expenditures since the adoption of the 1994 Fire Special Service District Annual Budget in the amount of \$330,914. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal Nos. 627 and 628, 1994 on November 21, 1994. By 6-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

The President called for public testimony at 9:36 p.m. There being no one present to testify, Councillor Rhodes moved, seconded by Councillor Dowden, for adoption. Proposal No. 627, 1994 was adopted on the following roll call vote; viz:

27 YEAS: *Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams*

0 NAYS:

2 NOT VOTING: *Giffin, Moriarty Adams*

Councillor Moriarty Adams stated that she abstained due to a conflict of interest.

Proposal No. 627, 1994 was retitled POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 3, 1994 and reads as follows:

POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 3, 1994

A POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE amending the Police Special Service District Annual Budget for 1994 (Police Special Service District Fiscal Ordinance No. 2, 1993) by reducing appropriations by Nine Hundred Ninety Thousand Nine Hundred Fifty-five Dollars (\$990,955) in the Police General Fund and Police Pension Fund.

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

SECTION 1. To reflect reductions in proposed expenditures since the adoption of the annual budget, Sections I and 2 of the Police Special Service District Annual Budget for 1994 be, and is hereby, amended by the reductions hereinafter stated.

SECTION 2. The following appropriations are hereby reduced:

DEPARTMENT OF PUBLIC SAFETY

POLICE DIVISION

1. Personal Services
2. Supplies
3. Other Services and Charges
TOTAL REDUCTION POLICE GENERAL FUND

POLICE GENERAL FUND

400,000
17,000
363,000
773,000

DEPARTMENT OF PUBLIC SAFETY

POLICE DIVISION

I. Personal Services
TOTAL REDUCTION POLICE PENSION FUND

POLICE PENSION FUND

217,955
217,955

GRAND TOTAL

990,955

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

Proposal No. 628, 1994 was adopted on the following roll call vote; viz:

26 YEAS: *Beadling, Black, Borst, Boyd, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Hinkle, Jimison, Jones, McClamroch, Moriarty Adams, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams*

0 NAYS:

3 NOT VOTING: *Brents, Giffin, Gray*

Councillor Gray stated that he abstained due to a conflict of interest.

Proposal No. 628, 1994 was retitled FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 3, 1994 and reads as follows:

FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 3, 1994

A FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE amending the Fire Special Service District Annual Budget for 1994 (Fire Special Service District Fiscal Ordinance No. 2, 1993) by reducing appropriations by Three Hundred Thirty Thousand Nine Hundred Fourteen Dollars (\$330,914) in the Fire Pension Fund.

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

SECTION 1. To reflect reductions in proposed expenditures since the adoption of the annual budget, Section 2 of the Fire Special Service District Annual Budget for 1994, be, and is hereby, amended by the reductions hereinafter stated.

SECTION 2. The following appropriations are hereby reduced:

DEPARTMENT OF PUBLIC SAFETY

FIRE DIVISION

1. Personal Services

TOTAL REDUCTION FIRE PENSION FUND

FIRE PENSION FUND

330,914

330,914

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

NEW BUSINESS

Councillor McClamroch moved to convene the Council meeting on December 12, 1994 at 5:30 p.m. Councillor Hinkle seconded the motion.

Councillor Williams said she would be glad to support this motion if Councillor McClamroch will agree that on Monday, September 25, 1995, not to start the Council meeting until after the sun sets. The President said that he believes Councillor McClamroch is ready to reciprocate with the consent of Council. The President asked that this be noted on the calendar. Councillor McClamroch's motion passed by unanimous voice vote.

Councillor Beadling asked what time would caucus begin on December 12, 1994. Councillor McClamroch said that caucus would begin at 5:00 p.m.

OLD BUSINESS

Councillor O'Dell said that at the September 28, 1994 Council meeting a motion was passed whereby he would give a report on the current condition of CCI and the proposal from the Mayor's office at this Council meeting. The Community Affairs Committee will hold

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another meeting on December 7, 1994 to review the proposal from the Mayor's office concerning CCI funding. He requested that the CCI report be presented on December 12, 1994. The President gave his consent.

Councillor Williams said that after watching a board meeting on Channel 16 she realized the sound system in Room 260 is not very good. She asked if there is some way to get a report from Channel 16 to find out what they can do to improve it. The President said that he has brought the matter of inferior television cameras to the administration and in the 1995 budget there is funding to replace the three obsolete cameras. At the same time he will request that the sound system be checked.

ANNOUNCEMENTS AND ADJOURNMENT

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

Councillor Boyd moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Michael Blair, Vivian Terry Moore and John Charles Thomas. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:47 p.m.

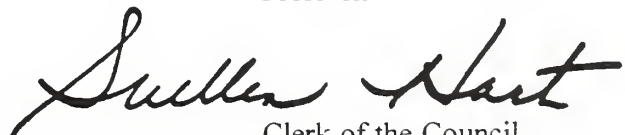
We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-County Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 28th day of November, 1994.

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



President

ATTEST:



Clerk of the Council

(SEAL)