

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

**REGULAR MEETINGS
MONDAY, OCTOBER 28, 2002**

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 7:21 p.m. on Monday, October 28, 2002, with President SerVaas presiding.

Councillor Sanders shared an opening thought regarding the philosophy of leadership and invited all present to join her in the Pledge of Allegiance to the Flag.

ROLL CALL

President SerVaas 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: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford

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

INTRODUCTION OF GUESTS AND VISITORS

President SerVaas recognized family members and friends in attendance this evening to wish him well in his last meeting as President. Councillor Short recognized State Finance Committee Chairman, Senator Larry Borst and his wife Eldoris. Councillor McWhirter recognized former Councillor and current State Representative Phillip Hinkle. Councillor Short recognized Congresswoman Julia Carson. Councillor Coonrod recognized former Councillors Stuart Rhodes, Steven West, Alan Kimball, and Carlton Curry. Councillor Sanders recognized Mayor Bart Peterson. Councillor Gray recognized Michael Sears, one of the first African-American Indiana State Troopers. Councillor Conley recognized his wife Judy. Councillor Langsford recognized County Prosecutor Scott Newman.

OFFICIAL COMMUNICATIONS

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

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

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, October 28, 2002, 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

October 8, 2002

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, October 11, 2002, a copy of a Notice of Public Hearing on Proposal Nos. 450, 486-493, 495, and 496, 2002, said hearing to be held on Monday, October 28, 2002, at 7:00 p.m. in the City-County Building.

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

**RETURN OF GENERAL ORDINANCE NO. 93, 2002, AND
ANNOUNCEMENT OF VETO**

October 19, 2002

The Indiana state law that created the Consolidated City and unified city-county government in Indianapolis assigned various duties, responsibilities and powers to the Office of the Mayor, the City-County Council and other officials. Indiana Code §§ 36-3-4-14 and -16 give the mayor the authority to review ordinances passed by the council and either approve or veto the ordinance.

I have considered and always will consider this veto authority extremely carefully and use it only when necessary. In my nearly three years as mayor, I have exercised the veto authority only once before today.

In short, I will consider exercising veto authority when the council has passed a measure that: infringes inappropriately on the power and duty of the mayor to carry out his or her executive functions, was passed hastily without time for due consideration of the complete consequences of the new law, violates federal or state constitutional or statutory law, or is manifestly inconsistent with good government or appropriate public policy.

General Ordinance No. 93, 2002, was passed by the council on October 7, 2002. The ordinance creates new boundaries for electoral districts for members of the Indianapolis-Marion County City-County Council. In other words, it creates new maps from which city-county councillors will be elected for the next 10 years.

The process of redistricting is at the very heart of American democracy and affects the most basic and sacred right of every citizen – the right to be represented in his or her government. Therefore, it must be carried out with the greatest of care, forethought and solemnity that our community has to offer.

In reviewing G.O. No. 93 and the circumstances surrounding its passage, it is clear this spirit was not honored. Accordingly, pursuant to IC §§ 36-3-4-14 and -16 and the authority vested thereunder in the Office of Mayor as executive of the City of Indianapolis and of Marion County, I hereby return G.O. No. 93 (attached hereto), to the council and announce that I veto such ordinance for the reasons that follow.

First, G.O. No. 93 is, in part, unlawful, in that it strips the authority of the mayor as chief executive of the city and the county to take official action in reviewing redistricting ordinances.

In the ordinance, the council took the unusual step of including special language, which provides that the ordinance becomes effective upon passage, regardless of whether the mayor has an opportunity to review it. Essentially, it implies that the council may take action in this matter without any check or balance and that

the mayor has no veto power over a redistricting ordinance. Moreover, the council intends to codify this language to make clear that a mayoral veto would be ineffective – in direct violation of state law.

At all levels of government, from federal to municipal, the concept of separation of powers is consistent and time-honored. It was designed to create a balance of power among the executive, legislative and judicial branches of government and to ensure that no one branch has unbridled power. One of the cornerstones of this concept is the authority of the executive branch to review and approve or disapprove legislation passed by the legislative branch.

This concept is exemplified in state law and in local practice.

State law divides the powers of a city between the mayor and its legislative body, or council, and prohibits each from exercising any power of the other. This includes the council's power to pass ordinances and the mayor's power to approve or veto all but a few, specifically identified ordinances. Redistricting ordinances are not among the identified exceptions. Therefore, every chief executive of every city in the state – including the mayor of Indianapolis – has veto power over redistricting ordinances.

Long-standing local practice also bears this out. The council's attempt to deprive the mayor of veto authority is unprecedented. There have been five previous redistricting ordinances passed by the council in the UniGov era – from 1970 to the present. All five have been presented to the mayor for approval, and each ordinance contained language acknowledging that the ordinance could not become legally effective without approval by the mayor. G.O. No. 93 represents the first time the council has attempted to remove the mayor from this process.

While G.O. No. 93 includes a signature block for the mayor and was transmitted to the mayor, the inclusion of the special language makes the mayor's signature, in the council's view, superfluous at best.

In short, the council has attempted to strip a clearly vested power from the mayor of the consolidated city. Since state law is clear that redistricting ordinances must be presented to the chief executive for signature or veto, it is equally clear that this ordinance is unlawful.

Second, G.O. No. 93 was not subjected to adequate public comment, input and participation.

Most ordinances are brought publicly before council committees for discussion and public input and then submitted to the full council for more discussion. This is done on virtually every piece of legislation so the citizens to whom city-county government belongs can have a clear indication of what issues and rights are at stake and have ample opportunity to comment.

The passage of this ordinance violated the spirit of public participation. The districts established by G. O. No. 93 were changed several times during the process of council consideration and after the time for public comment had ended. In fact, the final maps were altered on the very same night the ordinance was passed by the council.

Amending the ordinance after the time for public comment had expired might have been acceptable if there had been a proper and articulated reason, such as to respond to a particular public comment or criticism. In reviewing the amended maps, however, there is no apparent reason to have made the amendments so late in the process. Moreover, the council chose not to hold an additional public hearing that it had earlier made available in its redistricting procedures resolution, Council Resolution No. 65.

Nor did the majority members of the Rules and Public Policy Committee of the council explain the reasons for the wholesale changes in the maps when those changes were first proposed on the evening of September 17, 2002, even though the majority members required their colleagues in the minority to vote on the amendments just minutes after presenting them publicly.

For such an important issue – the basic right to be represented in city-county government – to be passed with so little public participation and council review over the final maps is not appropriate.

Third, the final maps passed in G.O. No. 93 do not comply with the statutory requirement that council districts be "compact."

IC § 36-3-4-3 requires council districts to be "compact," meaning they should be subject only to natural boundary lines such as railroads, major highways, rivers, creeks, parks and other major landmarks. This is done so districts are drawn logically, respect communities of interest and avoid emphasis on partisan political or unlawful considerations. Indeed, courts have long held that the compactness requirement is intended to prevent the practice of political gerrymandering.

G.O. No. 93 contains numerous examples of misshapen and sprawling districts for which there is no justification other than an effort to maximize the number of council districts held by one political party in gross disproportion to other political parties in Marion County.

Compactness can be measured using objective mathematical tests, as well as by simple visual observation. Under either method, the majority of the districts in G.O. No. 93 are less compact than those in other redistricting plans submitted to the council, and they are less compact than the districts from which the current council members were elected.

For these reasons, I hereby veto G.O. No. 93, 2002. Pursuant to IC § 36-3-4-14 and -16, I return the attached ordinance to the council with these reasons for my veto.

Respectfully,
s/Bart Peterson, Mayor

October 19, 2002

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

Ladies and Gentlemen:

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

FISCAL ORDINANCE NO. 105, 2002 - approves an increase of \$30,000 in the 2002 Budgets of the County Auditor and the Cooperative Extension Service (County Grants Fund) to fund the program assistant position for one year, funded by a grant from the Indiana State Lawn Care Association

FISCAL ORDINANCE NO. 106, 2002 - approves an appropriation of \$236,184 in the 2002 Budget of the Department of Parks and Recreation (Non-Lapsing Federal Grants Fund) to establish and continue after school youth programs at several IPS and Indy Park sites, financed by federal grants

FISCAL ORDINANCE NO. 114, 2002 - approves a transfer totaling \$40,000 in the 2002 Budget of the Department of Parks and Recreation (Park General Fund) to demolish the clubhouse at Smock Golf Course

SPECIAL RESOLUTION NO. 60, 2002 - concerns the September 20, 2002, tornadoes that hit sections of Indianapolis

SPECIAL RESOLUTION NO. 61, 2002 - designates White River Parkway, West Drive, from Washington Street to New York Street, including the New York Street Bridge, as the E.B. Kelley Memorial Parkway and Bridge

SPECIAL RESOLUTION NO. 62, 2002 - recognizes the 100th Anniversary of Tuxedo Park Baptist Church

SPECIAL RESOLUTION NO. 63, 2002 - recognizes NaKitta Parks-Turner

SPECIAL RESOLUTION NO. 64, 2002 - recognizes the Indianapolis Soap Box Derby Association and the Indianapolis Inner City Youth Racing League

SPECIAL RESOLUTION NO. 65, 2002 - authorizes the Department of Public Works, Office of Environmental Services, to apply for grant assistance from the Indiana Department of Environmental Management to continue the City's participation in the statewide Mercury Awareness Program as a regional hub site

Respectfully,
s/Bart Peterson, Mayor

Vice President Borst asked for consent to hear Proposal No. 540, 2002 at this time. Consent was given.

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

PROPOSAL NO. 540, 2002. The proposal, sponsored by all Councillors, recognizes the 40 years of Council service by Dr. Beurt R. SerVaas. Councillor Borst said that there are several people in attendance this evening to honor Dr. SerVaas on his final evening as President of the Council. He introduced Congresswoman Julia Carson.

Congresswoman Carson said that Dr. SerVaas has always provided strong leadership and she believes it is important to give honor to whom honor is due. She said that even though Dr. SerVaas serves a different political party, he has always been worthy of the highest regard and respect. He treats her and everyone he meets with respect and as a gentleman should and she wishes him well.

Mayor Bart Peterson said that Dr. SerVaas is above all a man who loves his city. Besides being a proud Republican, he has always treated all people with dignity and decency. He said that he admires Dr. SerVaas's endless intellectual curiosity and is inspired by his commitment to his wife and family. Mayor Peterson offered a proclamation in honor of Dr. SerVaas and thanked him for his friendship, example, and leadership.

Senator Larry Borst said that after Dr. SerVaas leaves office, he and Councillor Boyd will then share the honors of the most longevity in local public service. He said that Dr. SerVaas was one of the original members of the Commission for Higher Education, and this city is better off because of Dr. SerVaas's service as an elected official. He said that he has used his intellect and energy to benefit all of the citizens of Indianapolis.

Vice President Borst said that a video presentation has been prepared to honor Dr. SerVaas and will be airing on Channel 16 this week, and a portion of the video will be displayed this evening for Council meeting attendees.

Max Moser, Council Research Director, presented Dr. SerVaas with a framed photograph of the Council staff and expressed the staff's appreciation for his service.

Councillor Boyd read the proposal and he and Vice President Borst presented signage to designate the Public Assembly Room as the Dr. Beurt R. SerVaas Public Assembly Room.

President SerVaas said that many times the chamber has been filled with partisan views, but when all is said and done, these people are his friends. He said that back when he began on the Council, he saw cities falling apart, and wanted to keep that from happening to Indianapolis and wanted to re-build the city. He said that he saw Unigov as the future for this growing community and is happy to see so much that he has been involved in become successful. He thanked the Council and those in attendance this evening for their support over the years and said that he is leaving the Council and the City in good hands.

Vice President Borst moved, seconded by Councillor Boyd, for adoption. Proposal No. 540, 2002 was adopted by a unanimous voice vote.

Proposal No. 540, 2002 was retitled SPECIAL RESOLUTION NO. 68, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 68, 2002

A SPECIAL RESOLUTION recognizing the 40 years of Council service by Dr. Beurt R. SerVaas.

WHEREAS, a free nation rests upon the willingness of responsible citizens to actively participate in the governmental process, and City-County Council President, Dr. Beurt R. SerVaas represents the highest expression of citizenship participation; and

WHEREAS, an Honor Roll graduate of Shortridge High School, he served as a Navy officer in the Office of Strategic Services in the China Theater during W. W. II, and after the War returned home to become a successful businessman; and

WHEREAS, in his first bid for public office, Dr. SerVaas led the ticket in 1962 for County Council at-large, and at the end of the June 16, 1975 Council meeting he was elected President of the City-County Council to fill a vacancy; and

WHEREAS, much of the success of Indianapolis' Renaissance is due in large part to Dr. SerVaas' civility, ideas, ability to bring people together, and his bold visions; and

WHEREAS, Dr. SerVaas has given generously of his time and talents while on the Council during the past 40 years, and as Council President for the past 27 years; 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, representing the citizens of this city, recognizes and thanks Dr. Beurt R. SerVaas for his four decades of outstanding and visionary public service on the Council.

SECTION 2. To this end, the Council declares that this meeting room in the City-County Building shall henceforth be named the Dr. Beurt R. SerVaas Public Assembly Room.

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.

ADOPTION OF THE AGENDA

President SerVaas proposed the adoption of the agenda as distributed.

Councillor McWhirter asked for consent to vote on Proposal No. 536, 2002, which is being introduced this evening, as a Committee of the Whole. She said that these appointments to Common Construction Wage Committees often need to be acted on quickly and this one is no exception. Consent was given. President SerVaas said that the proposal will be added for action under New Business.

Without further objection, the agenda was adopted.

APPROVAL OF THE JOURNAL

President SerVaas called for additions or corrections to the Journal of October 7, 2002. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 509, 2002. The proposal, sponsored by Councillors Douglas and Gray, commends Washington Township Schools Superintendent Dr. Eugene G. White for his bold initiative to improve student achievement at North Central High School. Councillor Douglas read the proposal and presented Dr. White with a copy of the document and a Council pin. Councillor Gray applauded Dr. White for being willing to take risks for what is right. Dr. White commended Dr. SerVaas on his years of service and for being a great example to lead the City. He said that education is job one and every student can do better in school. He said that he cannot compromise this responsibility and he thanked the Council for supporting what he is trying to do. Councillor Gibson said that he is proud of Dr. White's efforts. Councillor Soards said that Dr. White was his principal, and he holds the esteem of all students, both black and white, and is a role model for all. President SerVaas said that Dr. White coaches his grandson's soccer team and he has great influence on young lives. He added that the City cries for young talented African-American boys who are not achieving and he supports Dr. White's efforts. Councillor Boyd said that some in the community were critical of Dr. White's efforts, and it took a lot of courage and vision and a commitment to education. Councillor Douglas moved, seconded by Councillor Gray, for adoption. Proposal No. 509, 2002 was adopted by a unanimous voice vote.

Proposal No. 509, 2002 was retitled SPECIAL RESOLUTION NO. 66, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 66, 2002

A SPECIAL RESOLUTION commending Washington Township Schools Superintendent Dr. Eugene G. White for his bold initiative to improve student achievement at North Central High School.

WHEREAS, like most other big city schools across the state and nation, North Central High School has a particular problem of low academic achievement by male African-American students; and

WHEREAS, on September 4, 2002, Dr. White took the unprecedented action of calling a special convocation for the school's African-American males and shared with them the alarming statistics that revealed that they as a group have more behavioral referrals, fights, arrests, suspensions, the lowest grade point average, the lowest state test scores, and the most athletic ineligibility rates of any other group of students at North Central; and

WHEREAS, Dr. White stressed that with strong dedication and a change of attitude and approach toward learning, the negative statistics he cited can be reversed, and gave examples of well known talented African-Americans who have worked hard and achieved nation-wide fame; and

WHEREAS, Dr. White stressed the value of getting a good education, the importance of parental involvement in the educational process, gave examples of what parents and students can do to improve academic achievement, and encouraged them to take advantage of the resources available to them; and

WHEREAS, Dr. White did acknowledge that North Central High School African males perform better than the average group of African Males in the state, but being the best of the lowest performing group is not good enough, and that they are capable of much more; 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 is concerned that all students should try to reach their maximum potential, take full advantage of their school years, and become contributing, productive citizens in our society.

SECTION 2. The Council commends Dr. White for his bold and straightforward message that a considerable amount of human talent is being wasted that could otherwise be brought to bear in sports, the arts, science, medicine, business, education, families, and other worthwhile pursuits.

SECTION 3. The essence of Dr. White's message needs to be sounded in other schools, and it is hoped that his actions in calling attention to a growing problem will cause other educators to take the steps necessary to reverse this alarming trend, which is getting progressively worse.

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. 539, 2002. The proposal, sponsored by Councillors Nytes and Soards, concerns the "One Book, One City - Indy's Choice" program. Councillor Nytes read the proposal and presented Chris Cairo, director of Development and Programming for the Indianapolis-Marion County Public Library, with a copy of the document and Council pin. Ms. Cairo thanked the Council for the recognition, and said that the City has received 1,835 recommendations so far and will announce the final book in December. Councillor Soards encouraged all Council members to recommend a book. Councillor Nytes said that the committee will select 25 finalists and then the City will vote again for a final book suggestion for the whole city to read. Councillor Nytes moved, seconded by Councillor Soards, for adoption. Proposal No. 539, 2002 was adopted by a unanimous voice vote.

Proposal No. 539, 2002 was retitled SPECIAL RESOLUTION NO. 67, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 67, 2002

A SPECIAL RESOLUTION concerning the "One Book, One City – Indy's Choice" program.

Whereas, the City of Indianapolis and the Indianapolis-Marion County Public Library are sponsoring the "One Book, One City – Indy's Choice" program, under which all citizens are encouraged to read a book to be selected from among those recommended by City residents online (<http://onebook.imcpl.org>), at all Indianapolis – Marion County Library branches, and at selected area bookstores, cafés, coffee shops and other locations; and

Whereas, the purpose of the "One Book, One City – Indy's Choice" program is to promote reading and to inspire interesting conversations, all to the betterment of our citizens and community; now, therefore:

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

SECTION 1. The Indianapolis and Marion County Council hereby recognizes the value of the "One Book, One City – Indy's Choice" program and commends the Mayor of Indianapolis and the Indianapolis-Marion County Public Library for their leadership in this important cultural endeavor, and further encourages all citizens to participate in the program.

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

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

PROPOSAL NO. 436, 2002. Councillor McWhirter reported that the Administration and Finance Committee heard Proposal No. 436, 2002 on October 15, 2002. The proposal, sponsored by Councillor McWhirter, appoints Dollyne Sherman to the Cable Franchise Board. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor McWhirter moved, seconded by Councillor Cockrum, for adoption. Proposal No. 436, 2002 was adopted by a unanimous voice vote.

Proposal No. 436, 2002 was retitled COUNCIL RESOLUTION NO. 81, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 81, 2002

A COUNCIL RESOLUTION appointing Dollyne Sherman to the Cable Franchise Board.

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

SECTION 1. As a member of the Cable Franchise Board, the Council appoints:

Dollyne Sherman

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2002. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 524, 2002. Introduced by Councillors Langsford and Nytes. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$175,000 in the 2002 Budget of the Department of Administration, Fleet Services Division (Consolidated

County Fund) to cover costs for an upgrade of the Fleet Management System (M5) which will streamline workflow processes and improve responsiveness"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 525, 2002. Introduced by Councillors Smith and Douglas. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$365,000 in the 2002 Budget of the Department of Metropolitan Development (Federal Grants and Non-Lapsing State Grants Funds) to fund engineering costs for the clay cap for the Special Soils Area of the Keystone Enterprise Park as well as Phase II environmental assessment costs for the same area, financed by federal and state grants (Brownfield Economic Development Initiative and Indiana Development Finance Authority)"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 526, 2002. Introduced by Councillors Smith and Nytes. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which approves the amounts, locations, and programmatic operation of certain projects to be funded from Community Development Grant Funds for 2003"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 527, 2002. Introduced by Councillors Smith and Nytes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which changes the name and duties of the division of community development and financial services; changes the duties of the division of administrative services of the department of metropolitan development, and repeals provisions regarding the urban homesteading program"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 528, 2002. Introduced by Councillors Dowden and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Police Special Service District Fiscal Ordinance which approves an appropriation of \$974,726 in the 2002 Budget of the Department of Public Safety, Police Division (Non-Lapsing Federal Grants and Federal Grants Funds) to support police relationships in the Eagledale neighborhood; to fund two civilian full-time positions within IPD's Victim Assistance Unit; to participate in the "Creating a Culture of Integrity Initiative - Use of Force Policy and Training"; to purchase a wireless hub system for connection to the IPD network, in-car video cameras for the Drug Interdiction Unit, and laptop computers for Academy recruit training; to fund the Domestic Violence Network Navigational Hub; and to fund the "Healthy Reasons to Say No," financed by federal grants"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 529, 2002. Introduced by Councillors Dowden and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fire Special Service District Fiscal Ordinance which approves an increase of \$491,230 in the 2002 Budget of the Department of Public Safety, Fire Division (Non-Lapsing Federal Grants Fund) to purchase new fitness equipment, to train nine firefighters for a peer fitness program for mentoring local firefighters, and to deliver the FitKids program to area schools, financed by a federal grant (Federal Emergency Management Agency) (Matching funds of \$210,257 have been appropriated in the Department of Public Safety, Fire Division's 2003 budget)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 530, 2002. Introduced by Councillors Dowden, Talley, and Douglas. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$461,000 in the 2002 Budget of the Office of the Controller (Consolidated County General

Fund) to cover the cost of up to 98 jail beds from September through December, financed by fund balances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 531, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$25,000 in the 2002 Budget of the Forensic Services Agency (County General Fund) to allow payment of unanticipated expense in character three"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 532, 2002. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$47,000 in the 2002 Budget of the Marion County Superior Court (County General Fund) to fund safety improvements for jury boxes and witness chairs in center tower courts"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 533, 2002. Introduced by Councillors Coughenour and Knox. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$4,236,000 in the 2002 Budget of the Department of Public Works, Engineering Division (Redevelopment District Capital Projects Fund and Transportation General Fund) to provide the local match and inspection fees for several projects, financed by fund balances"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 534, 2002. Introduced by Councillors Coughenour and Knox. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$80,000 in the 2002 Budget of the Department of Public Works, Engineering Division (Transportation General Fund) to study four intersections for potential operational and safety improvements, financed by a grant from State Farm Insurance Company"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 535, 2002. Introduced by Councillors Smith and Soards. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Revised Code exempting churches from the stormwater user fee"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 537, 2002. Introduced by Councillor Brents. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the proposed refinancing of portions of Consolidated Redevelopment Area debt"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 538, 2002. Introduced by Councillors Nytes and McWhirter. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the issuance of TIF bonds to repay 2001 BAN for Fall Creek Place (Home Ownership Zone)"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 541, 2002. Introduced by Councillors Dowden and Borst. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Judy Singleton to the Animal Care and Control Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 542, 2002, PROPOSAL NOS. 543-546, 2002, and PROPOSAL NOS. 547-555, 2002. Introduced by Councillor Smith. Proposal No. 542, 2002, Proposal Nos. 543-546, 2002, and Proposal Nos. 547-555, 2002 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on October 25, 2002. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 136-149, 2002, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 136, 2002.

2002-ZON-091

900 WEST 30TH STREET (approximate address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 9 .

BARNES UNITED METHODIST CHURCH requests a rezoning of 0.8797 acre, being in the C-3 and D-5 Districts, to the SU-1 classification to legally establish religious uses.

REZONING ORDINANCE NO. 137, 2002.

2002-ZON-093 (2002-DP-007)

8611, 8621, 8625, 8633, and 8651 NORTH MERIDIAN STREET, and 48 EAST 86TH STREET (approximate addresses), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 3.

REPUBLIC DEVELOPMENT, LLC., by Zeff A. Weiss, requests a rezoning of 4.05 acres, being in the D-2 District, to the D-P classification to provide for multi-family residential development, resulting in 13.89 units per acre.

REZONING ORDINANCE NO. 138, 2002.

2002-ZON-125

3000 WEST WASHINGTON STREET (approximate address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 16

HOOSIER VETERANS ASSISTANCE FOUNDATION requests a rezoning of 6.82 acres, being in the HD-1 District, to the HD-2 classification to provide for a veterans assisted living facility.

REZONING ORDINANCE NO. 139, 2002.

2002-ZON-130

3402 NORTH ARLINGTON AVENUE (approximate addresses), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 10

SYLVIA TROTTER requests a rezoning of 0.24 acre, being in the I-3-U District, to the C-3 classification to provide for neighborhood commercial uses.

REZONING ORDINANCE NO. 140, 2002.

2002-ZON-131

4630 WEST 71ST STREET (approximate address), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 1

PATRICIA DEWALD requests a rezoning of 0.11 acre, being in the D-3 District, to the C-1 classification to provide for general office use.

REZONING ORDINANCE NO. 141, 2002.

2002-ZON-077

2304 NORTH CUMBERLAND ROAD (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 12

THE BRADFORD GROUP, INC., by Stephen D. Mears, requests a rezoning of 40 acres, being in the D-A District, to the D-3 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 142, 2002.

2002-ZON-078

2304 NORTH CUMBERLAND ROAD (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 12
THE BRADFORD GROUP, INC., by Stephen D. Mears, requests a rezoning of 32 acres, being in the D-A District, to the D-3 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 143, 2002.

2002-ZON-832 (Amended)

8727,8737 and 8747 HOLLIDAY DRIVE (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT #3

ST. LUKE'S UNITED METHODIST CHURCH, by Philip A. Nicely, requests a rezoning of 1.377 acres, being in the D-2 District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 144, 2002.

2002-ZON-115 (2002-DP-010)

9555 EAST EDGEWOOD AVENUE (approximate address), INDIANAPOLIS.

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23

DEAN COUGILL, by David A. Retherford, requests a rezoning of 22.1 acres, being in the D-A (FF) District, to the D-P (FF) classification to provide for single-family residential development, resulting in 0.41 units per acre..

REZONING ORDINANCE NO. 145, 2002.

2002-ZON-097

3444 WEST 71ST STREET (approximate address), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 2

GREATER NEW HOPE CHURCH, by Mary E. Solada, requests a rezoning of 4.2 acres, being in the D-1 District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 146, 2002.

2002-ZON-104

10023 EAST 42ND STREET (approximate address), INDIANAPOLIS.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 14

CHILDREN'S BUREAU OF INDIANAPOLIS.. by David Kingen, requests a rezoning of 0.71 acres, being in the D-7 District, to the C-3 classification to provide for neighborhood commercial development.

REZONING ORDINANCE NO. 147, 2002.

2002-ZON-121

6212 PARLIAMENT DRIVE (approximate address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 4

PETER SCOTT, by Joseph D. Calderon, requests a rezoning of 1.55 acres, being in the D-A District, to the C-S classification to provide for limited commercial (C-1), industrial (I-1-S and I-2-S), and residential uses (D-7).

REZONING ORDINANCE NO. 148, 2002.

2002-ZON-134

5536 BROOKVILLE ROAD (approximate address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 13

LIGHT-CRETE PRODUCTS AND SERVICES INC., by Ronald A. Wright, requests a rezoning of 1.00 acre, being in the C-1, C-5 and D-5 District, to the C-5 classification to provide for commercial development.

REZONING ORDINANCE NO. 149, 2002.

2002-ZON-135

5302, 5310 and 5328 WEST 10TH STREET (approximate address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 8

INSIGHT ENGINEERING requests a rezoning of 1.04 acres, being in the D-2 and C-3 Districts, to the C-3 classification to provide for a convenience store / gasoline station.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 450, 2002. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 450, 2002 on September 18, 2002. The proposal was

postponed in Council on October 7, 2002 due to re-advertisement requirements. The proposal, sponsored by Councillor Dowden, approves an increase of \$40,000 in the 2002 Budget of the Marion County Superior Court (County Grants Fund) to pay for exterior improvements to the Community Court building, funded by the Department of Metropolitan Development's Community Enhancement Funds. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 8:37 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Smith, for adoption. Proposal No. 450, 2002 was adopted on the following roll call vote; viz:

25 YEAS: *Bainbridge, Black, Borst, Boyd, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Sanders, Schneider, SerVaas, Short, Smith, Tilford*
0 NAYS:
4 NOT VOTING: *Bradford, Nytes, Soards, Talley*

Proposal No. 450, 2002 was retitled FISCAL ORDINANCE NO. 116, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 116, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97 2001) appropriating an additional Forty Thousand Dollars (\$40,000) in the County Grants Fund for purposes of the Marion County Superior Court and reducing the unappropriated and unencumbered balance in the County 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 (g) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court to pay for exterior improvements to the Community Court building.

SECTION 2. The sum of Forty Thousand Dollars (\$40,000) 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>MARION COUNTY SUPERIOR COURT</u>	<u>COUNTY GRANTS FUND</u>
3. Other Services and Charges	<u>40,000</u>
TOTAL INCREASE	40,000

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

	<u>COUNTY GRANTS FUND</u>
Unappropriated and Unencumbered County GrantsFund	<u>40,000</u>
TOTAL REDUCTION	40,000

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.

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 453-455, 2002 on October 9, 2002. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 453, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$2,000 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) for the purchase of supplies for two children's programs, funded by a grant from Alliance with Indiana. PROPOSAL NO. 454, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$70,000 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (Guardian Ad Litem Fund) to increase funding to Child Advocates, Inc., funded by revenue received from the State of Indiana. PROPOSAL NO. 455, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$50,000 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (Juvenile Probation Fees Fund) to remodel the Juvenile Probation office, financed by fund balances. By 8-0, 7-1, and 8-0 votes respectively, the Committee reported the proposals to the Council with the recommendation that they do pass.

President SerVaas called for public testimony at 8:40 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal Nos. 453-455, 2002 were adopted on the following roll call vote; viz:

28 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Talley, Tilford
0 NAYS:
1 NOT VOTING: Soards

Proposal No. 453, 2002 was retitled FISCAL ORDINANCE NO. 117, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 117, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Two Thousand Dollars (\$2,000) in the State and Federal Grants Fund for purposes of the Marion County Superior Court, Juvenile Division, 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 (j) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court, Juvenile Division, for the purchase of supplies for two children's programs.

SECTION 2. The sum of Two Thousand Dollars (\$2,000) 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>MARION COUNTY SUPERIOR COURT</u>	
<u>JUVENILE DIVISION</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
2. Supplies	<u>2,000</u>
TOTAL INCREASE	2,000

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>2,000</u>
TOTAL REDUCTION	2,000

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. 454, 2002 was retitled FISCAL ORDINANCE NO. 118, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 118, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Seventy Thousand Dollars (\$70,000) in the Guardian Ad Litem Fund for purposes of the Marion County Superior Court, Juvenile Division, and reducing the unappropriated and unencumbered balance in the Guardian Ad Litem 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(j) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court, Juvenile Division, to increase funding to Child Advocates, Inc.

SECTION 2. The sum of Seventy Thousand Dollars (\$70,000) be, and the same is hereby, appropriated 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>MARION COUNTY SUPERIOR COURT</u>	
<u>JUVENILE DIVISION</u>	<u>GUARDIAN AD LITEM FUND</u>
3. Other Services and Charges	<u>70,000</u>
TOTAL INCREASE	70,000

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

	<u>GUARDIAN AD LITEM FUND</u>
Unappropriated and Unencumbered	
Guardian Ad Litem Fund	<u>70,000</u>
TOTAL REDUCTION	70,000

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

Proposal No. 455, 2002 was retitled FISCAL ORDINANCE NO. 119, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 119, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Fifty Thousand Dollars (\$50,000) in the Juvenile Probation Fees Fund for purposes of the Marion County Superior Court, Juvenile Division, and reducing the unappropriated and unencumbered balance in the Juvenile Probation Fees Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(j) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court, Juvenile Division, to remodel the Juvenile Probation Office.

SECTION 2. The sum of Fifty Thousand Dollars (\$50,000)) be, and the same is hereby, appropriated 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>MARION COUNTY SUPERIOR COURT</u> <u>JUVENILE DIVISION</u>	<u>JUVENILE PROBATION FEES FUND</u>
3. Other Services and Charges	25,000
4. Capital Outlay	<u>25,000</u>
TOTAL INCREASE	50,000

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

	<u>JUVENILE PROBATION FEES FUND</u>
Unappropriated and Unencumbered Juvenile Probation Fees Fund	50,000
TOTAL REDUCTION	50,000

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

PROPOSAL NO. 486, 2002. Councillor Smith reported that the Metropolitan Development Committee heard Proposal No. 486, 2002 on October 14, 2002. The proposal, sponsored by Councillor Douglas, approves the issuance of "City of Indianapolis, Indiana, Redevelopment District Annual Appropriation Revenue Bonds of 2002," in an original aggregate issued amount not to exceed Five Million Dollars to complete necessary improvements in the 82 acre Martindale Brightwood Industrial Development Area/Keystone Enterprise Park located at I-70 and Keystone Avenue. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 8:42 p.m. There being no one present to testify, Councillor Smith moved, seconded by Councillor Douglas, for adoption. Proposal No. 486, 2002 was adopted on the following roll call vote; viz:

27 YEAS: *Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty, Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Talley, Tilford*
0 NAYS:
2 NOT VOTING: *Coughenour, Soards*

Proposal No. 486, 2002 was retitled GENERAL RESOLUTION NO. 11 2002, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 11, 2002

A GENERAL RESOLUTION approving the issuance of "City of Indianapolis, Indiana, Redevelopment District Annual Appropriation Revenue Bonds of 2002," in an original aggregate issued amount not to exceed Five Million Dollars (\$5,000,000).

WHEREAS, on October 2, 2002, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana ("Commission"), being

the governing body of the Redevelopment District of the City of Indianapolis, Indiana ("District"), adopted a Bond Resolution (Resolution No. 2002-B-023) ("Bond Resolution") authorizing the issuance of bonds of the District, in one or more series, payable solely from annual appropriations by the City-County Council of the City of Indianapolis and of Marion County, Indiana ("Annual Appropriations") of the Cumulative Capital Funds of the City of Indianapolis and of Marion County, Indiana ("CCF Revenues"), pledged for the purposes as provided in Indiana Code 36-7-15.1-17(h) ("Bonds"), for the purpose of procuring funds to be applied to the cost of all or a portion of the projects specified in Exhibit A attached hereto ("Project"), funding a debt service reserve and capitalized interest, together with the expenses in connection with or on account of the issuance of the Bonds authorized therein (collectively, "Project Costs"), in an aggregate original issued amount not to exceed \$5,000,000; and

WHEREAS, the Commission has requested the approval of the City-County Council of the City of Indianapolis and of Marion County, Indiana ("City-County Council"), for the issuance of the Bonds pursuant to Indiana Code 36-3-5-8, and the City-County Council now finds that the issuance of the Bonds should be approved; now, therefore;

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

SECTION 1. The City-County Council does hereby approve (i) the Bond Resolution, and (ii) the issuance of bonds of the Redevelopment District, in one or more series, to be designated as "City of Indianapolis, Indiana, Redevelopment District Annual Appropriation Revenue Bonds of 2002," in an aggregate principal amount not to exceed Five Million Dollars (\$5,000,000).

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with Indiana Code 36-3-4-14, 36-3-4-15 and 36-6-4-16.

EXHIBIT A

In 1999, the City of Indianapolis through the Department of Metropolitan Development created the Martindale - Brightwood Industrial Development area in anticipation of the Keystone Enterprise Park. It was the vision of the administration at the time to clear blight in the near northeast side neighborhood, bring new jobs to the community and attract retail businesses to serve the park and residents of the area.

The area bounded by 24th Street to the north, I-70 to the South, Keystone Way to the east, and Hillside to the west was formerly an illegal dumping ground. The years of misuse as a landfill have caused environmental conditions that must be remediated prior to development. The Department of Metropolitan Development with the Department of Public Works is responsible for the environmental remediation and construction of infrastructure improvements in the park. The Department of Metropolitan Development is also responsible for land acquisition and relocation of residents. The estimated public investment in the project is \$18 million.

PROPOSAL NO. 487, 2002. Councillor Cockrum reported that the Parks and Recreation Committee heard Proposal No. 487, 2002 on October 10, 2002. The proposal, sponsored by Councillors Cockrum and Douglas, approves an increase of \$575,000 in the 2002 Budget of the Department of Parks and Recreation (Transportation General Fund) to pay for the collection and removal of trees and related debris from public rights-of-way resulting from the tornadoes of September 20, 2002, financed by fund balances. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Talley asked if any of this money will go towards replacing any of the trees lost. Councillor Cockrum said that this amount only addresses the removal of trees and clean-up.

President SerVaas called for public testimony at 8:46 p.m. There being no one present to testify, Councillor Cockrum moved, seconded by Councillor Douglas, for adoption. Proposal No. 487, 2002 was adopted on the following roll call vote; viz:

26 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley

0 NAYS:

3 NOT VOTING: Horseman, Knox, Tilford

Proposal No. 487, 2002 was retitled FISCAL ORDINANCE NO. 120, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 120, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating an additional Five Hundred Seventy-five Thousand Dollars (\$575,000) in the Transportation General Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the Transportation General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(l) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to pay for the collection and removal of trees and related debris from public rights-of-way resulting from the tornadoes of September 20, 2002.

SECTION 2. The sum of Five Hundred Seventy-five Thousand Dollars (\$575,000) 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 increased appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>TRANSPORTATION GENERAL FUND</u>
3. Other Services and Charges	575,000
TOTAL INCREASE	575,000

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

	<u>TRANSPORTATION GENERAL FUND</u>
Unappropriated and Unencumbered Transportation General Fund	575,000
TOTAL DECREASE	575,000

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

PROPOSAL NO. 488, 2002. Councillor Cockrum reported that the Parks and Recreation Committee heard Proposal No. 488, 2002 on October 10, 2002. The proposal, sponsored by Councillors Cockrum and Gray, approves an increase of \$168,750 in the 2002 Budget of the Department of Parks and Recreation (City Cumulative Capital Development Fund) to fund the DPR portion of payment for Cottonwood Lakes at approximately 8900 South Mann Road, as well as complete the purchase of the Mann Property, making Southwestway Park the second largest park in Marion County, financed by fund balances. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 8:47 p.m. There being no one present to testify, Councillor Cockrum moved, seconded by Councillor Gray, for adoption. Proposal No. 488, 2002 was adopted on the following roll call vote; viz:

27 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Soards
0 NAYS:
2 NOT VOTING: Talley, Tilford

Proposal No. 488, 2002 was retitled FISCAL ORDINANCE NO. 121, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 121, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance 95, 2001) appropriating an additional One Hundred Sixty-eight Thousand Seven Hundred and Fifty Dollars (\$168,750) in the City Cumulative Capital Development Fund for purposes of the Department of Parks and Recreation and reducing the unappropriated and unencumbered balance in the City Cumulative Capital Development 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 1.01(l) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation to fund the DPR portion of payment for Cottonwood Lakes at approximately 8900 South Mann Road, as well as complete the purchase of the Mann Property, making Southwestway Park the second largest park in Marion County.

SECTION 2. The sum of One Hundred Sixty-eight Thousand Seven Hundred and Fifty Dollars (\$168,750) 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 increased appropriation is hereby approved:

<u>DEPARTMENT OF PARKS AND RECREATION</u>	<u>CITY CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
4. Capital Outlay	<u>168,750</u>
TOTAL INCREASE	168,750

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

	<u>CITY CUMULATIVE CAPITAL DEVELOPMENT FUND</u>
Unappropriated and Unencumbered City Cumulative Capital Development Fund	<u>168,750</u>
TOTAL DECREASE	168,750

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

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 489-493 and 495, 2002 on October 9, 2002. He asked for consent to vote on Proposal Nos. 489-492 and 495, 2002 together. Consent was given.

PROPOSAL NO. 489, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$175,000 in the 2002 Budget of the County Sheriff (State and Federal Grants Fund) for expenses related to the Local Law Enforcement Block Grant # 6, funded by grant from the Bureau of Justice Programs. PROPOSAL NO. 490, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$125,000 in the 2002 Budgets of the County Auditor and the Prosecuting Attorney (State and Federal Grants Fund) to cover the expenses of the Multi-Agency Law Enforcement Fatal Crash Team, funded by grant from the Governor's Council on

Impaired and Dangerous Driving and the National Highway Traffic Safety Administration. PROPOSAL NO. 491, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$11,135 in the 2002 Budgets of the County Auditor and the Prosecuting Attorney (State and Federal Grants Fund) to cover the expenses of the Fathers That Work Program, funded by a grant from the State of Indiana. PROPOSAL NO. 492, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$50,000 in the 2002 Budgets of the County Auditor and the Marion County Superior Court (State and Federal Grants Fund) to cover expenses related to the Local Law Enforcement Block Grant # 6, funded by grant from the Bureau of Justice Programs. PROPOSAL NO. 495, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$1,070,567 in the 2002 Budgets of the County Auditor and the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) to appropriate the Juvenile Accountability Incentive Block Grant #4 from the Indiana Criminal Justice Institute (Local match of \$20,968 is funded by existing appropriations in the Marion County Justice Agency and Marion County Superior Court). By unanimous votes, the Committee reported Proposal Nos. 489-491 and 495, 2002 to the Council with the recommendation that they do pass and Proposal No. 492, 2002 to the Council with the recommendation that it do pass as amended.

President SerVaas called for public testimony at 8:54 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Smith, for adoption. Proposal Nos. 489-491 and 495, 2002 and Proposal No. 492, 2002, as amended, were adopted on the following roll call vote; viz:

28 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford
0 NAYS:
1 NOT VOTING: Nytes

Proposal No. 489, 2002 was retitled FISCAL ORDINANCE NO. 122, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 122, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional One Hundred Seventy-five Thousand Dollars (\$175,000) in the State and Federal Grants Fund for purposes of the County Sheriff 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 2 of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Sheriff to continue the crime prevention programs and publications to support Block Grant # 6.

SECTION 2. The sum of One Hundred Seventy-five Thousand Dollars (\$175,000) 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 SHERIFF</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	175,000
TOTAL INCREASE	175,000

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>175,000</u>
TOTAL REDUCTION	175,000

SECTION 5. Matching funds are furnished from the current budget of the Indianapolis Police Department.

SECTION 6. 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 controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

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

Proposal No. 490, 2002 was retitled FISCAL ORDINANCE NO. 123, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 123, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional One Hundred Twenty-five Thousand Dollars (\$125,000) in the State and Federal Grants Fund for purposes of the County Auditor and the Prosecuting Attorney 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 2 of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and the Prosecuting Attorney to cover the expenses of the Multi-Agency Law Enforcement Fatal Crash Team.

SECTION 2. The sum of One Hundred Twenty-five Thousand Dollars (\$125,000) 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	9,523
<u>PROSECUTING ATTORNEY</u>	
1. Personal Services	53,455
2. Supplies	17,232
3. Other Services and Charges	40,790
4. Capital Outlay	<u>4,000</u>
TOTAL INCREASE	125,000

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>125,000</u>
TOTAL REDUCTION	125,000

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 controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

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

Proposal No. 491, 2002 was retitled FISCAL ORDINANCE NO. 124, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 124, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional Eleven Thousand One Hundred Thirty-five Dollars (\$11,135) in the State and Federal Grants Fund for purposes of the Marion County Prosecutor and County Auditor 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 2 of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and the Prosecuting Attorney to cover the personnel cost in the Fathers That Work Program.

SECTION 2. The sum of Eleven Thousand One Hundred Thirty-five Dollars (\$11,135) 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	1,894
<u>PROSECUTING ATTORNEY</u>	
1. Personal Services	9,241
TOTAL INCREASE	11,135

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	11,135
TOTAL REDUCTION	11,135

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 controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

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

Proposal No. 492, 2002, as amended, was retitled FISCAL ORDINANCE NO. 125, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 125, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97 2001) appropriating an additional Fifty Thousand Dollars (\$50,000) in the State and Federal Grants Fund for purposes of the County Auditor and the Marion County Superior Court 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 2 of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court to cover expenses related to the Local Law Enforcement Block Grant # 6.

SECTION 2. The sum of Fifty Thousand Dollars (\$50,000) 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	10,000
<u>MARION COUNTY SUPERIOR COURT</u>	
1. Personal Services	40,000
TOTAL INCREASE	50,000

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	50,000
TOTAL REDUCTION	50,000

SECTION 5. Matching funds are furnished from the current budget of the Indianapolis Police Department.

SECTION 6. 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 controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

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

Proposal No. 495, 2002 was retitled FISCAL ORDINANCE NO. 126, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 126, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) appropriating an additional One Million Seventy Thousand Five Hundred Sixty-seven Dollars (\$1,070,567) in the State and Federal Grants Fund for purposes of the County Auditor and the Marion County Superior Court, Juvenile Division, 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 2 of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and the Marion County Superior Court, Juvenile Division to appropriate the Juvenile Accountability Incentive Block Grant #4.

SECTION 2. The sum of One Million Seventy Thousand Five Hundred Sixty-seven Dollars (\$1,070,567) 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	81,481
 <u>MARION COUNTY SUPERIOR COURT, JUVENILE DIVISION</u>	
1. Personal Services	345,428
2. Supplies	17,141
3. Other Services and Charges	<u>626,517</u>
TOTAL INCREASE	1,070,567

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>1,070,567</u>
TOTAL REDUCTION	1,070,567

SECTION 5. The local match of \$20,968 is funded by the following existing appropriations in the Marion County Justice Agency and Marion County Superior Court:

Existing appropriation for the Marion County Justice Agency:

	<u>DRUG FREE FUND</u>
3. Other Services and Charges	2,554

Existing appropriation for the Marion County Superior Court:

	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	<u>18,414</u>
TOTAL MATCH	20,968

SECTION 6. Except to the extent of matching funds 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 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 493, 2002. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 493, 2002 on October 9, 2002. The proposal, sponsored by Councillor Dowden, approves an increase of \$6,849 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (Guardian Ad Litem Fund) to cover expenses related to Child Advocates, Inc., funded by a grant from the State of Indiana. Councillor Dowden moved, seconded by Councillor Talley, to strike. Proposal No. 493, 2002 was stricken by a unanimous voice vote.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 341, 2002. Councillor Massie reported that the Rules and Public Policy Committee heard Proposal No. 341, 2002 on August 6, September 17, and October 8, 2002. The proposal, sponsored by Councillor Nytes, requires that proposals for fiscal ordinances, other than those funded by a grant with no matching funds, must include both the previous year's closing fund balance and a projection of the current year's ending fund balance. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Nytes said that the enthusiastic support of the Committee is an indication that the Council is concerned with being mindful of government funds. Councillor Massie moved, seconded by Councillor Nytes, for adoption. Proposal No. 341, 2002 was adopted on the following roll call vote; viz:

28 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Smith, Talley, Tilford

0 NAYS:

1 NOT VOTING: Soards

Proposal No. 341, 2002 was retitled GENERAL ORDINANCE NO. 94, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 94, 2002

PROPOSAL FOR A GENERAL ORDINANCE to amend the "Revised Code of the Consolidated City and County" by adding requirements for proposals for certain fiscal ordinances.

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

SECTION 1. Section 151-64 of the "Revised Code of the Consolidated City and County" regarding fiscal ordinances hereby is amended by the deletion of the language which is stricken-through, and by the addition of the language which is underscored, to read as follows:

Sec. 151-64. Fiscal ordinances.

(a) No proposal for a fiscal ordinance shall be initiated unless approved by the proper fiscal officer of the city or county or unless that officer has been notified by the clerk of its receipt at least seven (7) days before introduction. Any proposal for a fiscal ordinance appropriating or transferring funds shall not be approved for introduction if any of the financial data or reports required by this Code are delinquent as to a fund which is the subject of such proposal.

(b) No proposal for a fiscal ordinance of the city or county shall be initiated unless the proposal includes (with respect to each fund from which an additional appropriation is proposed) the previous year's closing fund balance and a projection of the current year's ending fund balance if the proposal were to be adopted; however, this subsection shall not apply to a proposal for a fiscal ordinance funded by a grant that requires no matching funds.

~~(b)(c)~~ Any proposal for a fiscal ordinance (except the annual budgets) which appropriates the proceeds of any state, federal or private grant shall include substantially the following language:

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 or controller, are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

~~(c)(d)~~ The digest of any proposal for a fiscal ordinance shall identify the fund appropriated including a statement of the revenue source for the appropriation.

~~(d)(e)~~ When a request for an additional appropriation from unappropriated funds is submitted to the council by any city-county agency (including a court), the chief financial officer of the city-county council or his/her designee shall review the policies and expenditures of the requesting agency and may submit a report to the appropriate council committee containing a recommendation with regard to the additional appropriation.

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

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

invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

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

PROPOSAL NO. 425, 2002. Councillor McWhirter reported that the Administration and Finance Committee heard Proposal No. 425, 2002 on October 15, 2002. The proposal, sponsored by Councillor Dowden, determines the need to lease office space at 251 East Ohio Street for use by the County Prosecutor's office. By a 5-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Horseman said that she will be voting against this proposal because she believes such a decision should be left up to the next elected Prosecutor. President SerVaas said that he believes either candidate would be well-served with such a consolidation. Councillor Talley agreed and said that space needs are critical and Prosecutor Scott Newman has clearly made his case. Councillor Conley also agreed and said that the newly elected Prosecutor can only benefit from such a decision.

Councillor Gray said that with the government outgrowing the building, maybe the city should think about using the \$10 million they are considering giving the Indianapolis Colts to build a new government center instead.

Councillor McWhirter moved, seconded by Councillor Talley, for adoption. Proposal No. 425, 2002 was adopted on the following roll call vote; viz:

27 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford
2 NAYS: Horseman, Sanders

Proposal No. 425, 2002 was retitled SPECIAL RESOLUTION NO. 69, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 69, 2002

PROPOSAL FOR A SPECIAL RESOLUTION determining the need to lease approximately 70,200 square feet of office space at 251 East Ohio Street, Indianapolis, Indiana, for the use of the office of the Marion County Prosecutor.

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

SECTION 1. The City-County Council, pursuant to IC 36-1-10-7, has investigated the conditions requiring the subject lease and hereby determines the lease of office space for the use of the Office of the Marion County Prosecutor, is necessary.

SECTION 2. The property to be leased is located at 251 East Ohio Street, Indianapolis, Indiana, and is owned by the State of Michigan, Department of Treasury for Pension Fund of Firefighters and Police.

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

PROPOSAL NO. 484, 2002. Councillor McWhirter reported that the Administration and Finance Committee heard Proposal No. 484, 2002 on October 15, 2002. The proposal, sponsored by Councillors McWhirter and Talley, codifies the salaries of elected and appointed officials and

fixes the salaries of county employees for calendar year 2003. By a 5-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Nytes said that she will abstain to avoid the appearance of a conflict of interest.

Councillor McWhirter moved, seconded by Councillor Soards, for adoption. Proposal No. 484, 2002 was adopted on the following roll call vote; viz:

- 22 YEAS: *Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gray, Horseman, Knox, Massie, McWhirter, Moriarty Adams, Sanders, SerVaas, Soards, Tilford*
- 2 NAYS: *Schneider, Smith*
- 5 NOT VOTING: *Gibson, Langsford, Nytes, Short, Talley*

Proposal No. 484, 2002 was retitled GENERAL ORDINANCE NO. 95, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 95, 2002

A PROPOSAL FOR A GENERAL ORDINANCE amending Chapter 192 of the Revised Code codifying the salaries of elected and appointed officials for the calendar year 2003, and fixing the salaries of employees of Marion County.

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

SECTION 1. Sec. 192-103 of the "Revised Code of the Consolidated City and County" be, and is hereby amended by deleting the language stricken through and adding the language underlined to read as follows:

ARTICLE V. SALARIES OF ELECTED OFFICIALS

Sec. 192-103. **Elected County Officers.** The compensation of the various county elected officers are fixed pursuant to IC 36-3-6-2 for the calendar year 2002 and thereafter until modified in accordance with Article III of this Chapter, as:

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

- (1) an annual salary of:
 - a. County assessor \$63,750
 - b. County auditor \$68,000
 - c. County clerk \$68,000
 - d. County coroner \$34,950
 - e. County recorder \$63,750
 - f. County surveyor \$52,439
 - g. County treasurer \$68,000
 - h. Center Township assessor \$63,750
 - i. Decatur Township assessor \$53,360
 - j. Franklin Township assessor \$53,360
 - k. Lawrence Township assessor \$59,027
 - l. Perry Township assessor \$59,027
 - m. Pike Township assessor \$59,027
 - n. Warren Township assessor \$59,027
 - o. Washington Township assessor \$62,805
 - p. Wayne Township assessor \$62,805

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

- (3) The county assessor, county auditor and county treasurer, as ex-officio county commissioners, in addition to other compensation may be provided the use of an automobile.
- (4) The salary for the county sheriff shall be fifty-one thousand three hundred twelve dollars (\$51,312), which shall be increased to one hundred one thousand three hundred twelve dollars (\$101,312) per annum if the sheriff has entered into a salary contract pursuant to either an applicable ordinance or IC 36-2-13-2.5
- (5) All elected county officers shall be entitled to participate in other employee benefits on the same basis as other county employees.

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

(1) an annual salary of:

a. <u>County assessor</u>	<u>\$65,278</u>
b. <u>County auditor</u>	<u>\$70,833</u>
c. <u>County clerk</u>	<u>\$70,833</u>
d. <u>County coroner</u>	<u>\$35,649</u>
e. <u>County recorder</u>	<u>\$65,278</u>
f. <u>County surveyor</u>	<u>\$53,488</u>
g. <u>County treasurer</u>	<u>\$70,833</u>
h. <u>Center Township assessor</u>	<u>\$65,185</u>
i. <u>Decatur Township assessor</u>	<u>\$55,926</u>
j. <u>Franklin Township assessor</u>	<u>\$55,926</u>
k. <u>Lawrence Township assessor</u>	<u>\$61,481</u>
l. <u>Perry Township assessor</u>	<u>\$60,556</u>
m. <u>Pike Township assessor</u>	<u>\$61,481</u>
n. <u>Warren Township assessor</u>	<u>\$60,556</u>
o. <u>Washington Township assessor</u>	<u>\$64,259</u>
p. <u>Wayne Township assessor</u>	<u>\$64,259</u>

- (2) And a deferred compensation plan funded by contributions equaling eight percent (8%) of the officer's annual salary.
- (3) The county assessor, county auditor and county treasurer, as ex-officio county commissioners, in addition to other compensation may be provided the use of an automobile.
- (4) Effective for the 2002 calendar year and thereafter until modified, the following amounts are provided, which are in addition to and not part of the officer's annual salary:
 - a. The county assessor and each township assessor who has attained a level two certification under IC 6-1.1-35.5 shall receive annually the amount of One Thousand Dollars (\$1,000).
 - b. A deputy county or township assessor who has attained a level two certification under IC 6-1.1-35.5 shall receive annually the amount of Five Hundred Dollars (\$500).
- (5) The salary for the county sheriff shall be Fifty- two Thousand Three Hundred Thirty-Eight Dollars (\$52,338), which shall be increased to One Hundred Two Thousand Three Hundred Thirty Eight Dollars (\$102,338) per annum if the sheriff has entered into a salary contract pursuant to either an applicable ordinance or IC 36-2-13-2.5
- (6) All elected county officers shall be entitled to participate in other employee benefits on the same basis as other county employees.

SECTION 2. Sec. 192-203 of the "Revised Code of the Consolidated City and County" be, and is hereby amended by deleting the language stricken through and adding the underlined text to read as follows:

Sec. 192-203. County employee compensation. For the year 2002 and thereafter until modified in accordance with Article III of this Chapter, the compensation of all employees of the county are fixed and limited as follows:

- (1) total compensation paid by any department, office, or agency shall not exceed the amounts appropriated for "personal services" in the respective amended annual budgets for the year 2002, ~~and~~
- (2) for the year 2002, no salary shall exceed that determined in accordance with the provisions of Sec. 291-703(b) of this Code, ~~and~~
- (3) for the year 2003, no salary shall exceed that determined in accordance with the "County Compensation Schedule attached as Exhibit C to this ordinance."

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

EXHIBIT C
COUNTY COMPENSATION SCHEDULE

The annual compensation for the calendar year 2003 for all appointed officers, deputies, and employees, whose compensation is payable from the County General Fund or any other fund from which the County Auditor issues warrants for compensation, is fixed as follows:

- (1) the salaries of those judges, officers of courts, prosecuting attorneys, and deputy prosecuting attorneys whose minimum salaries are fixed by statute are confirmed as fixed by statute,
- (2) the salaries of the following are fixed as recommended by the County Salary Recommendation Panel:

members of the board of voters' registration		\$57,983
chief deputy prosecutor/child support director		\$69,333
superintendent, children's guardian home	range	\$65,000 - \$70,000
director, forensics services agency	range	\$85,312 - \$90,000
executive director, community corrections	range	\$64,000 - \$68,000
director, metropolitan communications agency	range	\$75,000 - \$78,000
chief information officer	range	\$100,000 - \$115,000
director, justice agency	range	\$83,000 - \$86,000

- (3) the salary of the following is fixed as recommended by the Board of the Public Defender's Agency:

chief public defender	range	\$85,000 - \$95,000
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- (4) as set forth in the following schedule:

MARION COUNTY SALARY GRADE SCALE AS OF JANUARY 1, 2002 2003			
DBM CODE	MINIMUM SALARY	MID-POINT SALARY	MAXIMUM SALARY
A12	\$12,754	\$15,304	\$17,855
A13	\$14,397	\$17,277	\$20,154
B21	\$15,686	\$19,212	\$22,742
B22	\$17,177	\$21,043	\$24,909
B23	\$18,815	\$23,048	\$27,281
B24	\$20,607	\$25,241	\$29,878
B31	\$23,619	\$28,932	\$34,247
B32	\$27,549	\$33,749	\$39,946
C41	\$29,640	\$36,608	\$43,573
C42	\$31,630	\$39,064	\$46,496
C43	\$33,753	\$41,684	\$49,617
C51	\$36,172	\$45,216	\$54,260
C52	\$39,878	\$49,846	\$59,816
D61	\$40,176	\$51,224	\$62,272
D62	\$41,920	\$53,446	\$64,974
D63	\$44,732	\$57,032	\$69,333

MARION COUNTY SALARY GRADE SCALE AS OF JANUARY 1, 2002 2003			
DBM CODE	MINIMUM SALARY	MID-POINT SALARY	MAXIMUM SALARY
D71	\$45,965	\$59,756	\$73,544
D72	\$50,674	\$65,875	\$81,078
E81	\$54,968	\$71,457	\$87,947
E82	\$58,654	\$76,251	\$93,847
E83	\$62,589	\$81,367	\$100,146

PROPOSAL NO. 485, 2002. Councillor McWhirter reported that the Administration and Finance Committee heard Proposal No. 485, 2002 on October 15, 2002. The proposal, sponsored by Councillors McWhirter and Talley, amends the Deferred Compensation Plan of the City and County. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor McWhirter moved, seconded by Councillor Talley, for adoption. Proposal No. 485 2002 was adopted on the following roll call vote; viz:

26 YEAS: *Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Dowden, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Smith, Soards, Talley, Tilford*

0 NAYS:

3 NOT VOTING: *Douglas, Gibson, Short*

Proposal No. 485, 2002 was retitled GENERAL ORDINANCE NO. 96, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 96, 2002

A PROPOSAL FOR A GENERAL ORDINANCE amending the Deferred Compensation Plan of City of Indianapolis and Marion County pursuant to Sec. 291-401 of the Revised Code of the Consolidated City and County.

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

SECTION 1. The deferred compensation plan approved by the City-County Council as Exhibit A to General Ordinance No. 147, 1999 is hereby amended by adding the underlined text and deleting the stricken-through text to read as follows:

EXHIBIT A

DEFERRED COMPENSATION PLAN
OF
CITY OF INDIANAPOLIS AND MARION COUNTY
~~RESTATEMENT~~ AS RESTATED EFFECTIVE JANUARY 1, 2002

This City of Indianapolis and Marion County Deferred Compensation Plan (hereinafter referred to as the "Plan") is amended and restated by the City of Indianapolis and Marion County (hereinafter referred to as the "Employer") effective as of January 1, 2002.

WHEREAS, the Employer established this Plan effective May 1, 1981, to enable employees who become covered under the Plan to enhance their retirement security by permitting them to enter into agreements with the Employer to defer compensation and receive benefits at separation of service, and for financial hardships due to unforeseeable emergencies; and

~~WHEREAS, the Employer desires to amend and restate the Plan to effect certain changes; and~~

WHEREAS, the Plan shall be maintained for the exclusive benefit of Plan participants and their beneficiaries, and is intended to comply with the eligible deferred compensation plan requirements of Section 457 of the Internal Revenue Code of 1986, as now in effect or as hereafter amended (the "Code"), and regulations thereunder, and other applicable law; and

WHEREAS, the Employer has reserved the right to amend the Plan from time to time pursuant to Plan Section 10.01; and

WHEREAS, effective for plan years commencing on and after January 1, 2002, Section 457 of the Code is substantially changed by certain provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 ("EGTRRA"); and

WHEREAS, the Employer desires to amend and restate the Plan in order to incorporate all of the mandatory EGTRRA changes, and a select portion of the voluntary EGTRRA changes, to Section 457 of the Code;

NOW, THEREFORE, the Employer does hereby amend and restate the Plan as set forth in the following pages.

SECTION 1
DEFINITIONS

- 1.01 "Account" means the account established by the Employer for each Employee who has entered into a Deferred Compensation Agreement.
- 1.02 "Applicable Form" means the appropriate form as designated and furnished by the Administrator with which, or on which, to make an election or provide a notice as required by the Plan. The Administrator may prescribe a verbal, electronic or telephonic instruction in lieu of or in addition to a written form.
- 1.03 "Beneficiary" means the person(s) designated to receive benefits under this Plan upon the death of the Participant. If the Participant does not designate a Beneficiary, then the Beneficiary shall be the estate of the Participant.
- 1.04 "Benefit Commencement Date" means the date payment of benefits to a Participant or Beneficiary is to commence under the terms of this Plan.
- 1.05 "Code" means the Internal Revenue Code of 1986, as amended, including all regulations promulgated pursuant thereto. Citations herein to Code Section numbers refer to the Code sections in existence as of ~~November 29, 1999~~ January 1, 2002.
- 1.06 "Compensation" means the total remuneration earned by an Employee for services rendered to the Employer for the calendar year including amounts deferred under this Plan and any other deferred compensation plan.
- 1.07 "Deferred Compensation Agreement" means the written agreement between an Employee and the Employer to defer receipt by the Employee of Compensation not yet earned.
- 1.08 "Employee" means any person who performs services for an Employer for compensation on a regular basis and is eligible to participate in the State of Indiana Public Employees Retirement Fund (PERF) under rules established by the Employer. ~~Any person participating in the Plan prior to the adoption of this Restatement is eligible to continue participation whether or not that person is eligible for PERF.~~ For purposes of this Plan, Employee shall include any elected or appointed official of the City of Indianapolis or Marion County.
- 1.09 "Employer" means the City of Indianapolis and Marion County, Indiana and any political subdivision that participates in the Plan.
- 1.10 "Includible Compensation" means compensation for services performed for the Employer which is includible in gross income as reported on the Employee's federal income tax withholding statement (Form W-2).
- 1.11 "Normal Retirement Age" means age 70 ½ or the age selected by a Participant that fixes the eligibility period for utilizing the catch-up limitation under Section 3.042. The Normal Retirement Age selected by a Participant may not be earlier than the earliest date that the Participant would become eligible to retire and receive unreduced benefits as a member of the pension plan of the Participant's Employer. A Participant's Normal Retirement Age established for catch-up does not have any bearing on the age at which the Participant actually retires.

- 1.12 "Participant" means an Employee, former Employee, or a Beneficiary who maintains an Account balance under the Plan.
- 1.13 "Plan" means the City of Indianapolis and Marion County Deferred Compensation Plan as amended from time to time, which was established pursuant to Section 23-44 of the Code of Indianapolis and Marion County, Indiana, and which is restated here. Such Plan includes all assets, both deferrals and income, held on behalf of Participants and their Beneficiaries under the terms of the Plan.
- 1.14 "Plan Administrator" or "Administrator" means the City-County Administrative Board, or such agency or department appointed by said such Board, or any person or organization contracted to provide administration of the Plan.
- 1.15 "Plan Year" means the calendar year.
- 1.16 "Political Subdivision" means any political subdivision as defined in IC 36-1-2-13 and is located within boundaries of Marion County, Indiana.
- 1.17 "~~Separation~~ Severance from Service Employment" means the severance of a Participant's employment with the Employer for any reason, including retirement. When a Participant has not performed services for the employer for a period of six months, the Participant shall be deemed Separated from Service to have incurred a Severance from Employment for purposes of this Plan as of the last date of such six month period.

SECTION 2
ELECTION TO DEFER COMPENSATION

- 2.01 Participation. Any person participating in the Plan prior to January 1, 2002 is eligible to continue participation. Each other Employee (as defined for purposes of this Plan) is eligible to become a Participant in this Plan following commencement of employment. Any person elected or appointed to a term of office with the Employer shall be deemed to commence employment at the time such person assumes office.
- 2.02 Enrollment. Eligible Employees may enroll in the Plan by completing a Deferred Compensation Agreement and submitting it to the Employer. This agreement authorizes the Employer to defer Compensation in the amount specified in the Deferred Compensation Agreement for each pay period. The dollar amount deferred must equal at least the minimum deferral per pay period as established from time to time by the Administrator. The deferral shall be effective for any calendar month only if the Employee submits and the Employer accepts a Deferred Compensation Agreement prior to the beginning of such month.
- 2.03 Changes to Deferrals: Participants may amend their deferral amount or their investment direction on an Applicable Form in accordance with procedures established by the Administrator.
- 2.04 Minimum Deferral: A Participant must defer a minimum of \$12.50 per payroll or such amount as is determined from time to time by the Administrator.
- 2.05 Effective Date of Deferral: In all cases, a deferral shall be considered effective as of the date it is withheld from the Participant's pay.
- 2.06 Suspension of Deferrals:
- (a) Voluntary – A Participant may suspend Deferrals by giving the Employer notice to that effect. Following suspension, a Participant may reinstate Deferrals in accordance ~~to~~ with guidelines and procedures of the Employer unless and until other guidelines and procedures are as established by the Administrator.
 - (b) Involuntary – At the Employer's discretion, Deferrals may be involuntarily suspended for any month in which there are insufficient monies available to make the entire Deferral agreed upon in the Deferred Compensation Agreement or Applicable Form. Following suspension, the Deferral will automatically be reinstated in the next pay period that Compensation is sufficient to make the agreed upon Deferral. However, under no circumstances, in such cases, shall the Deferral be retroactively reinstated for the pay period in which it was suspended.

SECTION 3
LIMITATION OF DEFERRALS

3.01 Primary Limitation. Except as provided in Sections 3.02 and 3.03, the Deferral Amount in any taxable year commencing after December 31, 2001, shall not exceed the lesser of:

- (a) ~~\$7,500, as adjusted by the Secretary of the Treasury at the same time and in the same manner as under Code Section 425(d), pursuant to Code Section 457(e)(15); the "Applicable Dollar Amount" (as determined under Section 457(e)(15)(A) of the Code, increased for cost of living adjustments as provided in Section 457(e)(15)(B) of the Code); or~~
- (b) ~~33 1/3~~ 100% of the Participant's Includible Compensation.

For purposes of Section 3.01(a), the "Applicable Dollar Amount" is as follows:

<u>Taxable Year</u>	<u>Dollar Limitation on Deferrals</u>
<u>2002</u>	<u>\$11,000</u>
<u>2003</u>	<u>\$12,000</u>
<u>2004</u>	<u>\$13,000</u>
<u>2005</u>	<u>\$14,000</u>
<u>2006</u>	<u>\$15,000</u>
<u>2007 (and later)</u>	<u>\$15,000 (as adjusted for COLA)</u>

3.02 Last Three Taxable Years Catch-up Limitation:

- (a) A Participant may trigger the catch-up limitation by electing a Normal Retirement Age pursuant to Plan Section 1.11. The maximum Deferral Amount for each of a Participant's last three (3) taxable years ending before he or she attains Normal Retirement Age, is the lesser of:
 - (i) ~~\$15,000; Twice the "Applicable Dollar Amount" under Plan Section 3.01(a); or~~
 - (ii) The primary limitation amount determined under Plan Section 3.02(a)1 for the current year, plus so much of the primary limitation amount that was not utilized in prior taxable years in which the employee was eligible to participate in the Plan, beginning after December 31, 1978. A Participant may use a prior year only if the Deferrals under the Plan in existence during that year were subject to the maximum deferral amount described in Treas. Reg. 1.457-2(e) (1982).
- (b) The catch-up limitation is available to a Participant only during one three-year period. If a Participant uses the catch-up limitation and then postpones Normal Retirement Age or returns to work after retiring, the limitation shall not be available again before a subsequent retirement.

3.03 Coordination of Limits: ~~If a Participant participates in more than one eligible deferred compensation plan, as defined in Section 457 (b) of the Code, the total deferral under all plans shall be subject to the maximum limitation specified in Plan Section 3.01. If a Participant participates in a plan provided for in Code Section 402(b), 401 (k)(2), 408(k), 408(p) or receives amounts with respect to which a deduction of a contribution to an organization described in code Section 501 (c)(18) is allowable, amounts excluded from gross income in any taxable year under such arrangement shall reduce the primary limitation amount determined under Plan Sections 3.01 and 3.02. The Participant is responsible for ensuring coordination of these limits.~~

Catch-up Contributions for Individuals Age 50 or Over.

- (a) For purposes of this Section 3.03, an "Eligible Participant" means, with respect to any taxable year commencing after December 31, 2001, a Participant:
 - (i) who has attained the age of 50 before the close of the taxable year; and
 - (ii) with respect to whom no other Deferral Amounts may be made by such Participant to the Plan for such year due to the primary limitations contained in Plan Section 3.01, or due to any other limitation or restriction contained in the Code.
- (b) In lieu of the catch-up contribution available under Plan Section 3.02, an Eligible Participant may elect on the Applicable Form to contribute additional Deferral Amounts to the Plan for a taxable year in an amount which does not exceed the lesser of:

- (i) the "Applicable Dollar Amount of Catch-up Contributions for Individuals Age 50 or Over" (as defined in subsection (c) this Section 3.03); or
- (ii) the excess (if any) of:
 - (I) the Participant's compensation (as defined in Section 415(c)(3) of the Code) for the year, over
 - (II) any other elective deferrals (within the meaning of section 414(u)(2)(C) of the Code) of the Eligible Participant for the year which are made without regard to this Section 3.03
- (c) For purposes of this Section 3.03, the "Applicable Dollar Amount of Catch-up Contributions for Individuals Age 50 or Over" are as follows:

<u>For The Taxable Year</u>	<u>The Applicable Dollar Limit is:</u>
<u>2002</u>	<u>\$1,000</u>
<u>2003</u>	<u>\$2,000</u>
<u>2004</u>	<u>\$3,000</u>
<u>2005</u>	<u>\$4,000</u>
<u>2006 (or thereafter)</u>	<u>\$5,000</u>

For taxable years beginning after December 31, 2006, the otherwise applicable dollar limit (\$5,000) shall be increased annually for cost of living adjustments pursuant to Section 414(v)(2)(C) of the Code.

- (d) An Eligible Participant may not, for the same taxable year, contribute both the additional Deferral Amounts allowed under Plan Section 3.02 and the additional Deferral Amounts allowed under this Section 3.03. The Eligible Participant is responsible for choosing which of the otherwise available catch-up contributions, if any, shall be made for such taxable year.
- 3.04 Employer Contribution Limits: If the Employer agrees to make contributions to the Plan on behalf of a Participant to this Plan, the Employer contributions shall be deemed made by the Participant. For purposes of administering Sections 3.01, and 3.02 and 3.03 of this Plan, Employer contributions shall be processed as payroll deferrals and shall apply toward the maximum deferral limits in the taxable year that they are made and must comply with any procedure established by the Administrator.

SECTION 4
BENEFITS

- 4.01 Benefit Payments: Benefits shall be paid from the Plan in accordance with this section following a Participant's ~~Separation from Service~~ Severance from Employment, Death, Disability or the occurrence of an unforeseeable emergency. Benefits payable to a Participant or a Beneficiary shall be based upon the value of the Participant's Account.
- (a) Separation of Service Severance from Employment. Upon ~~Separation from Service~~ Severance from Employment, a Participant may elect to have benefits commence on a date, which is no later than age 70 ½. Such election shall be made within 45 days after ~~Separation of Service~~ Severance from Employment. If no election is made, benefits shall commence 60 days after ~~Separation of Service~~ Severance from Employment. A Participant may elect to change the commencement date of distribution of the Account to a later date otherwise permitted under this Section. If a Participant has elected, in accordance with the Plan, to delay the commencement of distributions to a later date, then the Participant may make one additional election to further delay the commencement of distribution, provided that the election is filed before distribution actually begins and the later commencement date meets the required distributions commencement date provisions of Code Sections 401(a)(9) and 457(d)(2)θ. All benefits shall be paid under a payment option under Section 4.067.
 - (b) Death. In the event of the Participant's death prior to the commencement of benefits under paragraph (a), the value of the Participant's Account shall be paid to the Beneficiary under a payment option elected by the Beneficiary under Section 4.06, subject to the restrictions in Section 5.02. Such benefits shall be payable commencing within 45 days after receipt by Administrator of satisfactory proof of the Participant's death. However, if the Beneficiary is the spouse of the Participant, then the spouse may elect within 45 days of Participant's death, to defer distribution to a date not later than the date when the Participant would have attained age 70 ½.

- (c) Disability. Upon ~~Separation from Service~~ Severance from Employment with the Employer because of becoming Disabled, a Participant may elect to have benefits commence on a date which is not later than age 70 ½. Such election shall be made within 45 days after becoming Disabled. If no election is made, benefits will commence 60 days after becoming Disabled. A Participant may change the commencement date of distribution of the Account to a later date otherwise permitted under this Section. If a Participant has elected, in accordance with the Plan, to delay the commencement of distribution to a later date, then the Participant may make an additional election to further delay the commencement of distribution, provided that the election is filed before distribution actually begins and the later commencement date meets the required distribution commencement date provisions of Code Sections 401(a)(9) and 457(d)(2). All benefits shall be paid under a payment option under Section 4.07.
- 4.02 Lump Sum Settlement: Notwithstanding anything in this Plan to the contrary, if a Participant's Account balance is less than \$5,000 (or such amounts as determined by the Administrator from time to time) at the time of ~~Separation from Service~~ Severance from Employment, the Administrator shall effect a lump sum distribution of the Participants' account if the Account balance is less than the amount established by the Administrator for the year as the lump sum settlement amount under this Section.
- 4.03 Voluntary In Service Distribution: If that portion of a Participant's Account which is not attributable to rollover contributions is \$5,000 or less, the Participant may elect to receive the total amount payable prior to the time provided in Plan Section 4.01 if (4i) the Participant has not made a Deferral to the Plan during the two year period ending on the date the benefit is distributed, and (2ii) the Participant has not previously received a distribution pursuant to the terms of this Plan Section and Code Section 457(e)(9).
- 4.04 Involuntary In Service Distribution: If that portion of a Participant's Account which is not attributable to rollover contributions is less than \$1,000 on the date the benefit is distributed, the Administrator shall make a lump sum payment prior to the time provided in Plan Section 4.01 if (4i) the Participant has not made a Deferral to the Plan during the two year period ending on the date the benefit is distributed, and (2ii) the Participant has not previously received either a voluntary or involuntary in service distribution pursuant to this Section and Section 4.03, or Code Section 457(e)(9).
- 4.05 Unforeseeable Emergency Distributions: Notwithstanding any other provision herein and subject to guidelines and requirements set forth in procedures established by the Administrator, Participants may request that benefits be paid in the event of an unforeseeable emergency.
- (a) The Administrator shall appoint a three member Emergency Withdrawal Committee. This committee shall establish procedures to review and approve or deny all requests for an unforeseeable emergency distribution. If the application for payment is approved by the Emergency Withdrawal Committee, payment shall be effected as soon as practicable thereafter.
- (b) Benefits shall be paid under this paragraph only in the event of an unforeseeable emergency creating severe hardship as a result of sudden and unexpected illness or accident of the Participant or of a dependent of the Participant (as defined in Section 152(a) of the Code), disability or loss of the Participant's property due to casualty or other similar extraordinary and unforeseeable events beyond the control of the Participant. Such benefits shall be strictly limited to the amount necessary to meet the emergency situation constituting financial hardship. In any case, payment shall not be made to the extent that such hardship is or may be relieved through insurance, liquidation of the Participant's assets (to the extent the liquidation of such assets would not itself cause severe financial hardship) or by cessation of deferrals under the Plan. Foreseeable personal expenditures, such as down payment for a home, the purchase of an automobile or educational expenses shall not constitute a financial hardship.
- (c) The decision of the Emergency Withdrawal Committee concerning financial hardship shall be final.
- (d) The Administrator may establish restrictions following a distribution pursuant to this Section.
- 4.06 Payment Options: A Participant or Beneficiary may elect the form of payment of benefits, as defined in Section 4.07, and may revoke that election (with or without a new election) at any time before 30 days preceding the Benefit Commencement Date, by notifying the Employer in writing, subject to the Employer's approval.

- 4.07 Forms of Payment: A Participant or Beneficiary may elect payment of benefits in one of the following forms:
- (a) Lump Sum: A single payment of the entire balance in a Participant's Deferred Compensation Account.
 - (b) Life Contingent Annuity: Periodic payments contingent on the life expectancy of the Participant or Beneficiary, or over such life expectancy of the Participant or Beneficiary, or over such life expectancy and a guaranteed period of time.
 - (c) Period Certain Annuity: Periodic payments over a specified period of time.
 - (d) Systematic Withdrawal: Periodic payments of a fixed amount or fixed duration subject to the restrictions of the Administrator.
 - (e) Any other method of payment agreed upon by the Employer and the Participant or Beneficiary and provided for in an investment vehicle acquired by the Employer in connection with this Plan.

No benefit payment option may be selected which would provide annuity benefits extending beyond the life expectancy of the annuitant or the joint life expectancy of the annuitant and his contingent annuitant, as determined on the Benefit Commencement Date.

- 4.08 Minimum Distribution Rules: Notwithstanding any provision of this Plan to the contrary, any distribution under the Plan shall be made in accordance with Code Sections 401(a)(9) and 457(d) and the regulations established thereunder as they are amended. No payment option may be selected by a Participant unless the amounts payable to the Participant are expected to be at least equal to the minimum distribution required under Section 401(a)(9) of the Code. The amounts payable also must satisfy the minimum distribution incidental benefits requirements of Section 401(a)(9)(G) of the Code.

SECTION 5 BENEFICIARIES

- 5.01 Beneficiary Designation: A Participant shall have the right to designate a Beneficiary, and amend or revoke such designation at any time, by submitting an Applicable Form. Such designation, amendment or revocation shall be effective upon receipt and acceptance of such Applicable Form by the Employer. If the Participant dies without a Beneficiary form on file, the benefit payments shall be made to the Participant's estate.
- 5.02 Payment to Beneficiary: In the event of the Participant's death, any remaining benefit shall be distributed according to the following:
- (a) If the Participant had begun receiving periodic payments of a fixed amount or fixed duration from the Plan which were not annuitized, the balance of the Account shall be paid to the Beneficiary at least as rapidly as under the payment option selected by the Participant.
 - (b) If the Participant had begun receiving payments under an annuity contract, the Beneficiary shall be bound by all restrictions of that contract and the form of payment selected thereunder and remaining payments, if any, shall be paid to the Beneficiary under the contract.
 - (c) If the Participant dies before distributions have commenced, a spouse Beneficiary may delay the commencement of benefits until the Participant would have attained age 70 ½ and may elect to receive payment at such time over the spouse Beneficiary's life expectancy.
 - (d) If the Participant dies before distributions have commenced, a non-spouse Beneficiary may take a lump sum or a periodic payment. In the case of a lump sum distribution, payment must be made no later than one year after the date of the Participant's death. In the case of a periodic distribution, payments must commence no later than one year after the date of the Participant's death and must be made over a maximum of fifteen years, but in no event over a period longer than the Beneficiary's life expectancy at the time the distribution commences.

SECTION 6
PLAN ADMINISTRATION

- 6.01 Duties and Powers of Administrator: The Plan Administrator shall have responsibility for the operation and administration of the Plan and shall direct payment of Plan benefits. The Plan Administrator shall have the power and authority to adopt, interpret, alter, amend or revoke rules and regulations necessary to administer the Plan and to delegate ministerial duties and employ such outside professionals as may be required for prudent administration of the Plan. The Plan Administrator shall also have the authority to enter agreements on behalf of the employer necessary to implement this Plan. The members of the Plan Administrator, if otherwise eligible, may participate in this Plan, but shall not be entitled to make decisions solely with respect to their own participation.
- 6.02 Binding Actions of Administrator: Any action by the Administrator, which is not found to be an abuse of discretion, shall be final, conclusive and binding on all individuals affected thereby. The Administrator may take any such action in such manner and to such extent as the Administrator in its sole discretion may deem expedient and the Administrator shall be the sole and final judge of such expediency.
- 6.03 Delegation by Administrator: In addition to the powers stated in Section 6.01, the Administrator may from time to time delegate to an individual, committee or organization certain of its ~~fiduciary~~ responsibilities under the Plan. Any such individual, committee or organization shall remain a fiduciary responsible until such delegation is revoked by the Administrator, which revocation may be without cause and without advance notice. Such individual, committee or organization shall have such power and authority with respect to such delegated ~~fiduciary~~ responsibilities as the Administrator has under the Plan.
- 6.04 Payment of Benefits: The Administrator, if in doubt concerning the correctness of its action in making a payment of a benefit, may suspend payment until satisfied as to the correctness of the payment or the person to receive the payment, or may file, in any state court of competent jurisdiction, a suit, in such form as it considers appropriate, for legal determination of the benefits to be paid and the persons to receive them. The Administrator may also bring a suit or take such other action, as it deems appropriate in the case of questions involving investment directions. The Administrator shall comply with the final order of the court in any such suit, and Participants and Beneficiaries shall be bound thereby insofar as such order affects the benefits payable under this Plan or the method or manner of payment.
- 6.05 Limitation of Recovery: Participants and Beneficiaries may not seek recovery against the Administrator, or any employee, contractor or agent of the Employer or Administrator for any loss sustained by any Participant or Beneficiary due to the nonperformance of their duties, negligence or any other misconduct of the above named persons. This paragraph shall not, however, excuse fraud or a wrongful taking by any person.

SECTION 7
ACCOUNTS AND REPORTS

- 7.01 Account: The Administrator or duly appointed representative shall maintain an Account with respect to each Participant, and that Account shall be credited with (i) the Participant's deferred amount for each pay period, and (ii) any amounts to be allocated pursuant to Plan Section 9.05. The balance of such account shall be adjusted daily to reflect any distribution to the Participant and all interest, dividends, account charges and changes of market value resulting from the investment of the Participant's deferred amounts. All Plan records, including individual account information that is maintained by the Administrator shall be the exclusive property of the Employer.
- 7.02 Statement of Account: The Administrator's designee for providing administrative services shall provide a written report of the status of each Participant's Account within thirty (30) days after the end of each Plan quarter, and a year-end summary report of transactions and aggregate account balances within thirty (30) days of the end of the Plan Year. All reports to Participants shall be based on the fair market value of investments credited to their Accounts as of the reporting dates. Participant reports shall be deemed to have been accepted by the Participant as correct unless the Administrator, or its designee, receives written notice to the contrary within sixty (60) days after the mailing or distribution of a report to the Participant.
- 7.03 Account Valuation: The Administrator or its duly appointed representative shall value the investments each business day based on acceptable industry practices. All daily transactions shall be based on that day's closing market values.

SECTION 8
INVESTMENT OF DEFERRALS

- 8.01 Investment Options: From time to time, the Administrator shall determine the available Investment Fund Options for Participants or Beneficiaries. The Participants may direct the investment of their Accounts among these Investment Fund Options. Investment allocations by Participants shall remain effective with regard to all subsequent Deferrals, until changed in accordance with the provisions of this Section. A Participant may change his allocation request by submitting an Applicable Form as required by the Administrator. Such changes shall become effective as soon as administratively feasible.
- 8.02 Deposits: In all cases, deposits of deferrals shall be treated as actually made only as of the date the funds are accepted as in good order by the Administrator.

SECTION 9
PLAN TO PLAN TRANSFERS AND ROLLOVERS

- 9.01 Plan-to-Plan Transfers Direct Transfers From Plan: Notwithstanding any other Plan provision, distribution of amounts deferred by a former Participant of this in the Plan shall not commence upon Separation from Service Severance from Employment, but instead may be directly transferred to another Deferred Compensation Plan "Eligible Retirement Plan" (as defined in Section 9.02 below) with respect to of which the former Participant has become a participant; or owner if:
- (a) the plan receiving such amounts provide for their acceptance, and the former Participant in this Plan elects on the Applicable Form to have the value of the Participant's Account paid directly to such Eligible Retirement Plan;
 - (b) a Participant Separates from Service with the employer in order to accept employment with another entity eligible to sponsor a plan pursuant to Code Section 457, the distribution qualifies as an "Eligible Rollover Distribution" under Section 402(f)(2)(A) of the Code; This Plan may accept the cash transfer of amounts previously deferred by a Participant under another eligible Deferred Compensation Plan.
 - (c) the former Participant specifies the "Eligible Retirement Plan" to which such transfer is to be paid (in such form and at such time as the Administrator may prescribe); and
 - (d) the plan so specified by the former Participant provides for the acceptance of an "Eligible Rollover Distribution" from a governmental 457 plan.
- 9.02 Eligible Retirement Plan: For purposes of Section 9.01, an "Eligible Retirement Plan" means any of the following:
- (a) an individual retirement account described in Section 408(a) of the Code;
 - (b) an individual retirement annuity described in Section 408(b) of the Code (other than an endowment contract);
 - (c) a trust qualified under Section 501(a) of the Code and which is related to a defined contribution plan that (i) is qualified under Section 401(a) of the Code, and (ii) by its terms permits the acceptance of rollover distributions;
 - (d) an annuity plan described in Section 403(a) of the Code;
 - (e) an eligible deferred compensation plan described in Section 457(b) of the Code which is maintained by a State, by a political subdivision of a State, or by any agency or instrumentality of a State or political subdivision of a State (a governmental 457 plan); and
 - (f) an annuity contract described in Section 403(b) of the Code.
- In no event may a direct transfer be made from this Plan to an eligible deferred compensation plan described in Section 457(b) or Section 457(f) of the Code which is maintained by any other organization (other than a governmental unit) exempt from tax under the Code.
- 9.03 Direct Transfers to Plan: A Participant in this Plan may elect on the Applicable Form to directly transfer to this Plan an "Eligible Rollover Distribution" (in cash only) under Section 402(f)(2)(A) of

the Code to which the Participant is otherwise entitled to receive from an eligible deferred compensation plan described in Plan Section 9.02(e)(a governmental 457 plan).

In no event may an Eligible Rollover Distribution be directly transferred to this Plan from an Eligible Retirement Plan which is not a governmental 457 plan.

- 9.04 Rollovers to Plan. A Participant in this Plan may elect on the Applicable Form to rollover to this Plan an "Eligible Rollover Distribution" (in cash only) under Section 402(f)(2)(A) of the Code which the Participant has received from an eligible deferred compensation plan described in Plan Section 9.02(e) (a governmental 457 plan), provided the rollover is made on or before the sixtieth (60th) day following the day on which the Participant received such distribution.

In no event may an Eligible Rollover Distribution be rolled over to this Plan from an Eligible Retirement Plan which is not a governmental 457 plan

- 9.05 Allocations to Account: All amounts directly transferred by a Participant to this Plan pursuant to Plan Section 9.03, or rolled over by a Participant to this Plan pursuant to Plan Section 9.04, shall be allocated by the Administrator to the Participant's Account under this Plan and shall thereafter be administered pursuant to the provisions of the Plan.

SECTION 10 AMENDMENT AND TERMINATION

- 10.01 Amendments: Subject to the provision of any applicable law, the Employer may at any time amend or modify this Plan without the consent of the Participants (or any Beneficiaries thereof), provided that notice of the amendment be given to Participants at least forty-five (45) days before the amendment becomes effective. However, this forty-five (45) day notice requirement is suspended if the amendment does not limit or otherwise restricts the deferral and distribution rights of the Participants.
- 10.02 Termination: Although the Employer has established this Plan with a bona fide intention and expectation to maintain the Plan indefinitely, the Employer may terminate or discontinue the Plan in whole or in part at any time without any liability for such termination or discontinuance. Upon Plan termination, all Deferrals shall cease. In such an event, the Administrator shall be responsible for directing distribution of all assets of the Plan to Participants, Beneficiaries or to a successor plan.

SECTION 11 PARTICIPATION BY POLITICAL SUBDIVISIONS

- 11.01 Adoption: Subject to the approval of the Administrator, the governing body of a political subdivision, as defined in 1.16, of the City of Indianapolis or Marion County, Indiana may pass a resolution to formally adopt this Plan for its employees. Such resolution must indicate that the political subdivision will abide by the rules and regulations of the Plan.
- 11.02 Termination: Subject to the approval of the Administrator, a political subdivision may terminate its participation in the Plan by adopting a resolution terminating its employees' rights in regard to participation in the Plan. Distributions, under the Plan, of existing Accounts to these Participants are subject to the terms of Section 4.

SECTION 12 MISCELLANEOUS

- 12.01 Limitation of Rights: Neither the establishment of this Plan nor any modification thereof, nor the creation of any fund or account, nor the payments of any benefits, shall be construed as giving any Participant or other person any legal or equitable right against the Employer except as provided in the Plan. In no event shall the terms of employment of any employee be modified or in any way be affected by the Plan.
- 12.02 Nonassignment: No Participant, Beneficiary or designee may commute, sell, assign, transfer or otherwise convey the right to receive any payment under the Plan, provided that such payment and right thereto is expressly declared to be nonassignable and nontransferable.
- 12.03 Federal Taxes: Neither the Employer nor the Administrator guarantee that any particular Federal or State income, payroll or other tax consequence will occur because of participation in this Plan.

- 12.04 USERRA Compliance: Notwithstanding any provisions of this Plan to the contrary, contributions, benefits and service credit with respect to qualified military service shall be provided in accordance with Code Section 414(u), and as required by the Uniformed Services Employment and Reemployment Rights Act ("USERRA").
- 12.05 Erroneous Payments: If the Administrator makes any payment that according to the terms of the Plan and the benefits provided hereunder should not have been made, the Administrator may recover that incorrect payment, by whatever means necessary, whether or not it was made due to the error of the Administrator.
- 12.06 Domestic Relations Orders: If the Plan Administrator is properly served with a domestic relations order from a court of competent jurisdiction, and if such order obligates the Plan Administrator to either (i) allocate all or a portion of a Participant's Account to an Account in the name of an alternate payee or payees identified in such order, or (ii) immediately distribute all or a portion of a Participant's Account to an alternate payee or payees identified in such order, the Plan Administrator, notwithstanding any provision of this Plan to the contrary, shall implement such allocation or immediate distribution pursuant to the provisions of such order. In the event such order obligates the Plan Administrator to allocate all or a portion of a Participant's Account to an Account in the name of an alternate payee or payees identified in such order, but does not obligate the Plan Administrator to immediately distribute all or a portion of a Participant's Account to an alternate payee or payees identified in such order, the Plan Administrator may nevertheless allow such alternate payee or payees to elect to receive an immediate single sum distribution of the entire amount of the Participant's Account to which such payee is, or such payees are, entitled pursuant to such order.
- 12.067 Liability: The Administrator shall not incur any liability in acting upon notice, request, signed letter or other paper document or electronic transmission believed by the Administrator to be genuine or to be executed or sent by an authorized person.
- 12.078 Severability: If a court of competent jurisdiction holds any provision of this Plan to be invalid or unenforceable, the remaining provisions of the Plan shall continue to be fully effective.
- 12.089 Applicable Law: The Plan shall be construed in accordance with applicable federal law and, to the extent otherwise applicable, the laws of the State of Indiana.
- 12.0910 Pronouns: Whenever the context so requires, the plural includes the singular, the singular the plural, and the masculine the feminine.

SECTION 2. Should any provisions (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 3. This ordinance shall be in effect from and after its passage by the Council and compliance with IC 36-3-4-14.

Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 494 and 497, 2002 on October 9, 2002. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 494, 2002. The proposal, sponsored by Councillor Dowden, approves a transfer of \$28,065 in the 2002 Budget of the Marion County Superior Court, Juvenile Division (State and Federal Grants Fund) to fund additional expenses for the Juvenile Accountability Incentive Block Grant #3. PROPOSAL NO. 497, 2002. The proposal, sponsored by Councillors Dowden and Moriarty Adams, approves a transfer of \$70,000 in the 2002 Budget of the Department of Public Safety, Animal Care and Control Division (Consolidated County Fund) to pay for additional animal supplies and clothing supplies for new field and kennel employees, and to fund a consultant study of the Care and Control sections of this division. By 8-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Dowden moved, seconded by Councillor Moriarty Adams, for adoption. Proposal Nos. 494 and 497, 2002 were adopted on the following roll call vote; viz:

27 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Sanders, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford

0 NAYS:

2 NOT VOTING: Brents, Nytes

Proposal No. 494, 2002 was retitled FISCAL ORDINANCE NO. 127, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 127, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 97, 2001) transferring and appropriating an additional Twenty-eight Thousand Sixty-five Dollars (\$28,065) in the State and Federal Grants Fund for purposes of the Marion County Superior Court, Juvenile Division, and reducing certain other appropriations for the Marion County Superior Court, Juvenile Division, and the County Auditor.

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 (I) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Superior Court, Juvenile Division to continue the Juvenile Accountability Incentive Block Grant # 3.

SECTION 2. The sum of Twenty-eight Thousand Sixty-five Dollars (\$28,065) 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 additional appropriation is hereby approved:

<u>MARION COUNTY SUPERIOR COURT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
<u>JUVENILE DIVISION</u>	
2. Supplies	3,585
4. Capital Outlay	24,500
TOTAL INCREASE	28,065

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

<u>COUNTY AUDITOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Service - fringes	1,400

<u>MARION COUNTY SUPERIOR COURT</u>	
<u>JUVENILE DIVISION</u>	
1. Personal Services	15,875
3. Other Services and Charges	10,790
TOTAL DECREASE	28,065

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

Proposal No. 497, 2002 was retitled FISCAL ORDINANCE NO. 128, 2002, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 128, 2002

A FISCAL ORDINANCE amending the City-County Annual Budget for 2002 (City-County Fiscal Ordinance No. 95, 2001) transferring and appropriating an additional Seventy Thousand Dollars (\$70,000) in the Consolidated County Fund for purposes of the Department of Public Safety, Animal Care and Control Division and reducing certain other appropriations for that division.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (k) of the City-County Annual Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Animal Care and Control Division to pay for additional animal supplies and clothing supplies for new field and kennel employees, and to fund a consultant study of the Care and Control sections of this division.

SECTION 2. The sum of Seventy Thousand Dollars (\$70,000) 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 additional appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC SAFETY</u> <u>ANIMAL CARE AND CONTROL DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
2. Materials and Supplies	35,000
3. Other Services and Charges	<u>35,000</u>
TOTAL INCREASE	70,000

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

<u>DEPARTMENT OF PUBLIC SAFETY</u> <u>ANIMAL CARE AND CONTROL DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	<u>70,000</u>
TOTAL DECREASE	70,000

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

Councillor Massie reported that the Rules and Public Policy Committee heard Proposal Nos. 499-501, 2002 on October 8, 2002. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 499, 2002. The proposal, sponsored by Councillors Gibson and Bainbridge, approves the Mayor's establishment of a charter school by issuing a charter to Flanner House Higher Learning Center, Inc. PROPOSAL NO. 500, 2002. The proposal, sponsored by Councillors Gibson and Bainbridge, approves the Mayor's establishment of a charter school by issuing a charter to Charter for Accelerated Learning, Inc. PROPOSAL NO. 501, 2002. The proposal, sponsored by Councillors Gibson and Bainbridge, approves the Mayor's establishment of a charter school by issuing a charter to KIPP Indianapolis, Inc. By 8-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

Councillor Gibson thanked David Harris, executive director of Charter Schools, for his commitment to the charter school system. Councillor Bainbridge said that he participated in the process for selecting these schools, and it was a very fair and thorough process. He said that there are still some issues regarding funding, but he does not believe these issues will take away from the funding for public schools.

Councillor Gray said that he feels more information is needed, especially with regards to funding. He said that with State cuts, schools will be set to fail without funding and public schools will lose students and dollars.

Councillor Black said that he agrees with Councillor Gray and is very concerned about the financial burden this might place on Indianapolis Public Schools if the State Legislature refuses to grant funding.

Councillor Gibson said that the State funding process is flawed, but he is committed to lobbying to see that it is fixed. Councillor Conley asked if a moratorium can be placed on designating charter schools until after the funding situation is straightened out. Councillor Massie said that the Mayor has the authority to grant charters by State statutes and he feels the funding situation can be easily fixed.

Councillor Massie moved, seconded by Councillor Gibson, for adoption. Proposal Nos. 499-501, 2002 were adopted on the following roll call vote; viz:

27 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Schneider, SerVaas, Short, Smith, Soards, Talley, Tilford
2 NAYS: Nytes, Sanders

Proposal No. 499, 2002 was retitled COUNCIL RESOLUTION NO. 82, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 82, 2002

A COUNCIL RESOLUTION approving the Mayor's establishment of a charter school by issuing a charter to Flanner House Higher Learning Center, Inc.

WHEREAS, the Mayor is authorized by IC 20-5.5 to issue charters for chartered schools within the Consolidated City; and

WHEREAS, IC 20-5.5-3-4 requires that a majority of the members of the City-County Council approve the establishment of charter schools prior to the Mayor issuing a charter; and

WHEREAS, the Mayor has announced his intention to issue a charter for a charter school to Flanner House Higher Learning Center, Inc.; now, therefore:

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

SECTION 1. A majority of the members of the City-County Council hereby authorizes the Mayor to establish a charter school by issuing a charter to Flanner House Higher Learning Center, Inc..

SECTION 2. This resolution shall be in full force and effect from and after adoption.

Proposal No. 500, 2002 was retitled COUNCIL RESOLUTION NO. 83, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 83, 2002

A COUNCIL RESOLUTION approving the Mayor's establishment of a charter school by issuing a charter to Charter for Accelerated Learning, Inc..

WHEREAS, the Mayor is authorized by IC 20-5.5 to issue charters for chartered schools within the Consolidated City; and

WHEREAS, IC 20-5.5-3-4 requires that a majority of the members of the City-County Council approve the establishment of charter schools prior to the Mayor issuing a charter; and

WHEREAS, the Mayor has announced his intention to issue a charter for a charter school to Charter for Accelerated Learning, Inc.; now, therefore:

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

SECTION 1. A majority of the members of the City-County Council hereby authorizes the Mayor to establish a charter school by issuing a charter to Charter for Accelerated Learning, Inc..

SECTION 2. This resolution shall be in full force and effect from and after adoption.

Proposal No. 501, 2002 was retitled COUNCIL RESOLUTION NO. 84, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 84, 2002

A COUNCIL RESOLUTION approving the Mayor's establishment of a charter school by issuing a charter to KIPP Indianapolis, Inc..

WHEREAS, the Mayor is authorized by IC 20-5.5 to issue charters for chartered schools within the Consolidated City; and

WHEREAS, IC 20-5.5-3-4 requires that a majority of the members of the City-County Council approve the establishment of charter schools prior to the Mayor issuing a charter; and

WHEREAS, the Mayor has announced his intention to issue a charter for a charter school to KIPP Indianapolis, Inc.; now, therefore:

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

SECTION 1. A majority of the members of the City-County Council hereby authorizes the Mayor to establish a charter school by issuing a charter to KIPP Indianapolis, Inc..

SECTION 2. This resolution shall be in full force and effect from and after adoption.

PROPOSAL NO. 502, 2002. Councillor McWhirter reported that the Administration and Finance Committee heard Proposal No. 502, 2002 on October 15, 2002. The proposal, sponsored by Councillors Cockrum and Gray, determines the need to purchase approximately 92 acres of real property at 8605 Mann Road for the use of the Department of Parks and Recreation. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor McWhirter moved, seconded by Councillor Cockrum, for adoption. Proposal No. 502, 2002 was adopted on the following roll call vote; viz:

25 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Schneider, SerVaas, Smith, Soards, Tilford

0 NAYS:

4 NOT VOTING: Gibson, Sanders, Short, Talley

Proposal No. 502, 2002 was retitled SPECIAL RESOLUTION NO. 70, 2002, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 70, 2002

PROPOSAL FOR A SPECIAL RESOLUTION determining the need to purchase approximately 93 acres of real property at 8605 Mann Road, Marion County, Indianapolis, Indiana, for the use of the Department of Parks and Recreation.

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

SECTION 1. The City-County Council, pursuant to IC 36-1-10.5-5, is interested in making the subject purchase and hereby determines the purchase of real estate for the use of the Department of Parks and Recreation is necessary.

SECTION 2. The property to be purchased is located at 8605 Mann Road, Marion County, Indianapolis, Indiana, and is owned by James R. Baker, Nedra C. Waggoner, Betty J. Perry, John M. Baker, Jr., Robert Kimber Martin, Sarah Rohr Atkinson, Robert Allen Rohr, Donald Robert Atkinson and the State of Indiana.

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

PROPOSAL NO. 522, 2002. Councillor Massie reported that the Rules and Public Policy Committee heard Proposal No. 522, 2002 on October 8, 2002. The proposal, sponsored by Councillor Massie, authorizes the transfer of control of Cable Television Franchise from Time Warner Entertainment-Advance Newhouse Partnership to TWEAN Subsidiary, LLC. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Massie moved, seconded by Councillor Dowden, for adoption. Proposal No. 522, 2002, as amended, was adopted on the following roll call vote; viz:

24 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Dowden, Gibson, Gray, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Smith, Tilford

0 NAYS:

5 NOT VOTING: Douglas, Horseman, Short, Soards, Talley

Proposal No. 522, 2002, as amended, was retitled SPECIAL ORDINANCE NO. 6, 2002, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 6, 2002

A SPECIAL ORDINANCE authorizing the transfer of control of a Cable Television Franchise from Time Warner Entertainment-Advance Newhouse Partnership to TWEAN Subsidiary, LLC.

WHEREAS, Time Warner Entertainment-Advance/Newhouse Partnership (TWE-A\N) currently owns and operates the cable television system (the System) in the Consolidated City of Indianapolis, Indiana (the City) in accordance with the terms of a Franchise Agreement dated September 12, 1996, between TWE-A\N, as Operator, and the City, as amended to date, (the TWEAN Franchise); and

WHEREAS, TWE-A\N intends to reorganize the management of its cable franchises and has created a subsidiary TWEAN Subsidiary, LLC, a limited liability company formed in Delaware on July 9, 2002, for that purpose; and

WHEREAS, TWE-A\N intends to transfer the Franchise Agreement to its subsidiary TWEAN Subsidiary, LLC; and

WHEREAS, TWEAN has requested consent by the City to the transfer in accordance with the requirements of the Franchise Agreement and Section 851-254 of the Revised Code of Indianapolis and Marion County (Revised Code) and have filed an FCC Form 394 (the Transfer Application) with the City; and

WHEREAS, the Indianapolis-Marion County Cable Franchise Board (Board) has reviewed the Transfer Application and additional information submitted by TWE-A\N, examined the legal, financial and technical qualifications of TWEAN Subsidiary, LLC, considered the Transfer Application and other information listed in Section 851-254 of the Revised Code, and considered the comments given by interested parties; and

WHEREAS, TWEAN Subsidiary LLC has agreed to comply with the terms and conditions of the its Franchise and applicable law from and after the completion of the transfer; and

WHEREAS, TWEAN Subsidiary, LLC has represented to the Board that TWEAN Subsidiary, LLC will continue the financial and community involvement of TWE-A\N; and

WHEREAS, on September 16, 2002, the Board adopted Resolution 6, 2002, which recommended to the City-County the approval of a transfer and the adoption of an ordinance authorizing the transfer of the TWEAN Franchise to TWEAN Subsidiary, LLC, subject to certain reservations; and

WHEREAS, the Council believes it is in the interest of the City to approve the Transfer Application and amend TWEAN Franchise to substitute TWEAN Subsidiary, LLC, as Operator, in accordance with resolution adopted by the Board; now therefore;

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

SECTION 1. The Council, upon the recommendation of the Cable Franchise Board and, in accordance with the TWEAN Franchise, Sec. 851-353 of the Revised Code of the Consolidated City and County, consents to the transfer of ownership of the TWEAN Franchise to TWEAN Subsidiary LLC, including transfer of management control to Advance/Newhouse Partnership as described in FCC Form 394, and amendment of the franchise to substitute the transferee as Operator, upon the execution and delivery of an Assignment And Amendment which complies with Section 2 of this Ordinance.

SECTION 2. The Assignment shall contain substantially the following provisions:

- (1) TWEAN Subsidiary LLC, as substituted Operator, and TWE-A/N are not released from any liability for any defaults or non-compliance by Operator for actions prior to the date of the transfer, including but not limited to the payment of franchise fees on Gross Revenues from the provision of cable modem services over the Cable System, if subsequently determined by competent authority that the same are due under the TWEAN Franchise, and any other fees due as a result of franchise payment audits as provided in the TWEAN Franchise;
- (2) City's consent to this Assignment And Amendment does not either authorize or approve any subsequent transfer of ownership of TWEAN Subsidiary LLC to Advance/Newhouse Partnership or any other party, any such subsequent transfer being subject to the requirements of the Federal law, the applicable city ordinances and the TWEAN Franchise; and
- (3) The Assignment and Amendment shall warrant the completion of the transaction as disclosed in FCC Form 394, that all assets of the Cable System have been transferred to TWEAN Subsidiary LLC in accordance with the FCC Form 394, and the net worth of TWEAN Subsidiary LLC after completion of the transaction will be as represented in FCC Form 394.

SECTION 3. This Ordinance shall be deemed effective upon the delivery of an Assignment And Amendment to the Clerk of the City-County Council, which complies with the requirements of Section 2.

SECTION 4. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14; provided, if the Assignment And Amendment is not delivered by March 1, 2003, this ordinance shall expire and be void.

Councillor Coughenour reported that the Public Works Committee heard Proposal Nos. 459-465 and 503-507, 2002 on October 17, 2002. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 459, 2002. The proposal, sponsored by Councillor Moriarty Adams, authorizes a multi-way stop at 18th Street and Bosart Avenue (District 15). PROPOSAL NO. 460, 2002. The proposal, sponsored by Councillor Smith, authorizes multi-way stops at Bold Ruler Drive and Foolish Pleasure Lane, and at Crystal Water Drive and First Lady Boulevard (District 23). PROPOSAL NO. 461, 2002. The proposal, sponsored by Councillor Schneider, authorizes multi-way stops at intersections in Arrowhead Estates (District 3). PROPOSAL NO. 462, 2002. The proposal, sponsored by Councillor Schneider, authorizes intersection controls at 76th Street Court (E/W Leg) and 76th Street Court (N/S Leg) (District 3). PROPOSAL NO. 463, 2002. The proposal, sponsored by Councillor SerVaas, authorizes intersection controls at 39th Street and Roland Road, and at 39th Street and Rommel Drive (District 2). PROPOSAL NO. 464, 2002. The proposal, sponsored by Councillor Gray, authorizes intersection controls for the Spring Creek Subdivision (District 9). PROPOSAL NO. 465, 2002. The proposal, sponsored by Councillor Douglas, authorizes a change in intersection controls at 35th Street and Butler Avenue (District

10). PROPOSAL NO. 503, 2002. The proposal, sponsored by Councillor Massie, authorizes a traffic signal for Madison Avenue, Nelson Avenue, and K-Mart Access Drive (District 20). PROPOSAL NO. 504, 2002. The proposal, sponsored by Councillors Langsford, Coughenour, and Smith, authorizes a traffic signal for Emerson Avenue at Crystal Flash Entrance located at 4903 South Emerson Avenue (District 23). PROPOSAL NO. 505, 2002. The proposal, sponsored by Councillor Brents, authorizes a multi-way stop at 12th Street and Sheffield Avenue (District 16). PROPOSAL NO. 506, 2002. The proposal, sponsored by Councillor Knox, authorizes a multi-way stop at Auburn Street and Oliver Avenue (District 17). PROPOSAL NO. 507, 2002. The proposal, sponsored by Councillor Black, authorizes parking restrictions on the north side of 42nd Street, from College Avenue west to the first alley (District 6). By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Coughenour moved, seconded by Councillor Moriarty Adams, for adoption. Proposal Nos. 459-465 and 503-507, 2002 were adopted on the following roll call vote; viz:

28 YEAS: *Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Smith, Soards, Talley, Tilford*
 0 NAYS:
 1 NOT VOTING: *Short*

Proposal No. 459, 2002 was retitled GENERAL ORDINANCE NO. 97, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 97, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
26, Pg. 4	Bosart Av 18 th St	Bosart Av	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
26, Pg. 4	Bosart Av 18 th St	None	All Way Stop

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

Proposal No. 460, 2002 was retitled GENERAL ORDINANCE NO. 98, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 98, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
40	Bold Ruler Dr Foolish Pleasure Ln	Foolish Pleasure Ln	Stop
40	Crystal Water Dr First Lady Blvd	First Lady Blvd	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
40	Bold Ruler Dr Foolish Pleasure Ln	None	All Way Stop
40	Crystal Water Dr First Lady Blvd	None	All Way Stop

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

Proposal No. 461, 2002 was retitled GENERAL ORDINANCE NO. 99, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 99, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
5	Cree Tr 77 th St	77 th St	Stop
5	Sioux Tr 77 th St	77 th St	Stop
5	Sioux Tr 78 th St	78 th St	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
5	Cree Tr 77 th St	None	All Way Stop
5	Sioux Tr 77 th St	None	All Way Stop
5	Sioux Tr 78 th St	None	All Way Stop

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

Proposal No. 462, 2002 was retitled GENERAL ORDINANCE NO. 100, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 100, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
5	76 th St Ct (E/W Leg) 76 th St Ct (N/S Leg)	76 th St Ct (E/W Leg)	Yield

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

Proposal No. 463, 2002 was retitled GENERAL ORDINANCE NO. 101, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 101, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
17	39 th St Roland Rd	39 th St	Stop
17	39 th St Rommel Dr	39 th St	Stop

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

Proposal No. 464, 2002 was retitled GENERAL ORDINANCE NO. 102, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 102, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
9	Moller Rd Spring Creek Dr	Moller Rd	Stop
9	Spring Creek Cir Spring Creek Ct	Spring Creek Ct	Stop
9	Spring Creek Dr Spring Creek Pl	Spring Creek Pl	Stop

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

Proposal No. 465, 2002 was retitled GENERAL ORDINANCE NO. 103, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 103, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
19	35 th St Butler Av	Butler Av	Yield

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
19	35 th St Butler Av	Butler Av	Stop

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

Proposal No. 503, 2002 was retitled GENERAL ORDINANCE NO. 104, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 104, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
32	Madison Av Nelson Av K-Mart Access Drive	None	Traffic Signal

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

Proposal No. 504, 2002 was retitled GENERAL ORDINANCE NO. 105, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 105, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
40	Emerson Av 4903 S. Emerson Av (Entrance to Crystal Flash)	None	Traffic Signal

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

Proposal No. 505, 2002 was retitled GENERAL ORDINANCE NO. 106, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 106, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
24	12 th St Sheffield Av	Sheffield Av	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
24	12 th St Sheffield Av	None	All Way Stop

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

Proposal No. 506, 2002 was retitled GENERAL ORDINANCE NO. 107, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 107, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

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

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
30	Auburn St Oliver Av	Auburn St	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
30	Auburn St Oliver Av	None	All Way Stop

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

Proposal No. 507, 2002 was retitled GENERAL ORDINANCE NO. 108, 2002, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 108, 2002

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-121, Parking prohibited at all times on certain streets.

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

October 28, 2002

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the addition of the following, to wit:

Forty-second Street, on the north side, from College Avenue west to the first alley

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

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

President SerVaas convened the Fire Special Service District Council.

PROPOSAL NO. 496, 2002. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 496, 2002 on October 9, 2002. The proposal, sponsored by Councillors Dowden and Moriarty Adams, approves an increase of \$2,500 in the 2002 Budget of the Department of Public Safety, Fire Division (Non-Lapsing Federal Grants Fund) to support the Permanent Fitting Stations (PFS) project at IFD Station #30, a program to educate citizens on the proper installation and use of carseats, financed by a federal grant. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas called for public testimony at 9:39 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 496, 2002 was adopted on the following roll call vote; viz:

24 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gray, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, SerVaas, Soards, Talley, Tilford

0 NAYS:

5 NOT VOTING: Gibson, Horseman, Schneider, Short, Smith

Proposal No. 496, 2002 was retitled FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 5, 2002, and reads as follows:

FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 5, 2002

A FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE amending the Fire Special Service District Budget for 2002 (Fire Special Service District Ordinance No. 4, 2001) appropriating an additional Two Thousand Five Hundred Dollars (\$2,500) in the Non-Lapsing Federal Grants Fund for purposes of the Department of Public Safety, Fire Division, and reducing the unappropriated and unencumbered balance in the Non-Lapsing Federal Grants Fund

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 of the City-County Fire Special Service District Budget for 2002 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Fire Division to support the Permanent Fitting Stations (PFS) project at IFD Station #30, a program to educate citizens on the proper installation and use of car seats.

SECTION 2. The sum of Two Thousand Five Hundred Dollars (\$2,500) 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>DEPARTMENT OF PUBLIC SAFETY</u>	
<u>FIRE DIVISION</u>	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
2. Materials and Supplies	2,400
3. Other Services and Charges	<u>60</u>
TOTAL INCREASE	2,500

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

	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Non-Lapsing Federal Grants Fund	<u>2,500</u>
TOTAL REDUCTION	2,500

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 controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

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

President SerVaas reconvened the City-County Council.

NEW BUSINESS

PROPOSAL NO. 536, 2002. The proposal, sponsored by Councillor McWhirter, appoints Bobby Britt to the Common Construction Wage Committee for Wayne Township. Councillor McWhirter moved, seconded by Councillor Bainbridge, for adoption. Proposal No. 536, 2002 was adopted on the following roll call vote; viz:

28 YEAS: Bainbridge, Black, Borst, Boyd, Bradford, Brents, Cockrum, Conley, Coonrod, Coughenour, Douglas, Dowden, Gibson, Gray, Horseman, Knox, Langsford, Massie, McWhirter, Moriarty Adams, Nytes, Sanders, Schneider, SerVaas, Short, Soards, Talley, Tilford

0 NAYS:

1 NOT VOTING: Smith

Proposal No. 536, 2002 was retitled COUNCIL RESOLUTION NO. 85, 2002, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 85, 2002

A COUNCIL RESOLUTION appointing Bobby Britt to the Common Construction Wage Committee for Wayne Township.

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

SECTION 1. As a member of the Common Construction Wage Committee for Wayne Township, the Council appoints:

Bobby Britt

SECTION 2. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and qualifies.

President SerVaas, having resigned as President, passed the gavel to General Counsel Robert Elrod for election of officers.

Mr. Elrod opened the floor for nominations for President of the Council. Councillor Short nominated Councillor Boyd for President. Councillor Gray seconded the nomination. Councillor Massie nominated Councillor Borst for President. Councillor Langsford seconded the nomination. Councillor Short moved, seconded by Councillor Talley, to close nominations. Nominations were closed by a unanimous voice vote. Mr. Elrod stated that a "yea" vote will signify a vote for Councillor Borst as President of the Council, and a "nay" vote will signify a vote for Councillor Boyd. The motion failed, thereby failing to elect a President, on the following roll call vote; viz:

14 YEAS: Bainbridge, Borst, Bradford, Cockrum, Coonrod, Coughenour, Dowden, Langsford, Massie, McWhirter, Schneider, SerVaas, Soards, Tilford

14 NAYS: Black, Boyd, Brents, Conley, Douglas, Gibson, Gray, Horseman, Knox, Moriarty Adams, Nytes, Sanders, Short, Talley

1 NOT VOTING: Smith

Councillor Horseman asked why Councillor SerVaas was allowed to vote following his resignation. Mr. Elrod said that Councillor SerVaas simply retired as President and continues to serve as a member of this body with voting rights until November 8, 2002. Councillor Horseman asked what happens now, since a President has not been elected. Mr. Elrod said that the Vice President will continue to serve until a President is legally elected and that position is filled.

Mr. Elrod passed the gavel to Vice President Borst.

ANNOUNCEMENTS AND ADJOURNMENT

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

Councillor Boyd stated that he had been asked to offer the following motion for adjournment by Councillor Talley in memory of Roslyn Clark Jeter and Leon Reid, Jr.

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 Roslyn Clark Jeter and Leon Reid, Jr. 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 family advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:48 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 28th day of October, 2002.

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

Philip C. Booth DVM

Vice President

ATTEST:

Peggy Stawick

Assistant Clerk of the Council

(SEAL)