

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA
MONDAY, SEPTEMBER 13, 2021**

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 7:09 p.m. on Monday, September 13, 2021 with Councillor Osili presiding.

Councillor Graves introduced Pastor Ken Sullivan, New Direction Church, who led the opening prayer. Councillor Graves then invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

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

24 PRESENT: Adamson, Bain, Barth, Boots, Brown, Carlino, Dilk, Evans-E, Evans-J, Graves, Gray, Hart, Jackson, Jones, Larrison, Lewis, Mascari, McCormick, Mowery, Oliver, Osili, Potts, Ray, Robinson
1 ABSENT: Annee

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

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, September 13, 2021, 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/Vop Osili
President, City-County Council

Journal of the City-County Council

August 20, 2021

TO PRESIDENT OSILI 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, August 27, 2021 a copy of a Notice of Public Hearing on Proposal Nos. 250, 255, 286 and 290, 2021, said hearing to be held on Monday, September 13, 2021 at 7:00 p.m. in the Public Assembly Room of the City-County Building.

Respectfully,
s/SaRita Hughes
Clerk of the City-County Council

August 16, 2021

TO PRESIDENT OSILI 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, SaRita Hughes, the following ordinance:

GENERAL RESOLUTION NO. 7, 2021 – authorizes the City to submit an application for Indiana Emergency Rental Assistance Funds to the Indiana Housing and Community Development Authority

GENERAL RESOLUTION NO. 8, 2021 – establishes interest in the purchase of real estate at 10702 E. 25th Street for the purposes of the Department of Parks and Recreation, which property is owned by J. Levinsohn

GENERAL RESOLUTION NO. 9, 2021 - approves the statement of benefits of BWI, LLC and 1202, LP, an applicant for tax abatement for property located in an economic revitalization area

GENERAL ORDINANCE NO. 28, 2021 – amends the Code to increase the sales disclosure fee in compliance with IC 6-1.1-5.5-4

GENERAL ORDINANCE NO. 29, 2021 – authorizes intersection controls and parking restrictions near 64th Street and Broadway Street (District 2)

GENERAL ORDINANCE NO. 30, 2021 – authorizes intersection controls at Hunters Crossing Boulevard and Wild Turkey Drive and a speed limit reduction to 25 miles per hour in the Hunters Crossing Estates and Fox Hollow subdivisions (District 25)

GENERAL ORDINANCE NO. 31, 2021 – authorizes a speed limit reduction to 25 miles per hour in the Country Club Estates, Country Charm, Country Charm II, Country Pointe, Country Pointe II and Country Creek Villas subdivisions (District 6)

GENERAL ORDINANCE NO. 32, 2021 – authorizes a speed limit reduction to 25 miles per hour in the Indian Creek Section, Bells Run, Farmington and Glick's East 42nd Street Addition subdivisions (District 14)

SPECIAL RESOLUTION NO. 31, 2021 – recognizes former State Representative Dan Forestal

SPECIAL RESOLUTION NO. 32, 2021 – recognizes the Franklin Township Little League Junior All Star Team

s/Joseph H. Hogsett, Mayor

ADOPTION OF THE AGENDA

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

September 13, 2021

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journals of August 9, 2021. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 216, 2021. Councillor Mascari reported that the Administration and Finance Committee heard Proposal No. 216, 2021 on August 31, 2021. The proposal, sponsored by Councillor Mascari, approves the Mayor's appointment of Joe Glass as the Director of the Office of Audit and Performance. By an 11-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Mascari moved, seconded by Councillor Jackson, for adoption. Proposal No. 216, 2021 was adopted on the following roll call vote; viz:

24 YEAS: Adamson, Bain, Barth, Boots, Brown, Carlino, Dilk, Evans-E, Evans-J, Graves, Gray, Hart, Jackson, Jones, Larrison, Lewis, Mascari, McCormick, Mowery, Oliver, Osili, Potts, Ray, Robinson

0 NAYS:

1 ABSENT: Annee

Proposal No. 216, 2021 was retitled COUNCIL RESOLUTION NO. 84, 2021, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 84, 2021

A COUNCIL RESOLUTION approving the Mayor's appointment of Joe Glass as the Director of the Office of Audit and Performance for a term ending December 31, 2021.

WHEREAS, pursuant Section 202-302 of the "Revised code of the Consolidated City and County," a mayoral appointment naming the Director of the Office of Audit and Performance is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Joe Glass to serve as the Director of the Office of Audit and Performance at his pleasure for a term ending December 31, 2021; now, therefore:

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

SECTION 1. Joe Glass is approved and confirmed by the City-County Council to serve as the Director of the Office of Audit and Performance for a term ending December 31, 2021, and until a successor is appointed and confirmed.

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

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 292, 2021. Introduced by Councillors Gray, Carlino, Evans, Barth, Potts, Adamson, Graves and Brown. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which approves the issuance of Indianapolis-Marion County Public Library general obligation bonds, Series 2021C, in an aggregate principal amount not to exceed \$5,575,000 for the purpose of financing all or any portion of the 2021-2022 Energy Conservation and District-Wide Long-Term Capital Maintenance and Equipping Project to improve patron experience and provide better access to information"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 293, 2021. Introduced by Councillors Gray, Carlino, Evans, Barth, Potts, Adamson, Graves and Brown. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which approves the appropriation of the bond proceeds and investment earnings of the Indianapolis-Marion County Public Library general obligation bonds, Series 2021C, in an aggregate principal amount not to exceed \$5,575,000 for the purpose of financing all or any portion of the 2021-2022 Energy Conservation and District-Wide Long-Term Capital Maintenance and Equipping Project to improve patron experience and provide better access to information"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 294, 2021. Introduced by Councillors Gray, Carlino, Evans, Barth, Potts, Adamson, Graves and Brown. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which approves the issuance of Indianapolis-Marion County Public Library general obligation bonds, Series 2022, in an aggregate principal amount not to exceed \$5,575,000 for the purpose of financing all or any portion of the 2022-2023 Energy Conservation and District-Wide Long-Term Capital Maintenance and Equipping Project to improve patron experience and provide better access to information"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 295, 2021. Introduced by Councillors Gray, Carlino, Evans, Barth, Potts, Adamson, Graves and Brown. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which approves the appropriation of proceeds and investment earnings of the Indianapolis-Marion County Public Library general obligation bonds, Series 2022, in an aggregate principal amount not to exceed \$5,575,000 for the purpose of financing all or any portion of the 2022-2023 Energy Conservation and District-Wide Long-Term Capital Maintenance and Equipping Project to improve patron experience and provide better access to information"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 296, 2021. Introduced by Councillor Osili. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Anthony Bridgeman to the Board of Business Neighborhood Services"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 297, 2021. Introduced by Councillor Osili. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Karen Celestino-Horseman to the Animal Services Advisory Board"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 298, 2021. Introduced by Councillor Osili. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Stacie Hurre to the Animal Services Advisory Board"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 299, 2021. Introduced by Councillor Osili. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Richard Wilson, Jr. to the Indianapolis Public Transportation Corporation Board of Directors"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 300, 2021. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which adopts the operating and maintenance budgets and tax

levies of the Indianapolis Airport Authority and establishes appropriations for said municipal corporation for 2022"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 301, 2021. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which adopts the operating and maintenance budgets and tax levies of the Capital Improvement Board of Managers and establishes appropriations for said municipal corporation for 2022"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 302, 2021. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which adopts the operating and maintenance budgets and tax levies of the Health and Hospital Corporation and establishes appropriations for said municipal corporation for 2022"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 303, 2021. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which adopts the operating and maintenance budgets and tax levies of the Indianapolis Public Transportation Corporation (IndyGo) and establishes appropriations for said municipal corporation for 2022"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 304, 2021. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which adopts the operating and maintenance budgets and tax levies of the Indianapolis-Marion County Public Library and establishes appropriations for said municipal corporation for 2022"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 305, 2021. Introduced by Councillor Adamson. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls at the intersection of Arsenal Avenue and Marlowe Avenue (District 17)"; and the President referred it to the Public Works Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NOS. 306-308, 2021, PROPOSAL NO. 309, 2021, PROPOSAL NO. 310, 2021 and PROPOSAL NOS. 311-313, 2021. Introduced by Councillor Lewis. Proposal Nos. 306-308, 2021, Proposal No. 309, 2021, Proposal No. 310, 2021 and Proposal Nos. 311-313, 2021 are proposals for Rezoning Ordinances certified for approval by the Metropolitan Development Commission on August 17, 24, 31 and September 1, 2021, respectively. 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. 91-98, 2021, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 91, 2021.
2021-ZON-056
7035 BROOKVILLE ROAD (*APPROXIMATE ADDRESS*)
WARREN TOWNSHIP, COUNCIL DISTRICT #18
TIMOTHY W. HEDINGER, by David Gilman
Rezoning of 1.15 acres from the I-1 district to the I-2 district.

REZONING ORDINANCE NO. 92, 2021.
2021-ZON-059
2020 COLUMBIA AVENUE (*APPROXIMATE ADDRESS*)
CENTER TOWNSHIP, COUNCIL DISTRICT #17
AAAG LLC, by John Stone
Rezoning of 0.13 acre from the I-3 district to the D-8 district.

REZONING ORDINANCE NO. 93, 2021.
2021-ZON-063
2057 YANDES STREET (*APPROXIMATE ADDRESS*)
CENTER TOWNSHIP, COUNCIL DISTRICT #17
M/E RESIDENTIAL LLC, by David Gilman
REZONING OF 0.13 ACRE FROM THE I-3 DISTRICT TO THE D-8 DISTRICT.

REZONING ORDINANCE NO. 94, 2021.
2021-ZON-070
2110 DEXTER STREET (*APPROXIMATE ADDRESS*)
CENTER TOWNSHIP, COUNCIL DISTRICT #11
PRESTIGE INVESTMENTS LLC, by Andi M. Metzel
Rezoning of 0.11 acre from the C-3 district to the D-5 district.

REZONING ORDINANCE NO. 95, 2021.
2021-ZON-045
1036 BROAD RIPPLE AVENUE (*APPROXIMATE ADDRESS*)
WASHINGTON TOWNSHIP, COUNCIL DISTRICT #2
JTM COMMERCIAL INC., by Michael Rabinowitch
Rezoning of 0.510 acre from the C-5 (FW) district to the D-P (FW) district to provide for eight single-family attached dwellings at a density of 15.7 units per acre.

REZONING ORDINANCE NO. 96, 2021.
2021-ZON-030
1311 AND 1315 STANDISH AVENUE (*APPROXIMATE ADDRESSES*)
PERRY TOWNSHIP, COUNCIL DISTRICT #16
MANINDER S. WALIA, by John Cross
Rezoning of 0.48 acre from the D-5 district to the D-8 district to provide for multi-family residential uses.

REZONING ORDINANCE NO. 97, 2021.
2021-ZON-062
6806 AND 6816 EAST COUNTY LINE ROAD (*APPROXIMATE ADDRESSES*)
FRANKLIN TOWNSHIP, COUNCIL DISTRICT #25
DAVID AND DEBORAH WESTERHOLD, by David Gilman
Rezoning of 15 acres from the D-A district to the D-6 district.

REZONING ORDINANCE NO. 98, 2021.
2021-ZON-072
1959 SOUTH MERIDIAN STREET (*APPROXIMATE ADDRESS*)
CENTER TOWNSHIP, COUNCIL DISTRICT #16
NIGHTMARE ON EDGEWOOD LLC, by David A. Retherford
Rezoning of 3.05 acres from the C-S district to the C-S district to provide for indoor haunted house in an existing building with possible future expansions, in addition to the existing uses approved by 2008-ZON-860.

PROPOSAL NOS. 314-315, 2021. Introduced by Councillor Lewis. Proposal Nos. 314-315, 2021 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission for denial on August 24, 2021. The President called for any motions for public hearings on this zoning maps change.

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Councillor Adamson made the following motion:

Mr. President:

I move that Proposal No. 315, 2021 (Rezoning Case 2021-CZN-817), located at 2216 and 2228 North College Avenue be scheduled for a hearing before this Council at its next regular meeting on September 27, 2021 at 7:00 p.m. and that the Clerk read the announcement of such hearing and enter same in the minutes of this meeting.

Proposal No. 315, 2021 was certified as follows:

2021-CZN-817 (AMENDED)
2216 AND 2228 NORTH COLLEGE AVENUE (APPROXIMATE ADDRESSES)
CENTER TOWNSHIP, COUNCIL DISTRICT #17
REDLINE HOLDINGS VII LLC, by David Kingen and Schyler Sullivan
Rezoning of 0.82 acre from the D-8 district to the MU-2 district.

Councillor Lewis seconded the motion, and Proposal No. 315, 2021 was scheduled for public hearing at the September 27, 2021 Council meeting on the following roll call vote; viz:

23 YEAS: Adamson, Bain, Barth, Boots, Brown, Carlino, Dilk, Evans-E, Evans-J, Graves, Gray, Jackson, Jones, Larrison, Lewis, Mascari, McCormick, Mowery, Oliver, Osili, Potts, Ray, Robinson
1 NAY: Hart
1 ABSENT: Annee

General Counsel Toae Kim made the following announcement:

Mr. President:

This Council will hold a public hearing on Rezoning Petition No. 2021-CZN-817, Council Proposal No. 315, 2021, at its next regular meeting on Monday, September 27, 2021, such meeting to convene at 7:00 p.m. in these Council Chambers in the City-County Building in Indianapolis. This petition proposes to rezone 0.82 acres from the D-8 district to the MU-2 district at 2216 and 2228 North College Avenue.

Written objections that are filed with the Clerk of the Council shall be heard at such time, or the hearing may be continued from time to time as found necessary by the Council.

There being no further motions for public hearings, Proposal No. 314, 2021, pursuant to IC 36-7-4-608, was denied by the City-County Council, the original copies of which ordinance are on file with the Metropolitan Development Commission, which was certified as follows:

2021-ZON-064
4905 EAST THOMPSON ROAD (APPROXIMATE ADDRESS)
PERRY TOWNSHIP, COUNCIL DISTRICT #24
AARON CHRISTY, by Gregory J. Ilko
Rezoning of 4.4 acres from the D-A district to the C-1 district.

SPECIAL ORDERS - PUBLIC HEARING

General Counsel Toae Kim read the following:

As we move to the public comment portion of debate for these proposals, we would like to remind council members and the public of a few ground rules. In order for everyone to have a fair chance to speak and be heard, it is important that we each observe the following rules:

First, each speaker will be limited to two minutes. Second, any public comments must reasonably relate to the agenda item under consideration. Third, speakers who stray from the item under consideration or become unduly repetitious may be asked to move on to their next point or conclude their comments. Finally, attendees who cause disruptions that prevent the Council from proceeding through today's agenda in a reasonably efficient manner will be removed.

Please remember that some types of threatening speech or incitement to violence are not protected by the First Amendment at all. We will deal with those issues if they come up, but we don't think they will.

And now, Mr. President, if a council member asks for consent to adopt these rules, we can proceed to public comments.

President Osili called for consent to adopt these rules for public comment, and the rules were adopted by a unanimous voice vote.

PROPOSAL NO. 250, 2021. Councillor Mascari reported that the Administration and Finance Committee heard Proposal No. 250, 2021 on August 24, 2021. The proposal, sponsored by Councillor Osili, approves an additional appropriation not to exceed \$100,000,000 in the 2021 City Non-Departmental Budget (Federal Stimulus COVID Grant Fund) from character three to help address the demand for residential rental assistance from Marion County residents who have been impacted by the pandemic. By a 10-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Hart asked if there is a reason this is solely for rental assistance and not help for homeowners, as well. Jeff Bennett, Deputy Mayor, stated that they did receive another allocation for mortgage assistance, and hope they will get more funds as the State rolls out their mortgage assistance program. Councillor Hart said that by giving rental assistance, they are creating dependencies, and he asked what measures are being put in place to prevent that. Mr. Bennett said that these are one-time dollars, and they are simply trying to maximize the amount of dollars used in Indianapolis to benefit both renters and landlords. He added that it has to be a Covid-related circumstance that triggers the need, such as job loss, medical expenses, cut in work hours, etc. He said that most will not need a full 12 months of assistance, and most of the requests they are seeing is for \$2,000 or less. He said that between February 2020 and when they could qualify for these funds, there was a loss of income of more than \$28 million in the community. This will hopefully just provide a boost for households to get back on their feet. During the application process, they also survey other needs to connect individuals to their partners for jobs, skills training, food, etc.

Councillor Carlino asked if the do not exceed amount has changed. General Counsel Kim stated that it has not.

Councillor Mowery asked if there is a reason the City was not approved for mortgage dollars, but the State was. Mr. Bennett said that the funds were not offered to cities, just states. Councillor Mowery asked if the same services for jobs, skills, and food would be available to homeowners, as well. Mr. Bennett said that they certainly would.

Councillor Gray asked if a tenant applies and is approved, but the landlord still refuses and evicts them, what would happen. Mr. Bennett said that they can cut checks directly to the tenants whose landlords reject, and they could use those funds to move. However, they cannot prevent the landlord from evicting tenants.

Councillor Oliver asked if there is a ceiling that would make someone ineligible. Mr. Bennett said that there is an income-based qualification, and would be a maximum of 80% of the area median income. He said that he can send the maximum rents, but most of theirs do not exceed the HUD market rate and is a county-wide rate.

Councillor E. Evans asked if all funds are not expended in the timeline, what happens. Mr. Bennett said that they could be required to return that to the government, and must encumber by the end of September and then spend by the end of the year. It is their intention to not give any dollars back.

Councillor J. Evans said that he does not understand the lengthy discussion, as this should be a given that they would want to give these dollars to those residents affected most by the pandemic.

Councillor Graves asked if these funds would meet the needs of the community. Mr. Bennett said that they still have not tapped the \$33.5 million in American Assistance Funds, but once they max out both, they will have a good sense of any kind of permanent program needed for Marion County. They would have to then identify a permanent source of funding for such program.

President Osili called for public testimony at 7:38 p.m.

Larry Vaughn, citizen, said that there are a lot of expenditures being made on new apartment buildings going up downtown. They are leasing out buildings, and subsidizing apartments, creating a whole new situation of dependency, but they are not helping those people who are at risk of losing their homes due to the pandemic. There are complicated websites that make it hard to apply for these dollars, and only the tech-savvy can fare well.

Seeing no further testimony, Councillor Mascari moved, seconded by Councillor Adamson, for adoption. Proposal No. 250, 2021 was adopted on the following roll call vote; viz:

24 YEAS: Adamson, Bain, Barth, Boots, Brown, Carlino, Dilk, Evans-E, Evans-J, Graves, Gray, Hart, Jackson, Jones, Larrison, Lewis, Mascari, McCormick, Mowery, Oliver, Osili, Potts, Ray, Robinson
0 NAYS:
1 ABSENT: Annee

Proposal No. 250, 2021 was retitled FISCAL ORDINANCE NO. 18, 2021, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 18, 2021

PROPOSAL FOR A FISCAL ORDINANCE amending the City-County Annual Budget for 2021 (City-County Fiscal Ordinance No. 235, 2020) by additional appropriations of up to one hundred million dollars (\$100,000,000.00) for purposes of the City Non-Departmental.

WHEREAS, the COVID-19 pandemic continues to impact the health of our community's residents, and the pandemic's resulting economic disruptions have not yet fully abated; and

WHEREAS, the challenge posed by the pandemic continues to require a robust response from all levels of government to ensure that Marion County undergoes a robust and equitable recovery from the crisis; and

WHEREAS, the end of federal protections against eviction has highlighted the vulnerability of many Marion County residents to eviction and housing instability caused by loss or reduction of income stemming from the pandemic; and

WHEREAS, the City's Rental Assistance Program, funded by the Council out of dollars allocated to the City out of the federal Emergency Rental Assistance program, has thus far provided more than \$50 million in much-needed assistance to landlords and tenants, but more assistance is urgently needed; and

WHEREAS, the City has submitted an application to the Indiana Housing and Community Development Authority (IHCDA) pursuant to which it stands to receive additional funds originally allocated to IHCDA out of the same federal grant; now, therefore:

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, the City-County Annual Budget for 2021 is hereby amended by the character increase hereinafter stated for purposes of the City Non-Departmental.

SECTION 2. The City Non-Departmental requests an additional appropriation in character three totaling an amount not to exceed one hundred million dollars (\$100,000,000.00) in the Federal Stimulus COVID Fund, as shown below.

<u>FUND</u>	<u>CHAR 1</u>	<u>CHAR 2</u>	<u>CHAR 3</u>	<u>CHAR 4</u>	<u>CHAR 5</u>	<u>TOTAL</u>
Federal Stimulus COVID	0	0	\$100,000,000	0	0	\$100,000,000

SECTION 3. This appropriation is conditioned upon the receipt of funds from the Indiana Housing and Community Development Authority (IHCDA), pursuant to an application authorized by the Council. In the event that an amount less than the amount displayed above is received from IHCDA, the Council authorizes the appropriation of the full amount actually received to the Federal Stimulus COVID Fund in character three.

SECTION 4. 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 5. Upon approval of this and other pending approvals, the following unappropriated fund balances are projected to remain at the end of 2021:

<u>FUND</u>	2020 Year-End Balance	Projected 2021 Year-End Balance
Federal Stimulus COVID	0	0

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

PROPOSAL NO. 252, 2021. Councillor Mascari reported that the Administration and Finance Committee heard Proposal No. 252, 2021 on August 24, 2021. The proposal, sponsored by Councillor Mascari, authorizes the issuance of general obligation bonds of the Consolidated City in an aggregate principal amount not to exceed \$18,000,000 to finance the firehouse project and the solid waste facility project. By an 11-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Osili called for public testimony at 7:41 p.m.

Mr. Vaughn said that there seems to always be a bond issuance for principal services in this city, and now with Beech Grove being forced to merge with Indianapolis, they will spending more money on uniforms, trucks and stations, saving Beech Grove over \$5 million. He said that they are

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taking Marion County tax dollars and spending them on township fire departments, which is unnecessary.

Seeing no further testimony, Councillor Mascari moved, seconded by Councillor Lewis, for adoption. Proposal No. 252, 2021 was adopted on the following roll call vote; viz:

24 YEAS: Adamson, Bain, Barth, Boots, Brown, Carlino, Dilk, Evans-E, Evans-J, Graves, Gray, Hart, Jackson, Jones, Larrison, Lewis, Mascari, McCormick, Mowery, Oliver, Osili, Potts, Ray, Robinson
0 NAYS:
1 ABSENT: Annee

Proposal No. 252, 2021 was retitled SPECIAL ORDINANCE NO. 8, 2021, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 8, 2021

A SPECIAL ORDINANCE authorizing the issuance and sale of general obligation bonds of the Consolidated City to procure funds to be applied to the costs of financing certain projects, and other related matters.

WHEREAS, the City of Indianapolis, Indiana and Marion County, Indiana (together, the "Consolidated City") have, through the City-County Council of Indianapolis, Indiana and of Marion County, Indiana (the "City-County Council"), determined that it is necessary and desirable to proceed with the acquisition, construction, installation, equipping and/or financing of all or a portion of the following projects (the "Projects"): (a) the construction of a firehouse building, as more particularly described in Exhibit A attached hereto, and (b) the construction of a solid waste building, as more particularly described in Exhibit B attached hereto and made a part hereof; and

WHEREAS, the City-County Council now determines that it will be necessary and desirable and will be of general benefit to the residents of the Consolidated City to issue general obligation bonds of the Consolidated City, in one or more series, in an aggregate principal amount not to exceed Eighteen Million Dollars (\$18,000,000), payable from an ad valorem property tax to be levied upon all of the taxable property located within the Consolidated City, to finance the costs of all or a portion of the Projects, together with expenses incidental thereto, including capitalized interest on the bonds, if necessary, and all expenses incurred in connection with or on account of the issuance of the bonds therefor; and

WHEREAS, none of the Projects will cost the City more than Sixteen Million Seven Hundred Thousand Dollars (\$16,700,000); and

WHEREAS, Indiana Code 6-1.1-20-3.1 requires that two public hearings be held for the purpose of receiving public input prior to considering the adoption of an ordinance making a preliminary determination to issue general obligation bonds for purposes of financing the costs of all or a portion of the Projects, and notice of the hearings was published in the Indianapolis Star and the Indianapolis Business Journal, and a copy of such notice has also been mailed to the Marion County Circuit Court Clerk; and

WHEREAS, two public hearings were held by the City-County Council (or committees thereof) in accordance with the provisions of Indiana Code 6-1.1-20-3.1(b)(1) and Indiana Code 36-3-4-13(a), and public input was received concerning the Projects; and

WHEREAS, the City-County Council has concluded, following the public hearings described above, that the Projects and the issuance of general obligation bonds of the Consolidated City for the purposes of financing the costs of all or a portion of the Projects, together with expenses incidental thereto, including capitalized interest on the bonds, if necessary, and all expenses incurred in connection with or on account of the issuance of the bonds therefor, are necessary and desirable, are authorized by Indiana Code 36-3-4-21, and will be of general benefit to the Consolidated City and its citizens; and

WHEREAS, the Consolidated City does not have sufficient funds available or provided for in the existing budgets or tax levies to be applied to the payment of the costs of the Projects proposed to be financed from the proceeds of the bonds described herein, together with expenses incidental thereto, including capitalized interest on the bonds, if necessary, and all expenses incurred in connection with or on account of the issuance of the bonds therefor, making it necessary for the Consolidated City to issue such bonds to finance all or a portion of the Projects, and an extraordinary emergency and necessity exists for the making of the additional appropriation set out herein; and

WHEREAS, the Controller of the Consolidated City has caused notice of a hearing on said appropriation to be published as required by law, and such public hearing was held on said appropriation at which all taxpayers and interested persons had an opportunity to appear and express their views as to such additional appropriation; and

WHEREAS, certain preliminary expenses related to the Projects have been or will be incurred by the Consolidated City, or on its behalf, prior to the issuance and delivery of the Bonds; and

WHEREAS, the City-County Council desires to express its intention to reimburse such expenditures as have been or may be incurred prior to the issuance of the Bonds, pursuant to Indiana Code 5-1-14-6 and in compliance with Section 1.150-2 of the U.S. Treasury Regulations promulgated by the Internal Revenue Service (the "Treasury Regulations"); now, therefore:

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

SECTION 1. The City-County Council hereby determines that this Ordinance shall constitute the preliminary determination of the Consolidated City required by Indiana Code 6-1.1-20-3.1(b)(1) to issue the bonds described herein pursuant to Indiana Code 36-3-4-21, payable from an ad valorem property tax to be levied upon all of the taxable property located within the Consolidated City, for purposes of financing the costs of all or a portion of the Projects, together with expenses incidental thereto, including capitalized interest on the bonds, if necessary, and all expenses incurred in connection with or on account of the issuance of the bonds therefor. The City-County Council hereby authorizes and directs the proper officers of the Consolidated City, in conjunction with counsel, to give such notice as required by the provisions of Indiana Code 6-1.1-20-3.1(b)(2) and (b)(3) of the preliminary determination to issue bonds for purposes of financing the costs of all or a portion of the Projects.

SECTION 2. The Consolidated City is hereby authorized to make a loan in an amount not to exceed Eighteen Million Dollars (\$18,000,000) for the purpose of providing funds to be applied to the costs of all or a portion of the Projects, together with expenses incidental thereto, including capitalized interest on the bonds, if necessary, and all expenses incurred in connection with or on account of the issuance of the bonds therefor.

SECTION 3. In order to procure the funds for such loan, the Controller of the Consolidated City (the "Controller") is hereby authorized and directed to have prepared and to issue and sell one or more series of the negotiable general obligation bonds of the Consolidated City. Such Bonds shall be designated as "City of Indianapolis, Indiana, General Obligation Bonds, Series 2021" (with a separate letter designation for each series; and provided, that in the event a series of bonds is issued in a calendar year after calendar year 2021, the designation of such series of bonds shall be appropriately modified to reflect such calendar year of issuance), and shall be issued in an aggregate principal amount not to exceed Eighteen Million Dollars (\$18,000,000) (the "Bonds"). The Bonds shall constitute a general obligation of the Consolidated City. The Consolidated City is authorized to levy an ad valorem property tax on all of the taxable property located within the Consolidated City, for the purpose of satisfying such general obligation. The final aggregate principal amount of each series of the Bonds shall be certified by the Controller prior to the sale of such series of the Bonds in the Controller's Certificate (as hereinafter defined). The Controller's Certificate shall be conclusive for purposes of establishing the final aggregate principal amount of each series of the Bonds.

Each series of the Bonds shall be issued in fully registered form in denominations of (i) Five Thousand Dollars (\$5,000) or any integral multiple thereof, or (ii) One Hundred Thousand Dollars (\$100,000) or any integral multiple of Five Thousand Dollars (\$5,000) in excess thereof (e.g., \$100,000, or \$105,000, or \$110,000, etc.), with the final authorized denominations for each series of the Bonds to be set forth in the Controller's Certificate prior to the sale of such series of the Bonds. The Bonds shall be numbered consecutively from 21R-1 upwards (with a separate letter designation for each series; and provided, that in the event a series of the Bonds is issued in a calendar year after calendar year 2021, the first two digits of the Bond numbers for such series shall be appropriately modified to reflect the last two digits of the calendar year of issuance). The Bonds shall bear interest at a rate or rates not exceeding six percent (6.0%) per annum (the exact rate or rates to be determined by bidding, or, if sold to The Indianapolis Local Public Improvement Bond Bank (the "Bond Bank"), to be determined by private, negotiated sale, as further described herein). The interest on the Bonds shall be payable semiannually on January 15 and July 15 of each year, commencing not earlier than July 15, 2022. Interest shall be calculated on the basis of twelve (12) thirty (30)-day months for a three hundred sixty (360)-day year. The Bonds shall mature and be payable on January 15 and/or July 15, commencing not earlier than July 15, 2022, and ending not later than twenty (20) years after the date of issuance of the Bonds. The first interest payment date and the final principal maturity schedule for each series of the Bonds shall be certified by the Controller in the Controller's Certificate prior to the sale of such series of the Bonds.

SECTION 4. At the direction of the Controller, upon the advice of the Consolidated City's corporation counsel and financial advisor, the Bonds maturing on such dates as are set forth in the Controller's Certificate prior to the sale of each

series of the Bonds shall be subject to redemption at the option of the Consolidated City, in whole or in part, upon at least thirty (30) days' written notice to the registered owner or owners of Bonds to be redeemed, on such dates as are set forth in the Controller's Certificate prior to the sale of such series of the Bonds, in order of maturity determined by the Controller and by lot within any such maturity or maturities, at a redemption price of one hundred percent (100%) of the principal amount thereof with a premium of not greater than two percent (2%) as set forth in the Controller's Certificate prior to the sale of such series of the Bonds, plus accrued interest to the redemption date.

Official notice of any such redemption shall be mailed by the Registrar and Paying Agent (as hereinafter defined) by first class mail at least thirty (30) days and not more than sixty (60) days prior to the scheduled redemption date to each of the registered owners of the Bonds called for redemption (unless waived by any such registered owner) at the address shown on the registration books of the Registrar and Paying Agent, or at such other address as is furnished in writing by such registered owner to the Registrar; provided, however, that failure to give such notice by mailing, or any defect therein, with respect to any Bond shall not affect the validity of the proceedings for the redemption of any other Bonds. The notice shall specify the redemption price, the date and place of redemption, and the registration numbers (and, in case of partial redemption, the respective principal amounts) of the Bonds called for redemption. The place of redemption may be at the principal corporate trust office of the Registrar and Paying Agent or as otherwise determined by the Consolidated City. Interest on the Bonds (or portions thereof) so called for redemption shall cease to accrue on the redemption date fixed in such notice if sufficient funds are available at the place of redemption to pay the redemption price on the redemption date and when such Bonds (or portions thereof) are presented for payment. Any Bond redeemed in part may be exchanged for a Bond or Bonds of the same maturity in authorized denominations equal to the remaining principal amount thereof.

In addition to the foregoing notice, the Consolidated City may also direct that further notice of redemption of the Bonds be given, including, without limitation, and at the option of the Consolidated City, notice described in paragraph (a) below given by the Registrar and Paying Agent to the parties described in paragraphs (b) and (c) below. No defect in any such further notice and no failure to give all or any portion of any such further notice shall in any manner defeat the effectiveness of any call for redemption of Bonds so long as notice thereof is mailed as prescribed above.

If so directed by the Consolidated City, each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption plus (i) the CUSIP numbers of all Bonds being redeemed; (ii) the date of issue of the Bonds as originally issued; (iii) the rate of interest borne by each Bond being redeemed; (iv) the maturity date of each Bond being redeemed; and (v) any other descriptive information needed to identify accurately the Bonds being redeemed.

If so directed by the Consolidated City, each further notice of redemption shall be sent at least thirty-five (35) days before the redemption date by registered or certified mail or overnight delivery service to all registered securities depositories then in the business of holding substantial amounts of obligations of types comprising the Bonds and to one or more national information services that disseminate notices of redemption of obligations such as the Bonds.

If so directed by the Consolidated City, each such further notice shall be published one time in The Bond Buyer of New York, New York, or, if the Registrar believes such publication is impractical or unlikely to reach a substantial number of the holders of the Bonds, in some other financial newspaper or journal which regularly carries notices of redemption of other obligations similar to the Bonds, such publication to be made at least thirty (30) days prior to the date fixed for redemption.

Upon the payment of the redemption price of the Bonds (or portions thereof) being redeemed and if so directed by the Consolidated City, each check or other transfer of funds issued for such purpose shall bear the CUSIP number identifying, by issue and maturity, the Bonds (or portions thereof) being redeemed with the proceeds of such check or other transfer.

At the option of the successful bidder for any series of the Bonds (or, at the option of the Bond Bank, with respect to any series of the Bonds sold to the Bond Bank), all or a portion of such series of the Bonds may be aggregated into one or more term bonds payable from mandatory sinking fund redemption payments (the "Term Bonds") required to be made as set forth below. The Term Bonds shall have a stated maturity or maturities on January 15 and/or July 15 of the years determined by the successful bidder or the Bond Bank.

In the event that the successful bidder or the Bond Bank opts to aggregate certain Bonds into Term Bonds, such Term Bonds shall be subject to mandatory sinking fund redemption prior to maturity at a redemption price equal to one hundred percent (100%) of the principal amount thereof, plus accrued interest to the redemption date, but without premium, on January 15 and/or July 15 of each year and in the principal amount corresponding to and consistent with the maturity schedule for the Bonds set forth in the Controller's Certificate.

The Registrar and Paying Agent shall credit against the current mandatory sinking fund requirement for a Term Bond of a particular maturity, any Bonds of such maturity delivered to the Registrar and Paying Agent for cancellation or purchased for cancellation by the Registrar and Paying Agent and canceled by the Registrar and Paying Agent and not theretofore applied as a credit against any mandatory sinking fund requirement. Each Bond so delivered or purchased shall be credited by the Registrar and Paying Agent at one hundred percent (100%) of the principal amount thereof against the mandatory sinking fund redemption requirements for the applicable Term Bond in order of mandatory sinking fund redemption (or final maturity) dates determined by the Consolidated City, and the principal amount of such Term Bond to be redeemed on such mandatory sinking fund redemption dates by operation of the mandatory sinking fund requirements shall be reduced accordingly; provided, however, the Registrar and Paying Agent shall only credit Bonds against the mandatory sinking fund requirements to the extent such Bonds are received on or before forty-five (45) days preceding the applicable mandatory sinking fund redemption date.

The Registrar shall determine by lot (treating each Five Thousand Dollars (\$5,000) of principal amount of each Bond as a separate Bond for such purpose) the Bonds within a Term Bond of a particular maturity to be redeemed pursuant to the mandatory sinking fund redemption requirements on January 15 and/or July 15 of each year.

Notice of any such mandatory sinking fund redemption shall be given in the same manner as notice of optional redemption is required to be given pursuant to this Section 4. If Bonds are to be redeemed by optional redemption and mandatory sinking fund redemption on the same date, the Registrar shall select by lot the Bonds for optional redemption before selecting the Bonds by lot for the mandatory sinking fund redemption.

In the event any of the Bonds are issued as Term Bonds, the form of the Bond set forth in Section 7 of this Ordinance shall be modified accordingly.

Any reference to payment of principal on the Bonds shall include payment of scheduled mandatory sinking fund redemption payments described in this Section 4.

SECTION 5. A registrar and paying agent for the Bonds (the "Registrar" and the "Paying Agent," and in both such capacities, the "Registrar and Paying Agent") shall be appointed by the Controller, with such appointment to be reflected in the Controller's Certificate. The Registrar and Paying Agent shall be charged with and shall by appropriate agreement undertake the performance of all of the duties and responsibilities customarily associated with each such position, including, without limitation, the authentication of the Bonds. The Controller is further authorized and directed to enter into such agreements and understandings with the Registrar and Paying Agent as will enable and facilitate the performance of its duties and responsibilities in conformance with the terms of this Ordinance, and is authorized to pay such fees as the Registrar and Paying Agent may reasonably charge for its services in such capacity, with such fees to be paid from available funds of the Consolidated City. In the event the Bonds are registered in the name of any purchaser that does not object to such designation, the Controller is hereby authorized to serve as Registrar and Paying Agent for the Bonds.

The Registrar and Paying Agent, if not the Controller, may at any time resign as Registrar and Paying Agent by giving thirty (30) days' written notice to the Controller and by first-class mail to each registered owner of Bonds then outstanding, and such resignation will take effect at the end of such thirty (30) days or upon the earlier appointment of a successor Registrar and Paying Agent by the Controller. Such notice to the Controller may also be served personally or be sent by registered mail. The Registrar and Paying Agent may also be removed at any time as Registrar and Paying Agent by the Controller, in which event the Controller may appoint a successor Registrar and Paying Agent. The Controller shall notify each registered owner of Bonds then outstanding by first-class mail of the removal of the Registrar and Paying Agent. Notices to registered owners of Bonds shall be deemed to be given when mailed by first-class mail to the addresses of such registered owners as they appear on the registration books kept by the Registrar and Paying Agent. Any predecessor Registrar and Paying Agent shall deliver all of the Bonds and cash in its possession with respect thereto, together with the registration books, to the successor Registrar and Paying Agent. The Controller is hereby authorized to act on behalf of the Consolidated City relating to the resignation or removal of the Registrar and Paying Agent and appointment of a successor Registrar and Paying Agent.

The principal of and premium, if any, on the Bonds shall be payable at the principal office of the Registrar and Paying Agent for the Bonds. Interest on the Bonds shall be paid by check or draft mailed or delivered one (1) business day prior to such payment date to the registered owner thereof at the address as it appears on the registration books kept by the Registrar and Paying Agent as of the last day of the calendar month immediately preceding the interest payment date or at such other address as is provided to the Registrar and Paying Agent in writing by such registered owner. If payment of principal or interest is made to a Clearing Agency (as hereinafter defined), payment shall be made by wire transfer on the payment date in same-day funds. If the payment date occurs on a date when financial institutions are not open for business, the wire transfer shall be made on the next succeeding business day. The Paying Agent shall be instructed to wire transfer payments so that such payments are received by the Clearing Agency by 2:30 p.m. (New York City time).

All payments on the Bonds shall be made in any coin or currency of the United States of America which, on the dates of such payments, shall be legal tender for the payment of public and private debts.

The Bonds shall bear an original date which shall be the first day of the calendar month in which the Bonds are to be delivered (or the date of delivery of the Bonds if so designated by the Controller in the Controller's Certificate) (the "Original Date"), and each Bond shall also bear the date of its authentication. Bonds authenticated on or before the last day of the calendar month immediately preceding the first interest payment date shall be paid interest from the Original Date. Bonds authenticated after the last day of the calendar month immediately preceding the first interest payment date shall be paid interest from the interest payment date immediately preceding the date of authentication of such Bonds unless the Bonds are authenticated between the last day of the calendar month immediately preceding an interest payment date and the interest payment date, in which case interest thereon shall be paid from such interest payment date.

The Bonds may, in compliance with all applicable laws, be issued and held in book-entry form on the books of the central depository system, The Depository Trust Company, its successors, or any successor central depository system appointed by the Consolidated City from time to time (the "Clearing Agency"). The Consolidated City and the Registrar may, in connection therewith, do or perform or cause to be done or performed any acts or things not adverse to the rights of the holders of the Bonds, as are necessary or appropriate to accomplish or recognize such book-entry form Bonds.

During any time that the Bonds are held in book-entry form on the books of a Clearing Agency (a) any such Bond may be registered upon the books kept by the Registrar in the name of such Clearing Agency, or any nominee thereof, including Cede & Co., as nominee of The Depository Trust Company; (b) the Clearing Agency in whose name such Bond is so registered shall be, and the Consolidated City and the Registrar and Paying Agent may deem and treat such Clearing Agency as, the absolute owner and holder of such Bond for all purposes of this Ordinance, including, without limitation, the receiving of payment of the principal of and premium, if any, and interest on such Bond, the receiving of notice, and the giving of consent; (c) neither the Consolidated City nor the Registrar or Paying Agent shall have any responsibility or obligation hereunder to any direct or indirect participant, within the meaning of Section 17A of the Securities Exchange Act of 1934, as amended, of such Clearing Agency, or any person on behalf of which, or otherwise in respect of which, any such participant holds any interest in any Bond, including, without limitation, any responsibility or obligation hereunder to maintain accurate records of any interest in any Bond or any responsibility or obligation hereunder with respect to the receiving of payment of principal of or premium, if any, or interest on any Bonds, the receiving of notice, or the giving of consent; (d) the Clearing Agency is not required to present any Bond called for partial redemption prior to receiving payment so long as the Registrar and Paying Agent and the Clearing Agency have agreed to the method for noting such partial redemption; and (e) payment of the principal of and interest on the Bonds may be made by wire transfer or other method acceptable to the Clearing Agency, as indicated in the Controller's Certificate.

If either (i) the Consolidated City receives notice from the Clearing Agency which is currently the registered owner of the Bonds to the effect that such Clearing Agency is unable or unwilling to discharge its responsibility as a Clearing Agency for the Bonds or (ii) the Consolidated City elects to discontinue its use of such Clearing Agency as a Clearing Agency for the Bonds, then the Consolidated City and the Registrar and Paying Agent each shall do or perform or cause to be done or performed all acts or things, not adverse to the rights of the holders of the Bonds, as are necessary or appropriate to discontinue use of such Clearing Agency as a Clearing Agency for the Bonds and to transfer the ownership of each of the Bonds to such person or persons, including any other Clearing Agency, as the holder of the Bonds may direct in accordance with this Ordinance. Any expenses of such discontinuance and transfer, including expenses of printing new certificates to evidence the Bonds, shall be paid by the Consolidated City.

During any time that the Bonds are held in book-entry form on the books of a Clearing Agency, the Registrar and Paying Agent shall be entitled to request and rely upon a certificate or other written representation from the Clearing Agency or any participant or indirect participant with respect to the identity of any beneficial owners of the Bonds as of a record date selected by the Registrar and Paying Agent. For purposes of determining whether the consent, advice, direction or demand of a registered owner of the Bond has been obtained, the Registrar or Paying Agent shall be entitled to treat the beneficial owners of the Bonds as the Bondholders.

During any time that the Bonds are held in book-entry form on the books of a Clearing Agency, the Controller is authorized to enter into a Letter of Representations agreement with the Clearing Agency, and the provisions of any such Letter of Representations or any successor agreement shall control on the matters set forth herein.

Each Bond shall be transferable or exchangeable only upon the books of the Consolidated City kept for that purpose at the principal office of the Registrar and Paying Agent, by the registered owner thereof in person, or by his attorney duly authorized in writing, upon surrender of such Bond together with a written instrument of transfer or exchange satisfactory to the Registrar and Paying Agent duly executed by the registered owner or his attorney duly authorized in writing, and thereupon a new fully registered Bond or Bonds in the same aggregate principal amount and of the same maturity shall be executed and delivered in the name of the transferee or transferees or the registered owner, as the case may be, in

exchange therefor. The Registrar and Paying Agent shall not be obligated to make any exchange or transfer of Bonds following the last day of the calendar month immediately preceding an interest payment date on the Bonds until such interest payment date. Bonds may be transferred or exchanged without cost to the registered owner, except for any tax or governmental charge required to be paid with respect to the transfer or exchange. The Consolidated City and the Registrar and Paying Agent may treat and consider the person in whose name such Bonds are registered as the absolute owner thereof for all purposes including for the purpose of receiving payment of, or on account of, the principal thereof and interest due thereon.

In the event any Bond is mutilated, lost, stolen or destroyed, the Consolidated City may execute and the Registrar and Paying Agent may authenticate a new Bond of like date, maturity and denomination as that mutilated, lost, stolen or destroyed, which new Bond shall be marked in a manner to distinguish it from the Bond for which it was issued; provided, that in the case of any mutilated Bond, such mutilated Bond shall first be surrendered to the Consolidated City and the Registrar and Paying Agent, and in the case of any lost, stolen or destroyed Bond there shall be first furnished to the Consolidated City and the Registrar and Paying Agent evidence of such loss, theft or destruction satisfactory to the Consolidated City and the Registrar and Paying Agent, together with indemnity satisfactory to them. In the event any such lost, stolen or destroyed Bond shall have matured, instead of issuing a duplicate Bond, the Consolidated City and the Registrar and Paying Agent may, upon receiving indemnity satisfactory to them, pay the same without surrender thereof. The Consolidated City and the Registrar and Paying Agent may charge the owner of such Bond with their reasonable fees and expenses in connection with the above. Every substitute Bond issued by reason of any Bond being lost, stolen or destroyed shall, with respect to such Bond, constitute a substitute contractual obligation of the Consolidated City, whether or not the lost, stolen or destroyed Bond shall be found at any time, and shall be entitled to all the benefits of this Ordinance, equally and proportionately with any and all other Bonds duly issued hereunder.

SECTION 6. The Bonds shall be executed in the name of the Consolidated City by the manual or facsimile signature of the Mayor of the Consolidated City (the "Mayor"), countersigned by the manual or facsimile signature of the Controller, and attested by the manual or facsimile signature of the Clerk of the Consolidated City, who shall cause the official seal of the Consolidated City to be impressed or a facsimile thereof to be printed or otherwise reproduced on each of the Bonds. Subject to the provisions hereof for registration, the Bonds shall be negotiable under the laws of the State of Indiana.

The Bonds shall be authenticated with the manual signature of an authorized representative of the Registrar and Paying Agent, and no Bond shall be valid or obligatory for any purpose or be entitled to any security or benefit under this Ordinance until the Certificate of Authentication on such Bond shall have been so executed.

SECTION 7. The form and tenor of the Bonds shall be substantially as follows (all blanks to be properly completed prior to the preparation of the Bonds):

[Form of Bond]

UNITED STATES OF AMERICA

STATE OF INDIANA

COUNTY OF MARION

No. 21__R-__

\$ _____

CITY OF INDIANAPOLIS, INDIANA,
GENERAL OBLIGATION BOND, SERIES 2021__

Interest
Rate

Maturity
Date

Original
Date

Authentication
Date

[CUSIP]

Registered Owner:

Principal Sum:

The City of Indianapolis and the County of Marion, in the State of Indiana (together, the "Consolidated City"), for value received, hereby acknowledges itself indebted and promises to pay to the Registered Owner stated above, or registered assigns, the Principal Sum stated above, on the Maturity Date stated above, and to pay interest on said Principal Sum to the Registered Owner of this bond until the Consolidated City's obligation with respect to the payment of said Principal Sum shall be discharged, at the rate per annum specified above from the interest payment date immediately

September 13, 2021

preceding the date of the authentication of this bond, unless this bond is authenticated on or before _____, 202__, in which case the interest shall be paid from the Original Date stated above or unless this bond is authenticated between the last day of the calendar month immediately preceding an interest payment date and the interest payment date, in which case interest shall be paid from such interest payment date. Interest shall be payable on [_____ 15, 202__], and semiannually thereafter on January 15 and July 15 of each year. Interest shall be calculated on the basis of twelve (12) thirty (30)-day months for a three hundred sixty (360)-day year.

The principal of and premium, if any, on this bond is payable at the principal office of _____, in _____, Indiana, as Registrar and Paying Agent (which term shall include any successor registrar and paying agent) (the "Registrar and Paying Agent"). Interest on this bond shall be paid by check or draft mailed or delivered one (1) business day prior to such payment date to the Registered Owner hereof at the address as it appears on the registration books kept by the Registrar and Paying Agent as of the last day of the calendar month immediately preceding the interest payment date or at such other address as is provided to the Registrar and Paying Agent in writing by the Registered Owner. Notwithstanding the foregoing, if payment of principal or interest is made to a depository, payment shall be made by wire transfer on the payment date in same-day funds. All payments on this bond shall be made in coin or currency of the United States of America which, on the dates of such payments, shall be legal tender for the payment of public and private debts. Subject to the provisions of the Ordinance (hereinafter defined) for registration, this bond is negotiable under the laws of the State of Indiana.

This bond is payable from an ad valorem property tax to be levied upon all of the taxable property located within the Consolidated City.

This bond is one of an authorized issue of bonds of the Consolidated City in the aggregate principal amount of _____ Dollars (\$ _____), numbered consecutively from 21_R-1 upwards, issued pursuant to an ordinance (Ordinance No. _____) (the "Ordinance") adopted by the City-County Council of the City of Indianapolis, Indiana and of Marion County, Indiana on _____, 2021, to procure funds to be applied to the costs of acquisition, construction, installation and equipping of a new fire station and a new solid waste garage, together with expenses incidental thereto, including capitalized interest on the bonds through _____, 20__ and all expenses incurred in connection with or on account of the issuance of the bonds therefor. Reference is hereby made to the Ordinance for a description of the nature and extent of the rights, duties and obligations of the owners of the bonds and the Consolidated City and the terms on which this bond is issued, and to all the provisions of such Ordinance to which the holder hereof by the acceptance of this bond assents.

The bonds maturing in any one year are issuable only in fully registered form in denominations of _____ Dollars (\$ _____) or integral multiples thereof not exceeding the aggregate principal amount of the bonds maturing in such year.

[The bonds of this issue maturing on or after _____ 1, 20__ are subject to redemption prior to maturity, at the option of the Consolidated City, in whole or in part, on _____ 1, 20__, or at any time thereafter, in amounts and maturities determined by the Controller and by lot within any such maturity or maturities at a redemption price of _____, plus accrued interest to the redemption date.]

[Notice of any such redemption shall be sent by first class mail to the Registered Owner of this bond not more than sixty (60) and not less than thirty (30) days prior to the date fixed for redemption, unless such notice is waived by the Registered Owner; provided, however, that failure to give such notice by mailing, or any defect therein, with respect to any such bond will not affect the validity of any proceedings for redemption of any other such bonds. The notice shall specify the redemption price, the date and place of redemption, and the registration numbers (and in case of partial redemption, the respective principal amounts) of the bonds called for redemption. Interest on bonds so called for redemption shall cease to accrue on the redemption date fixed in such notice, so long as sufficient funds are available at the place of redemption to pay the redemption price on the redemption date or when presented for payment.]

[Prior to the date fixed for redemption, funds shall be deposited with the Paying Agent to pay, and the Paying Agent is hereby authorized and directed to apply such funds to the payment of the bonds or portions thereof called, together with accrued interest thereon to the redemption date and any required premium. No payment shall be made by the Paying Agent upon any bond or portion thereof called for redemption until such bond shall have been delivered for payment or cancellation or the Registrar shall have received the items required by the Ordinance with respect to any mutilated, lost, stolen or destroyed bond.]

If this bond or a portion hereof shall have become due and payable in accordance with its terms or shall have been duly called for redemption or irrevocable instructions to call the bonds or a portion thereof for redemption shall have been given, and the whole amount of the principal of and premium, if any, and interest so due and payable upon all of this bond or a portion hereof then outstanding shall be paid or (i) sufficient moneys, or (ii) direct obligations of, or

obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America, the principal of and the interest on which when due will provide sufficient moneys for such purpose, or (iii) time certificates of deposit fully secured as to both principal and interest by obligations of the kind described in (ii) above of a bank or banks the principal of and interest on which when due will provide sufficient moneys for such purpose, shall be held in trust for such purpose, and provision shall also have been made for paying all fees and expenses in connection with the redemption, then and in that case this bond or such portion hereof shall no longer be deemed outstanding or an indebtedness of the Consolidated City.

This bond is transferable or exchangeable only upon the books of the Consolidated City kept for that purpose at the principal office of the Registrar and Paying Agent by the Registered Owner hereof in person, or by his attorney duly authorized in writing, upon surrender of this bond together with a written instrument of transfer or exchange satisfactory to the Registrar and Paying Agent duly executed by the Registered Owner or his attorney duly authorized in writing, and thereupon a new fully registered bond or bonds in the same aggregate principal amount and of the same maturity shall be executed and delivered in the name of the transferee or transferees or the Registered Owner, as the case may be, in exchange therefor. This bond may be transferred or exchanged without cost to the Registered Owner, except for any tax or governmental charge required to be paid with respect to the transfer or exchange. The Registrar and Paying Agent shall not be required to make any transfer or exchange of this bond following the last day of the calendar month immediately preceding an interest payment date on this bond until such interest payment date. The Consolidated City and the Registrar and Paying Agent may treat and consider the person in whose name this bond is registered as the absolute owner hereof for all purposes including for the purpose of receiving payment of, or on account of, the principal hereof and interest due hereon.

In the event this bond is mutilated, lost, stolen or destroyed, the Consolidated City may execute and the Registrar and Paying Agent may authenticate a new bond of like date, maturity and denomination as this bond, which new bond shall be marked in a manner to distinguish it from this bond; provided, that in the case of this bond being mutilated, this bond shall first be surrendered to the Consolidated City and the Registrar and Paying Agent, and in the case of this bond being lost, stolen or destroyed, there shall first be furnished to the Consolidated City and the Registrar and Paying Agent evidence of such loss, theft or destruction satisfactory to the Consolidated City and the Registrar and Paying Agent, together with indemnity satisfactory to them. In the event that this bond, being lost, stolen or destroyed, shall have matured, instead of issuing a duplicate bond, the Consolidated City and the Registrar and Paying Agent may, upon receiving indemnity satisfactory to them, pay this bond without surrender hereof. The Consolidated City and the Registrar and Paying Agent may charge the owner of this bond with their reasonable fees and expenses in connection with the above. Every substitute bond issued by reason of this bond being lost, stolen or destroyed shall, with respect to this bond, constitute a substitute contractual obligation of the Consolidated City, whether or not this bond, being lost, stolen or destroyed shall be found at any time, and shall be entitled to all the benefits of the Ordinance, equally and proportionately with any and all other bonds duly issued thereunder.

In the manner provided in the Ordinance, the Ordinance and the rights and obligations of the Consolidated City and of the owners of the bonds may (with certain exceptions as stated in the Ordinance) be modified or amended with the consent of the owners of at least a majority in aggregate principal amount of outstanding bonds exclusive of bonds, if any, owned by the Consolidated City.

The Registrar and Paying Agent may at any time resign as Registrar and Paying Agent by giving thirty (30) days' written notice to the Consolidated City and by first-class mail to the registered owners of bonds then outstanding, and such resignation will take effect at the end of such thirty (30) days or upon the earlier appointment of a successor Registrar and Paying Agent by the Consolidated City. Such notice to the Consolidated City may also be served personally or be sent by registered mail. The Registrar and Paying Agent may also be removed at any time as Registrar and Paying Agent by the Consolidated City, in which event the Consolidated City may appoint a successor Registrar and Paying Agent. The Consolidated City shall cause the Registered Owner of this bond, if then outstanding, to be notified by first-class mail of the removal of the Registrar and Paying Agent. Notices to registered owners of bonds shall be deemed to be given when mailed by first-class mail to the addresses of such registered owners as they appear in the registration books kept by the Registrar and Paying Agent.

It is hereby certified and recited that all acts, conditions and things required by law and the Constitution of the State of Indiana to be done precedent to and in the execution, issuance, sale and delivery of this bond have been properly done, happened and performed in regular and due form as prescribed by law, and that the total indebtedness of the Consolidated City, including the bonds of this issue, does not exceed any constitutional or statutory limitation of indebtedness.

This bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Ordinance authorizing this bond until the certificate of authentication hereon shall have been duly executed by an authorized representative of the Registrar and Paying Agent.

September 13, 2021

IN WITNESS WHEREOF, the City of Indianapolis, Indiana and Marion County, Indiana have caused this bond to be executed in the name of said Consolidated City, by the manual or facsimile signature of the Mayor of said City, countersigned by the manual or facsimile signature of the Controller of said Consolidated City, and attested by the manual or facsimile signature of the Clerk of said Consolidated City, who has caused the official corporate seal of said Consolidated City to be impressed or a facsimile thereof to be printed or otherwise reproduced hereon.

CONSOLIDATED CITY OF INDIANAPOLIS, INDIANA

By: _____

Mayor

Countersigned:

By: _____

Controller

(Seal)

ATTEST:

Clerk

REGISTRAR'S CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described in the within-mentioned Ordinance.

as Registrar and Paying Agent

By: _____

Authorized Representative

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto

(Insert name and address of transferee)
this bond and all rights hereunder and hereby irrevocably constitutes and appoints _____, attorney, to transfer this bond on the books kept for the registration hereof with full power of substitution in the premises.

Date: _____

NOTICE: Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

NOTICE: The signature to this assignment must correspond with the name of the Registered Owner as it appears on the front of this bond in every particular, without alteration or enlargement or any change whatsoever.

[End of Bond Form]

SECTION 8.

(a) Public Sale. The Controller may, in such officer's discretion based upon the advice of the Consolidated City's financial advisor, sell any series of the Bonds by public sale, in which event the provisions of this Section 8(a) shall apply to such public sale. Prior to the sale of the Bonds, the Controller shall cause to be published a notice of intent to sell once each week for two (2) weeks in the Indianapolis Star and in the Indianapolis Business Journal, a newspaper of general circulation published in the City of Indianapolis, Indiana. The notice of such sale or a summary thereof may also be published in The Bond Buyer, a financial journal published in the City and State of New York, and/or in other publications in the discretion of the Controller. The notice must state that any person interested in submitting a bid for the Bonds may furnish in writing at the address set forth in the notice, the person's name, address and telephone number, and that any such person may also furnish a telex number. The notice must also state: (i) the amount of the Bonds to be offered; (ii) the denominations; (iii) the dates of maturity; (iv) the maximum rate or rates of interest; (v) the place of sale; (vi) the time within which the name, address and telephone number must be furnished, which must not be less than seven (7) days after the last publication of the notice of intent to sell; and (vii) such other matters as the Controller shall deem appropriate. Such notice shall provide, among other things, that each bid shall be accompanied by a certified cashier's check or a financial surety bond from an insurance company authorized to do business in the State of Indiana in an amount equal to one percent (1%) of the principal amount of the Bonds to guarantee performance on the part of the bidder; that if the Bonds are awarded to a bidder who has submitted a financial surety bond to the Consolidated City, then such bidder must submit the required amount of the good faith deposit to the Consolidated City in the form of a

certified or cashier's check (or a wire transfer consisting of immediately available funds to the Consolidated City as instructed by the Consolidated City) not later than 3:30 p.m. (local time) on the next business day following the award by the Consolidated City; that if such check or wire transfer is not received by that time, the financial surety bond may be drawn upon by the Consolidated City to satisfy the deposit requirements; and that in the event the successful bidder shall fail or refuse to accept delivery of and pay for the Bonds as soon as the Bonds are ready for delivery, or at the time fixed in the notice, then said amount shall become the property of the Consolidated City and shall be considered as the Consolidated City's liquidated damages on account of such default. Each person so registered shall be notified of the date and time bids will be received, not less than twenty-four (24) hours before the date and time of sale. The notification shall be made by telephone at the number furnished by the person, and also by telex if the person furnishes a telex number.

All bids for Bonds shall be sealed and shall be presented to the Controller at the Controller's office, and the Controller shall continue to receive all bids offered until the hour named on the day fixed for the sale of the Bonds, at which time and place the Controller shall open and consider each bid. Bidders for the Bonds shall be required to name the rate or rates of interest which the Bonds are to bear, not exceeding the maximum rate hereinabove fixed. The interest rate or rates shall be in multiples of one-eighth (1/8) or one-hundredth (1/100) of one percent (1%). Bids specifying more than one interest rate shall also specify the amount and maturities of the Bonds bearing each rate, and all Bonds maturing on the same date shall bear the same rate of interest. The interest rate on Bonds of a given maturity must be at least as great as the interest rate on Bonds of any earlier maturity. Subject to provisions contained below, the Controller shall award the Bonds to the bidder offering the lowest interest cost, to be determined by computing the total interest on all of the Bonds from the date thereof to the date of their maturities and deducting therefrom the premium bid, if any, or adding thereto the amount of the discount, if any. No bid for less than ninety-seven percent (97.0%) of the par value of the Bonds (or such higher percentage of the par value of the Bonds as the Controller, with the advice of the financial advisor to the Consolidated City, shall determine prior to publication of the notice of intent to sell, as reflected in the Controller's Certificate), plus accrued interest at the rate or rates named to the date of delivery, shall be considered. The Controller shall have full right to reject any and all bids. In the event no acceptable bid is received at the time fixed for the sale of the Bonds, then the sale may be continued from day to day for a period not to exceed thirty (30) days without readvertising. During the continuation of the sale, no bid shall be accepted which offers an interest cost which is equal to or higher than the best bid received at the time fixed for the sale.

The Controller is hereby authorized to determine, in such officer's discretion, to sell the Bonds pursuant to the general provisions of Indiana Code 5-1-11 (rather than Section 2(b) thereof), and in the event of such a determination, those portions of this Section 8 which conflict with such provisions shall be deemed inapplicable.

(b) Sale to the Bond Bank. The Bonds may, in the discretion of the Controller based upon the advice of the Consolidated City's financial advisor, be sold to the Bond Bank, with a maximum discount of three percent (3%) of the par amount of the Bonds. In the event of such determination, Bonds shall be sold to the Bond Bank in such denomination or denominations as the Bond Bank may request, and pursuant to a purchase agreement (the "Purchase Agreement") between the Consolidated City and the Bond Bank, hereby authorized to be entered into and executed by the Mayor on behalf of the Consolidated City, and attested by the Controller, subsequent to the date of the adoption of this Ordinance. Such Purchase Agreement may set forth the definitive terms and conditions for such sale, but all of such terms and conditions must be consistent with the terms and conditions of this Ordinance, including, without limitation, the interest rate or rates on the Bonds which shall not exceed the maximum rate of interest for the Bonds authorized pursuant to this Ordinance. Bonds sold to the Bond Bank shall be accompanied by all documentation required by the Bond Bank pursuant to the provisions of Indiana Code 5-1.4 and the Purchase Agreement, including, without limitation, an approving opinion of nationally recognized bond counsel, certification and guarantee of signatures and certification as to no litigation pending, as of the date of delivery of the Bonds to the Bond Bank, challenging the validity or issuance of the Bonds. In the event the Controller determines to sell the Bonds to the Bond Bank, the entry by the Consolidated City into the Purchase Agreement, and the execution and delivery of the Purchase Agreement on behalf of the Consolidated City by the Mayor in accordance with this Ordinance are hereby authorized and approved.

(c) Legal Opinion; Credit Enhancement. Prior to the delivery of the Bonds, the Controller shall be authorized to obtain a legal opinion as to the validity of the Bonds from Faegre Drinker Biddle & Reath LLP, bond counsel, of Indianapolis, Indiana, and to furnish such opinion to the purchaser or purchasers of the Bonds. The cost of such opinion shall be considered as part of the costs incidental to these proceedings and shall be paid out of proceeds of the Bonds.

If the financial advisor of the Consolidated City certifies to the Consolidated City that it would be economically advantageous for the Consolidated City to acquire a municipal bond insurance policy or other credit enhancement for the Bonds, the Consolidated City hereby authorizes the Mayor and the Controller to take all such actions as may be necessary or appropriate to obtain such an insurance policy or other credit enhancement. The acquisition of a municipal bond insurance policy or other credit enhancement is hereby deemed economically advantageous if the difference between the present value cost of (a) the total debt service on the Bonds if issued without municipal bond insurance or other credit enhancement and (b) the total debt service on the Bonds if issued with municipal bond insurance or other credit

enhancement, is greater than the cost of the premium on the municipal bond insurance policy or cost of such other credit enhancement. If deemed economically advantageous as described in this paragraph, the cost of the premium for such municipal bond insurance policy or cost of such other credit enhancement shall be deemed as a proper cost of issuance of the Bonds. The Mayor and the Controller, with the advice of the financial advisor for the Consolidated City, are further authorized to take such actions as may be necessary or appropriate to procure a credit rating or ratings on the Bonds from one or more nationally recognized securities rating agencies.

SECTION 9. The Consolidated City hereby authorizes and directs the Mayor, the Controller, the Clerk of the Consolidated City and the members and officers of the Consolidated City, and each of them, to execute and deliver any and all other instruments, letters, certificates, agreements and documents as the official executing the same determines is necessary or appropriate to consummate the transactions contemplated by this Ordinance, and such determination shall be conclusively evidenced by the execution thereof. The instruments, letters, certificates, agreements and documents, including the Bonds, necessary or appropriate to consummate the transactions contemplated by this Ordinance shall, upon execution, as contemplated herein, constitute the valid and binding obligations or representations and warranties of the Consolidated City, the full performance and satisfaction of which by the Consolidated City is hereby authorized and directed.

SECTION 10. The Mayor is hereby authorized to execute the Bonds with his manual or facsimile signature, the Controller is hereby authorized and directed to have such Bonds prepared and to countersign such Bonds, and the Clerk of the Consolidated City is hereby authorized to attest the Bonds with such officer's manual or facsimile signature and cause the seal of the Consolidated City to be impressed or a facsimile thereof to be printed or otherwise reproduced on the Bonds, all in the form and manner herein provided. In case any officer whose signature appears on the Bonds shall cease to hold that office before the delivery of the Bonds, the signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until the delivery of the Bonds. After the Bonds have been properly executed, the Controller shall deliver the Bonds to the purchaser or purchasers in the manner provided by law. Upon delivery of the Bonds, the accrued interest, if any, on the Bonds received at the time of such delivery shall be deposited in the City of Indianapolis, Indiana, Bond Fund (the "Bond Fund"), and the portion of the proceeds of the Bonds representing capitalized interest, if any, shall be deposited in a Capitalized Interest Account.

SECTION 11. The Consolidated City agrees to levy to the extent necessary after giving effect to the provisions of this Section 11, in each calendar year, an ad valorem property tax upon all of the taxable property located within the Consolidated City in a total amount sufficient to pay the principal of and interest on the Bonds in the twelve (12)-month period commencing on July 15 of the following calendar year. In order to establish a levy and collect such a tax, the Consolidated City shall develop a budget in August of each year to submit to the Indiana Department of Local Government Finance (or to any successor thereof) for approval of a tax rate to apply in the following year. Tax distributions received by the Consolidated City in that following year on or about June 30 and December 31 shall be deposited into the Bond Fund and, to the extent necessary, shall be used to pay the following respective July 15 and January 15 debt service payments on the Bonds.

SECTION 12. In order to preserve the excludability from gross income of interest on the Bonds under federal law and as an inducement to the purchasers of the Bonds, the Consolidated City represents, covenants and agrees that, to the extent necessary to preserve such excludability:

(a) The Consolidated City shall satisfy either subparagraph (i) or (ii) of this Section 12(a) (or both).

No person or entity or any combination thereof, other than the Consolidated City or any other governmental unit ("Governmental Unit") within the meaning of Section 141(b)(6) and Section 150(a)(2) of the Internal Revenue Code of 1986, as amended and as in effect on the date of delivery of the Bonds (the "Code"), will use more than ten percent (10%) of the proceeds of the Bonds or property financed by said proceeds other than as a member of the general public. Not more than five percent (5%) of the proceeds of the Bonds are to be used (i) for any private business use that is unrelated to the governmental use of the proceeds or (ii) for a related private business use that is disproportionate to the governmental use of such proceeds within the meaning of Section 141(b)(3)(B) of the Code. No person or entity or any combination thereof, other than the Consolidated City or another Governmental Unit, will own property financed by more than ten percent (10%) of the Bond proceeds or will have actual or beneficial use of more than ten percent (10%) of such property pursuant to a lease, a management or incentive payment contract, an arrangement such as a take-or-pay or other type of output contract or any other type of arrangement that differentiates that person's or entity's use of such property from the use by the public at large of such property, except pursuant to a management or similar contract which satisfies the requirements of IRS Revenue Procedure 97-13.

Not more than ten percent (10%) of the principal of or interest on the Bonds (under the terms of the Bonds, this

Ordinance or any underlying arrangement) is secured, directly or indirectly, by an interest in property used or to be used for any private business use or payments in respect of such property or to be derived from payments (whether or not to the Consolidated City) in respect of such property or borrowed money used or to be used for a private business use.

- (b) No Bond proceeds will be loaned to any entity or person. No Bond proceeds will be transferred directly, or indirectly transferred or deemed transferred, to a person other than a Governmental Unit in a fashion that would in substance constitute a loan of said Bond proceeds.*
- (c) The Consolidated City will not take any action or fail to take any action with respect to the Bonds that would result in the loss of the excludability from gross income for federal tax purposes of interest on the Bonds pursuant to Section 103(a) of the Code, nor will the Consolidated City act in any manner or permit any actions by officers or officials of the Consolidated City that would in any manner adversely affect such excludability. The Consolidated City further covenants that it will not make any investment or do any other act or thing during the period that any Bond is outstanding hereunder which would cause any Bond to be an "arbitrage bond" within the meaning of Section 148 of the Code and the regulations applicable thereto as in effect on the date of delivery of the Bonds. The Consolidated City shall comply with the arbitrage rebate requirements under Section 148 of the Code to the extent applicable.*
- (d) All officers, members, employees and agents of the Consolidated City are authorized and directed to provide certifications of facts and estimates that are material to the reasonable expectations of the Consolidated City as of the date the Bonds are issued and to enter into covenants on behalf of the Consolidated City evidencing the Consolidated City's commitments made herein. In particular, all or any officers, members, employees and agents of the Consolidated City are authorized to certify and/or enter into covenants for the Consolidated City regarding the facts and circumstances and reasonable expectations of the Consolidated City on the date the Bonds are issued and the commitments made by the Consolidated City herein regarding the amount and use of the proceeds of the Bonds.*

SECTION 13. Notwithstanding any other provisions of this Ordinance, the covenants and authorizations contained in this Ordinance (the "Tax Sections") which are designed to preserve the excludability of interest on the Bonds from gross income under federal law (the "Tax Exemption") need not be complied with if the Consolidated City receives an opinion of nationally recognized bond counsel that any Tax Section is unnecessary to preserve the Tax Exemption. In addition, the Consolidated City is authorized to issue one or more series of Bonds, the interest on which is not excludable from gross income under federal law, in which case the Tax Sections of this Ordinance shall not apply to such series of Bonds.

SECTION 14. If, when the Bonds or a portion thereof shall have become due and payable in accordance with their terms or shall have been duly called for redemption or irrevocable instructions to call the Bonds or a portion thereof for redemption shall have been given, and the whole amount of the principal of and premium, if any, and interest so due and payable upon all of the Bonds or a portion thereof then outstanding shall be paid or (i) sufficient moneys, or (ii) direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America, the principal of and the interest on which when due will provide sufficient moneys for such purpose, or (iii) time certificates of deposit fully secured as to both principal and interest by obligations of the kind described in (ii) above of a bank or banks the principal of and interest on which when due will provide sufficient moneys for such purpose, shall be held in trust for such purpose, and provision shall also have been made for paying all fees and expenses in connection with the redemption, then and in that case the Bonds or such portion thereof issued hereunder shall no longer be deemed outstanding or an indebtedness of the Consolidated City.

SECTION 15. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 16. All resolutions and orders, or parts thereof, in conflict with the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed, and this Ordinance shall be in immediate effect from and after its adoption.

SECTION 17. If the date for making any payment or the last date for performance of any act or the exercising of any right, as provided in this Ordinance, shall be a legal holiday or a day on which banking institutions in the city or town in which the Registrar and Paying Agent is located are typically closed, such payment may be made or act performed or right exercised on the next succeeding day not a legal holiday or a day on which such banking institutions are typically closed, with the same force and effect as if done on the nominal date provided in this Ordinance, and no interest shall accrue for the period after such nominal date.

SECTION 18. The City-County Council may, without the consent of, or notice to, any of the owners of the Bonds, adopt a supplemental ordinance for any one or more of the following purposes:

- a) *To cure any ambiguity or formal defect or omission in this Ordinance;*
- b) *To grant to or confer upon the owners of the Bonds any additional benefits, rights, remedies, powers, authority or security that may lawfully be granted to or conferred upon the owners of the Bonds, or to make any change which, in the judgment of the Consolidated City, is not to the prejudice of the owners of the Bonds;*
- c) *To modify, amend or supplement this Ordinance to permit the qualification of the Bonds for sale under the securities laws of the United States of America or of any of the states of the United States of America;*
- d) *To provide for the refunding or advance refunding of the Bonds;*
- e) *To procure a rating on the Bonds from a nationally recognized securities rating agency designated in such supplemental ordinance, if such supplemental ordinance will not adversely affect the owners of the Bonds; and*
- f) *Any other purpose which in the judgment of the Consolidated City does not adversely impact the interests of the owners of the Bonds.*

SECTION 19. This Ordinance, and the rights and obligations of the Consolidated City and the owners of the Bonds may be modified or amended at any time by supplemental ordinances adopted by the City-County Council with the consent of the owners of the Bonds holding at least a majority in aggregate principal amount of the outstanding Bonds (exclusive of Bonds, if any, owned by the Consolidated City); provided, however, that no such modification or amendment shall, without the express consent of the owners of the Bonds affected, reduce the principal amount of any Bond, reduce the redemption premium, if any, or interest rate payable thereon, advance the earliest redemption date, extend its maturity or mandatory sinking fund redemption or the times for paying interest thereon, permit a privilege or priority of any Bond or Bonds over any other Bond or Bonds, create a lien securing any Bonds other than a lien ratably securing all of the Bonds outstanding, or change the monetary medium in which principal and interest are payable, nor shall any such modification or amendment reduce the percentage of consent required for amendment or modification.

Any act done pursuant to a modification or amendment so consented to shall be binding upon all the owners of the Bonds and shall not be deemed an infringement of any of the provisions of this Ordinance, and may be done and performed as fully and freely as if expressly permitted by the terms of this Ordinance, and after such consent relating to such specified matters has been given, no owner shall have any right or interest to object to such action or in any manner to question the propriety thereof or to enjoin or restrain the Consolidated City or any officer thereof from taking any action pursuant thereto.

If the Consolidated City shall desire to obtain any such consent, it shall cause the Registrar and Paying Agent to mail a notice, postage prepaid, to the respective owners of the Bonds at their addresses appearing on the registration books held by the Registrar and Paying Agent. Such notice shall briefly set forth the nature of the proposed supplemental ordinance and shall state that a copy thereof is on file at the office of the Registrar and Paying Agent for inspection by all owners of the Bonds. The Registrar and Paying Agent shall not, however, be subject to any liability to any owners of the Bonds by reason of its failure to mail the notice described in this Section 19, and any such failure shall not affect the validity of such supplemental ordinance when consented to and approved as provided in this Section 19.

Whenever at any time after the date of the mailing of such notice, the Consolidated City shall receive an instrument or instruments purporting to be executed by the owners of the Bonds of not less than a majority in aggregate principal amount of the Bonds then outstanding (exclusive of Bonds, if any, owned by the Consolidated City), which instrument or instruments shall refer to the proposed supplemental ordinance described in such notice, and shall specifically consent to and approve the adoption thereof in substantially the form of the copy thereof referred to in such notice as on file with the Registrar and Paying Agent, thereupon, but not otherwise, the Consolidated City may adopt such supplemental ordinance in substantially such form, without liability or responsibility to any owners of the Bonds, whether or not such owner shall have consented thereto.

Upon the adoption of any supplemental ordinance pursuant to the provisions of this Section 19, this Ordinance shall be, and be deemed to be, modified and amended in accordance therewith, and the respective rights, duties and obligations under this Ordinance shall thereafter be determined, exercised and enforced hereunder, subject in all respects to such modifications and amendments.

Notwithstanding anything contained in this Ordinance to the contrary, the rights and obligations of the Consolidated City

and of the owners of the Bonds authorized by this Ordinance, and the terms and provisions of the Bonds and this Ordinance, or any supplemental or amendatory ordinance, may be modified or altered in any respect with the consent of the Consolidated City and the consent of the owners of all the Bonds then outstanding.

SECTION 20. The Controller shall, prior to the sale of each series of the Bonds, set forth in a certificate (the "Controller's Certificate") the amount and maturities of such series of the Bonds, the first interest payment date of such series of the Bonds, the percentage of par at which such series of the Bonds shall be sold and all other matters required by this Ordinance to be provided in the Controller's Certificate.

SECTION 21. The Bonds may, based upon the advice of the financial advisor for the Consolidated City, be offered and sold pursuant to an Official Statement with respect to the Bonds (the "Official Statement"), to be made available and distributed in such manner, at such times, for such periods and in such number of copies as may be required pursuant to Rule 15c2-12 promulgated by the United States Securities and Exchange Commission (the "Rule") and any and all applicable rules and regulations of the Municipal Securities Rulemaking Board. The Consolidated City hereby authorizes the Controller (a) to authorize and approve a Preliminary Official Statement, as the same may be appropriately confirmed, modified and amended, for distribution as the Preliminary Official Statement of the Consolidated City; (b) on behalf of the Consolidated City, to designate and deem the Preliminary Official Statement a "final" Official Statement with respect to the Bonds, subject to completion as permitted by and otherwise pursuant to the Rule; and (c) to authorize and approve the Preliminary Official Statement to be placed into final form and to enter into such agreements or arrangements as may be necessary or advisable in order to provide for the distribution of a sufficient number of copies of the Official Statement under the Rule. The Mayor is further authorized to execute an agreement in connection with the offering of the Bonds in accordance with the Rule by which the Consolidated City agrees to undertake such continuing disclosure obligations as may be required under the Rule.

SECTION 22. The proceeds derived from the sale of the Bonds heretofore authorized to be issued and all investment earnings thereon shall be and the same are hereby appropriated to provide financing for all or a portion of the Projects, together with expenses incurred in connection therewith, including capitalized interest, if any, and the costs of the issuance of the Bonds, all of which is not provided for in the existing budget and tax levy. Such appropriation shall be in addition to all appropriations provided for in the existing budget and levy and shall continue in effect until the completion of the activities described above. Any surplus of such proceeds (including investment earnings thereon) shall be credited to the proper fund as provided by law. The Controller shall be, and hereby is, authorized and directed to certify a copy of this Ordinance together with such other proceedings and actions as may be necessary to the Indiana Department of Local Government Finance.

SECTION 23. The City-County Council hereby authorizes and ratifies the publication (and posting, as applicable) in accordance with Indiana law of (a) the notice of public hearing on the preliminary determination to issue the Bonds, (b) the notice of public hearing regarding the proposed additional appropriation of the proceeds of the Bonds, and (c) the notice of the decision to issue bonds in excess of Five Thousand Dollars (\$5,000) pursuant to Indiana Code 6-1.1-20-5.

SECTION 24. The City-County Council hereby declares that it reasonably expects to reimburse with the proceeds of the Bonds expenditures for the Projects made by the Consolidated City prior to the issuance of the Bonds during the period beginning on the date sixty (60) days prior to the date of this Ordinance until the date of issuance of the Bonds, which expenditures are expected to be paid initially from other legally available funds of the Consolidated City. The City-County Council hereby declares that this Ordinance is being adopted for purposes of evidencing compliance with Indiana Code 5-1-14-6 and Section 1.150-2 of the Treasury Regulations.

SECTION 25. This Ordinance shall be in full force and effect from and after its adoption and compliance with Indiana Code 36-3-4-14.

PROPOSAL NO. 253, 2021. Councillor Mascari reported that the Administration and Finance Committee heard Proposal No. 253, 2021 on August 24, 2021. The proposal, sponsored by Councillor Mascari, authorizes the City to execute certain leases with the Indianapolis-Marion County Building Authority for the Coroner Project and Circle City Forward Projects, including forensics crime lab, new juvenile justice facility, animal care shelter, Frederick Douglass Park family center and playground projects. By an 11-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor E. Evans asked why no new voices have been included in the planning and outreach for the juvenile justice center, with community meetings. Sarah Riordan, Executive Director,

Indianapolis Municipal Bond Bank, stated that this would be better answered by the executive committee of the Marion Superior Court, but she does know that they met with many community groups in that area, as well as juvenile justice reform stakeholders, and have done a significant number of outreach and events to garner as much input as possible, but planning continues for the project and nothing is set in stone yet.

Councillor Larrison said that he asked the same question and got the same answers. He said that they are meeting with various youth groups, as well as neighborhood groups, and others interested in justice reform, but the next step is design, and there will be many more conversations.

Councillor Evans said that he is glad to see them finally making a move for a new juvenile justice center, as that has been outdated for many years. He added that the community center at Douglass Park is also greatly appreciated.

Councillor Hart said that the current facility is greatly out-of-date, but there has been an increase in drug-related deaths at the facility. He said that he is conflicted about this proposal, and feels they could save dollars for program use and rehab the old facility. He said that there needs to be more effort concentrated on drug and substance abuse programs. He added that he will support the proposal, as they cannot divide out the juvenile justice center portion, but he hopes to see more programs address that problem in the future.

President Osili called for public testimony at 7:51 p.m.

Mr. Vaughn said that he is glad to see the juvenile justice center change, but money was appropriated 20 years ago to fix the Douglass Park community center, but now residents have been driven out of that area. The city should have protected homeowners against predators who are taking advantage, and it is sickening to see the city spending money on the projects that are most profitable at the time.

Gary Moody, citizen, said that he objects to the plan for the relocation of Animal Care. He said that this is seven acres of mixed use and residential development, is densely populated and a high crime area. He said that the location did not come before the advisory committee.

Councillor E. Evans asked to abstain due to lack of sufficient information. Consent was given.

Seeing no further testimony, Councillor Mascari moved, seconded by Councillor Adamson, for adoption. Proposal No. 253, 2021 was adopted on the following roll call vote; viz:

23 YEAS: Adamson, Bain, Barth, Boots, Brown, Carlino, Dilk, Evans-J, Graves, Gray, Hart, Jackson, Jones, Larrison, Lewis, Mascari, McCormick, Mowery, Oliver, Osili, Potts, Ray, Robinson

0 NAYS:

1 NOT VOTING: Evans-E

1 ABSENT: Annee

Proposal No. 253, 2021 was retitled SPECIAL ORDINANCE NO. 9, 2021, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 9, 2021

A SPECIAL ORDINANCE approving the execution of certain leases with the Indianapolis-Marion County Building Authority, establishing certain funds and accounts related to such lease, and other related matters.

WHEREAS, the Indianapolis-Marion County Building Authority (the "Building Authority") has been created pursuant to Indiana Code 36-9-13, as amended, an independent municipal corporation for the purpose of, among other things, financing government buildings and systems for lease to "eligible entities" (as such term is defined in Indiana Code 36-9-13-1, as amended) within Marion County, Indiana; and

WHEREAS, the Consolidated City of Indianapolis, Indiana, as such term is defined in Indiana Code 36-3-1-4 (the "City") and Marion County, Indiana, as established in Indiana Code 36-2-1-1 (the "County"), are eligible entities pursuant to Indiana Code 36-9-13-1, as amended; and

WHEREAS, the Building Authority intends to issue a series of bonds pursuant to Indiana Code 36-9-13-30, as amended, to be known as the "Indianapolis-Marion County Building Authority Lease Rental Revenue Bonds, Series 2021A (Coroner Project)" (or such other series designation as determined by the Building Authority) (the "Series 2021A Bonds"), the proceeds of which are to be used to finance the acquisition, construction, installation and equipping of a coroner's facility, as more particularly described in Exhibit A attached hereto (the "Coroner Project"), together with expenses incurred in connection therewith, including capitalized interest, if necessary, the funding of a debt service reserve, if necessary, and the costs of the issuance of the Series 2021A Bonds therefor; and

WHEREAS, the Building Authority intends to issue a series of bonds pursuant to Indiana Code 36-9-13-30, as amended, to be known as the "Indianapolis-Marion County Building Authority Lease Rental Revenue Bonds, Series 2022A (Circle City Forward Project)" (or such other series designation as determined by the Building Authority) (the "Series 2022A Bonds," and together with the Series 2021A Bonds, the "Bonds"), the proceeds of which are to be used to finance the acquisition, construction, installation and equipping of the Circle City Forward Projects, as more particularly described and defined in Exhibit B attached hereto (collectively, the "Circle City Forward Projects," and together with the Coroner Project, the "Projects"), together with expenses incurred in connection therewith, including capitalized interest, if necessary, the funding of a debt service reserve, if necessary, and the costs of the issuance of the Series 2022A Bonds therefor; and

WHEREAS, the Building Authority intends to lease (a) the Coroner Project to the County pursuant to a lease to be dated on or after the date of final adoption of this Resolution, as the same may be hereafter amended from time to time (the "2021A Lease"), and (b) the Circle City Forward Projects to the City and/or the County pursuant to a lease (which may be one lease or multiple separate leases) to be dated on or after the date of final adoption of this Resolution, as the same may be hereafter amended from time to time (collectively, the "2022A Lease," and together with the 2021A Lease, the "Leases"), the forms of which Leases are attached hereto in substantially final form and are being approved by this Resolution; and

WHEREAS, notices of public hearings on the proposed Leases were given by publication in the Indianapolis Star and the Indianapolis Business Journal, and said hearings have been held in accordance with said notices; and

WHEREAS, there is attached to this Resolution and presented to the City-County Council of the City of Indianapolis and of Marion County, Indiana (the "City-County Council") at this meeting a substantially final form of the Leases; and

WHEREAS, the City-County Council has determined that the lease rental payments due under the 2021A Lease attributable to the Coroner Project (the "Coroner Project Rental Payments") shall be payable from an ad valorem property tax to be levied on all taxable property located within the boundaries of the County; and

WHEREAS, the City-County Council hereby finds that the Coroner Project is an independently desirable end in itself without reference to the Circle City Forward Projects or any other project of the County and will not cost the County more than Sixteen Million Seven Hundred Thousand Dollars (\$16,700,000); and

WHEREAS, Indiana Code 6-1.1-20-3.1 requires that the City-County Council conduct two public hearings for the purpose of receiving public input prior to considering the adoption of a resolution making a preliminary determination to enter into a lease with the Building Authority for purposes of financing of the Coroner Project, together with expenses incurred in connection therewith, including capitalized interest, if necessary, the funding of a debt service reserve, if necessary, and the costs of the issuance of the Series 2021A Bonds therefor, and notice of the hearings was published in the Indianapolis Star and the Indianapolis Business Journal as required by law, and copies of such notice was also mailed to the Marion County Circuit Court Clerk as required by Indiana Code 6-1.1-20-3.1; and

WHEREAS, the City-County Council (or committees thereof) has held two public hearings in accordance with the provisions of Indiana Code 6-1.1-20-3.1(b)(1) and has received public input concerning the Coroner Project; and

September 13, 2021

WHEREAS, the County has previously acted to impose a county option income tax on the adjusted gross income of County taxpayers pursuant to Indiana Code 6-3.5-6, which law has been repealed and codified at Indiana Code 6-3.6 for the purpose of consolidating the provisions related to various local income tax laws; and

WHEREAS, the City-County Council has determined to pledge the City's and County's distributive shares of public safety and certified shares components of the County local income tax revenues pursuant to Indiana Code 6-3.6-6, as amended (the "LIT Revenues"), to the lease rental payments due under the 2022A Lease attributable to the Circle City Forward Projects (the "Circle City Forward Projects Rental Payments"); and

WHEREAS, the City-County Council has concluded, following the public hearings described above, that the Circle City Forward Projects are necessary and desirable and will be of general benefit to the residents of the City and the County, separate and apart from the Coroner Project; and

WHEREAS, the City-County Council has concluded, following the public hearings described above, that the Coroner Project is itself necessary and desirable and will be of general benefit to the residents of the County, separate and apart from the Circle City Forward Projects; and

WHEREAS, the Projects and the entering into the Leases with the Building Authority for purposes of financing the Projects, together with expenses incurred in connection therewith, including capitalized interest, if necessary, the funding of a debt service reserve, if necessary, and the costs of the issuance of the Bonds therefor, are necessary and will be of general benefit to the City and the County and their taxpayers; and

WHEREAS, the City and the County do not have sufficient funds available or provided for in the existing budgets or tax levies that may be applied to the costs of the Projects, together with expenses incurred in connection therewith, including capitalized interest, if necessary, the funding of a debt service reserve, if necessary, and the costs of the issuance of the Bonds therefor, making it necessary for the City and/or the County to enter into the Leases with the Building Authority to provide for the financing of the Projects; and

WHEREAS, pursuant to Resolution No. 20, 2018, adopted by the City-County Council on November 19, 2018, the City and the County have previously pledged the LIT Revenues to the payment of lease rentals pursuant to a Lease dated as of April 1, 2019, among the City, the County and the Building Authority, as amended (as amended, the "2019 Lease"), which lease rentals are used to pay bonds designated "Indianapolis-Marion County Building Authority Lease Rental Revenue Bonds, Series 2019A (Jail and Courthouse Project)," currently outstanding in the aggregate principal amount of Six Hundred Ten Million Six Hundred Forty-Five Thousand Dollars (\$610,645,000) with a final maturity date of January 15, 2054; and

WHEREAS, it is necessary for the City and the County to (i) establish certain funds and accounts for the payment of the rentals owed by the City and the County pursuant to the Leases, (ii) covenant to levy an ad valorem property tax to make all required Coroner Project Rental Payments due under the 2021A Lease, and (iii) pledge the LIT Revenues to be received by the City and the County to make the Circle City Forward Projects Rental Payments due under the 2022A Lease, on a parity with the pledge of the LIT Revenues to the payment of the lease rentals due under the 2019 Lease; and

WHEREAS, certain preliminary expenses related to the Projects have been or will be incurred by the City or the County, as applicable, or on the City's or the County's behalf, prior to the issuance and delivery of the respective series of the Bonds; and

WHEREAS, the City-County Council desires to express its intention to reimburse such expenditures as have been or may be incurred prior to the issuance of the Bonds, pursuant to Indiana Code 5-1-14-6 and in compliance with Section 1.150-2 of the U.S. Treasury Regulations promulgated by the Internal Revenue Service (the "Treasury Regulations"); now, therefore:

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

SECTION 1. .A need exists for the Projects and the funds needed therefor exceed the funds presently available to the City and the County.

SECTION 2. .The City-County Council hereby makes and confirms the findings described in the preambles to this Resolution.

SECTION 3. Each of the proposed Leases with the Building Authority, as lessor, provides for a fair and reasonable basis for determining the lease rentals thereunder, and, further, the execution of the Leases is necessary and in the best interests of the City and/or the County.

SECTION 4. The Clerk of the City-County Council is authorized and directed to initial and date a copy of the form of the proposed Leases and to place the same in the minute book of the City-County Council immediately following the minutes of this meeting, and the Leases are made a part of this Resolution as fully as if it were set forth herein. One copy of the Leases shall be kept on file for public inspection at the office of the Clerk of the City-County Council.

SECTION 5. As soon as can be done after the passage of this Resolution, the Leases, in substantially the form submitted to the City-County Council at this meeting, shall be executed by the Mayor, as executive of the City and/or the County (the "Mayor"), and attested by the Clerk of the City-County Council (the "Clerk") and/or the Auditor of the County (the "Auditor"), and one or more notices of the approval of the Leases under Indiana Code 36-9-13-28 shall be published according to law. The Mayor is authorized to approve such modifications to the substantially final form of the Leases as the Mayor deems necessary and appropriate prior to the execution of the Leases, with the execution of the Leases by the Mayor, as conclusive evidence of the Mayor's approval thereof.

SECTION 6. The term of the lease of the Coroner Project under the 2021A Lease shall not exceed twenty (20) years, commencing on the date the Coroner Project is completed and ready for occupancy, and the maximum annual Coroner Project Rental Payments due under the 2021A Lease shall not exceed One Million Two Hundred Thousand Dollars (\$1,200,000). The term of the lease of the Circle City Forward Projects under the 2022A Lease shall not exceed forty (40) years, commencing on the date the Circle City Forward Projects are completed and ready for occupancy, and the maximum annual Circle City Forward Projects Rental Payments due under the 2022A Lease shall not exceed Nine Million Eight Hundred Thousand Dollars (\$9,800,000),

SECTION 7. The City-County Council hereby authorizes the City and/or the County to enter into one or more agreements with the Building Authority, or such other entity or entities as deemed advisable, to provide for any of the operations, maintenance and management of the Projects.

SECTION 8. The preliminary drawings, plans, specifications and cost estimates for the Projects shall be submitted to the City and the County and approved by the Mayor prior to the execution of the respective Leases, and such plans and specifications shall be submitted to the various governmental agencies as required by law upon their final approval by the Mayor.

SECTION 9. There is hereby created and established a Bond Fund to consist of a Series 2021A Lease Payment Account (the "Series 2021A Lease Payment Account") and a Series 2022A Lease Payment Account (the "Series 2022A Lease Payment Account") and such other accounts as the City and/or the County shall from time to time establish. From the Series 2021A Lease Payment Account, all required Coroner Project Rental Payments due under the 2021A Lease shall be made by the County to the Building Authority. From the Series 2022A Lease Payment Account, all required Circle City Forward Projects Rental Payments due under the 2022A Lease shall be made by the City and the County, as applicable, to the Building Authority.

SECTION 10. The Circle City Forward Projects Rental Payments to be paid from the Series 2022A Lease Payment Account under the 2022A Lease shall be payable from the LIT Revenues, on a parity with the pledge of the LIT Revenues to the payment of the lease rentals due under the 2019 Lease. Notwithstanding the foregoing, in lieu of paying the Circle City Forward Projects Rental Payments to the Building Authority, the City and the County may agree to deposit with the corporate trustee for the Series 2022A Bonds, funds to meet the City's and the County's Circle City Forward Projects Rental Payment obligations.

SECTION 11. The City and the County, in consideration of the lease of the Circle City Forward Projects, in order to secure the payment of rentals due thereunder and the performance and observance of the covenants thereunder, hereby pledges to the Building Authority, and the holders of the Series 2022A Bonds, the LIT Revenues received by the City and the County, along with any investment earnings thereon, such pledge to be effective as set forth in Indiana Code 5-1-14-4 without filing or recording of the 2022A Lease, this Resolution or any other instrument; provided, that the pledge of LIT Revenues to the payment of the Circle City Forward Projects Rental Payments due under the 2022A Lease shall rank on a parity with the pledge of the LIT Revenues to the payment of the lease rentals due under the 2019 Lease. The pledge of LIT Revenues shall be effective only to the extent and for the term that the City and the County are obligated to make Circle City Forward Projects Rental Payments under the 2022A Lease. The obligation of the City and the County to make Circle City Forward Projects Rental Payments under the 2022A Lease is limited to LIT Revenues, and investment earnings thereon, and shall not be considered a debt of the City or the County for purposes of the Constitution or laws of the State of Indiana.

SECTION 12. The City and the County reserve the right to authorize and issue bonds, enter into leases or incur other obligations entitled to the pledge of LIT Revenues, in whole or in part, or any combination thereof, and otherwise pledge the City's and the County's LIT Revenues to secure bonds, lease rental payments or other obligations, for any legally authorized purpose, or to refund any Parity Obligations, ranking on a parity with the pledge of the LIT Revenues to the payment of the Circle City Forward Projects Rental Payments due under the 2022A Lease (such additional bonds, lease rental payments or other obligations, the "Parity Obligations"). The authorization and issuance of Parity Obligations shall be subject to the following conditions precedent:

(a) All Circle City Forward Projects Rental Payments due under the Lease and all payments on any outstanding Parity Obligations (including the 2019 Lease) payable from LIT Revenues shall be current to date in accordance with the terms thereof, with no payment in arrears.

(b) The City and the County shall have received a certificate prepared by a certified public accountant, financial advisor or feasibility consultant certifying that the amount of the LIT Revenues received in any twelve (12) consecutive month period within the prior eighteen (18) calendar months immediately preceding the date of issuance of the Parity Obligations proposed to be issued shall be at least equal to three hundred percent (300%) of the combined maximum annual debt service and lease rental requirements of (i) the Circle City Forward Projects Rental Payments due under the 2022A Lease, (ii) all then outstanding Parity Obligations (including the 2019 Lease), and (iii) the Parity Obligations proposed to be issued, for each respective year, during the remaining term of the 2022A Lease.

(c) Payments of any Parity Obligations payable from the LIT Revenues shall be payable on dates consistent with the lease rental payment dates of the 2022A Lease of the Circle City Forward Projects.

SECTION 13. Notwithstanding the foregoing, the City and the County may issue obligations payable from LIT Revenues on a junior and subordinate basis to the pledge of LIT Revenues to the payment of the Circle City Forward Projects Rental Payments due under the Lease. However, any such junior and subordinate obligations payable from LIT Revenues shall be payable on dates consistent with the lease rental payment dates of the 2022A Lease of the Circle City Forward Projects.

SECTION 14. For purposes of providing additional security for the Series 2022A Bonds or otherwise further securing the pledge of the LIT Revenues to the payment of the Circle City Forward Projects Rental Payments due under the 2022A Lease, the Mayor and the Controller of the City (the "Controller") are specifically authorized by the City-County Council to enter into a revenue deposit or pledge agreement (or an amendment to the existing revenue deposit agreement relating to the LIT Revenues) providing for the direct deposit of LIT Revenues and/or any other legally available revenues with a deposit trustee into a segregated account and/or containing such other terms as the Mayor and the Controller may determine to be necessary or desirable to carry out the provisions of this Resolution.

SECTION 15. The City-County Council authorizes the Mayor, the Controller and the Auditor to create separate, segregated funds or accounts, from legally available funds of the City and/or County, to provide for a debt service reserve for the payment of lease rentals, the payment of operations and maintenance for the Projects, and for life-cycle repair and replacement costs for the Projects. Upon issuance of the Series 2022A Bonds, the Mayor, the Controller and the Auditor are authorized to transfer funds from a debt service reserve fund or account created pursuant to this Resolution to the trustee for the Series 2022A Bonds, after such appropriation by the City-County Council in 2022 (or the year of issuance of the Series 2022A Bonds) of an amount not exceeding the maximum annual debt service due on the Series 2022A Bonds, as required by applicable law.

SECTION 16. CORONER PROJECT: The City-County Council hereby determines that this Resolution shall constitute the preliminary determination of the County required by Indiana Code 6-1.1-20-3.1(b) to enter into a lease to provide for the financing of the Coroner Project, together with expenses incurred in connection therewith, including capitalized interest, if necessary, the funding of a debt service reserve, if necessary, and the costs of the issuance of the Series 2021A Bonds therefor.

SECTION 17. CORONER PROJECT: The City-County Council hereby authorizes and directs the Controller of the Consolidated City and/or the Auditor, in conjunction with counsel to give such notice as required by the provisions of Indiana Code 6-1.1-20-3.1(b)(2) and (b)(3) of the preliminary determination to enter into the 2021A Lease for purposes of financing the costs of the Coroner Project.

SECTION 18. CORONER PROJECT: The County shall levy in each calendar year beginning in the year prior to the first calendar year in which the County is required to pay Coroner Project Rental Payments due under the 2021A Lease, an ad valorem property tax upon all of the taxable property located within the boundaries of the County, in a total amount sufficient, together with all other funds in the Series 2021A Lease Payment Account deposited into such account from

any other sources (other than such property taxes) during the previous twelve (12) months prior to August 1 of such calendar year, to pay all Coroner Project Rental Payments due under the Coroner Lease in the twelve (12)-month period beginning on July 1 of the following calendar year.

SECTION 19. The County, in consideration of the lease of the Coroner Project, in order to secure the payment of rentals due thereunder and the performance and observance of the covenants thereunder, hereby pledges to the Building Authority, and the holders of the Series 2021A Bonds, the ad valorem property tax revenues described in this Section received by the County, along with any investment earnings thereon, such pledge to be effective as set forth in Indiana Code 5-1-14-4 without filing or recording of the Lease, this Resolution or any other instrument. The pledge of such ad valorem property tax revenues shall be effective only to the extent and for the term that the County is obligated to make the Coroner Project Rental Payments under the Lease. The obligation of the County to make Coroner Project Rental Payments under the Lease is limited to such ad valorem property tax revenues, and investment earnings thereon, and shall not be considered a debt of the City or County for purposes of the Constitution or laws of the State of Indiana.

SECTION 20. Actions with respect to the Projects required to be undertaken by officials of the City and/or County under applicable law performed by designees or agents of such officials are hereby ratified.

SECTION 21. The Mayor, the Controller, the Clerk, the Auditor and any other City or County official as may be necessary are, and each of them is, hereby authorized to take all such actions and to execute or attest all such instruments as are necessary and desirable to carry out the transactions contemplated by this Resolution, including, without limitation, one or more addenda to the Leases reducing lease rentals based on the results of the sale of the Bonds, one or more continuing disclosure undertaking agreements, one or more letters of representations to the underwriters regarding a bond purchase agreement, and one or more preliminary official statements or official statements, in such forms as the Mayor, the Controller, the Clerk, the Auditor, and any other City or County official executing or attesting the same shall deem proper, to be evidenced by the execution or attestation thereof.

SECTION 22. The City-County Council hereby declares that it reasonably expects to reimburse with the proceeds of the Bonds expenditures for the Projects made by the City or the County prior to the issuance of the Bonds during the period beginning on the date sixty (60) days prior to the date of this Resolution until the date of issuance of the Bonds, which expenditures are expected to be paid initially from other legally available funds of the City or the County. The City-County Council hereby declares that this Resolution is being adopted for purposes of evidencing compliance with Indiana Code 5-1-14-6 and Section 1.150-2 of the Treasury Regulations.

SECTION 23. The City-County Council agrees not to rescind this Resolution for so long as any of the Bonds are outstanding. The City-County Council further agrees not to amend this Resolution in any manner that will affect or impair any of the rights of the holders of any outstanding Bonds.

SECTION 24. This Ordinance shall be in full force and effect after its adoption by the City-County Council and compliance with Indiana Code 36-3-4-14, Indiana Code 36-3-4-15 and Indiana Code 36-3-4-16.

PROPOSAL NO. 255, 2021. Councillor Robinson reported that the Public Safety and Criminal Justice Committee heard Proposal No. 255, 2021 on August 11, 2021. The proposal, sponsored by Councillor Robinson, Adamson, McCormick, Boots, approves an additional appropriation totaling \$2,595,000 in the 2021 Budget of the Indianapolis Fire Department (City Federal Grants Fund) in characters one, two, three, and four, for the purpose of funding expenses incurred during the deployments of Indiana Task Force One as part of the National Urban Search & Rescue Response System Response Cooperative Agreement. By a 12-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Osili called for public testimony at 7:58 p.m.

Mr. Vaughn said that grants are still tax dollars, and it is nice to help others, but the city could use these dollars for their own people and those situations are attended to by FEMA. Sending our own people without the added funds to support their trip is coming straight out of every taxpayers' pocket.

Hank Harris, president of Local Firefighters Union 416, recognized task force members in attendance and asked everyone to remember those who have lost their lives on deployments and due to the World Trade Center tragedy on 9-11.

Councillors Oliver, McCormick and Boots stated that they are proud of the Indiana Task Force One, and hope the city never has an event where they have to call others to come help, but know that there are others like them that will.

Seeing no further testimony, Councillor Robinson moved, seconded by Councillor Carlino, for adoption. Proposal No. 255, 2021 was adopted on the following roll call vote; viz:

24 YEAS: Adamson, Bain, Barth, Boots, Brown, Carlino, Dilk, Evans-E, Evans-J, Graves, Gray, Hart, Jackson, Jones, Larrison, Lewis, Mascari, McCormick, Mowery, Oliver, Osili, Potts, Ray, Robinson
0 NAYS:
1 ABSENT: Annee

Proposal No. 255, 2021 was retitled FISCAL ORDINANCE NO. 19, 2021, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 19, 2021

A FISCAL ORDINANCE amending the City-County Annual Budget for 2021 (City-County Fiscal Ordinance No. 20, 2020) by an additional appropriation of Two Million Five Hundred Ninety-Five Thousand dollars (\$2,595,000) for the purposes of the Indianapolis Fire Department.

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 its adoption, the City-County Annual Budget for 2021 is hereby amended by the fund and character increase hereinafter stated for purposes of the Indianapolis Fire Department.

SECTION 2. The Indianapolis Fire Department requests an additional appropriation of Four Hundred Twenty Thousand dollars (\$420,000) in character one, One Hundred Thousand dollars (\$100,000) in character two, Two Million dollars (\$2,000,000) in character three, and Seventy-Five Thousand dollars (\$75,000) in character 4 in the Federal Grants Fund to support expenses incurred during the deployment of Indiana Task Force One in response to the Champaign Tower Collapse

<u>FUND</u>	<u>CHAR 1</u>	<u>CHAR 2</u>	<u>CHAR 3</u>	<u>CHAR 4</u>	<u>CHAR 5</u>	<u>TOTAL</u>
Federal Grants Fund	420,000	100,000	2,000,000	75,000		2,595,000

SECTION 3. Upon approval of this and other pending proposals, the 2020 year-end and projected 2021 year-end fund balances are as follows:

<u>Fund</u>	<u>2020 Year-End Balance</u>	<u>Projected 2021 Year-End Balance</u>
Federal Grants Fund	0	0

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

PROPOSAL NO. 286, 2021. Councillor Mascari reported that the Administration and Finance Committee heard Proposal No. 286, 2021 on August 17, 2021. The proposal, sponsored by Councillors Osili and J. Evans, establishes an ARP Coronavirus Local Fiscal Recovery Subfund of the Federal Stimulus-Coronavirus Pandemic Fund to hold the City's allocation of Fiscal Recovery Fund dollars from the federal government pursuant to the American Rescue Plan Act of 2021 and approves an appropriation totaling \$206,309,559 in the 2021 City Non-Departmental Budget (ARP Coronavirus Local Fiscal Recovery Subfund) in characters one, three, and four to fund response efforts addressing the COVID-19 pandemic, including public-health measures; programs to combat the secondary economic effects of the pandemic faced by Marion County residents, small businesses, and non-profits; and expenses incurred, or that will be incurred, by City-County government in response to the pandemic. By a 12-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Osili called for public testimony at 8:06 p.m.

Mr. Vaughn said that the Council has the ability to appropriate these funds the way they see fit. Spending \$115 million for psychiatric help for people who are wondering the streets homeless does not make sense.

Justine Phillips, citizen, said that she knows what the pandemic has done to those who suffer from substance abuse and mental health issues. Overdose rates are increasing, and these funds will help get these individuals past the abuse and into recovery. They are the most vulnerable in the city and there are very little housing opportunities for them.

Marshawn Wolley, citizen, said that only 20% of the black-owned firms are able to receive a loan from a traditional bank, and he supports a black-led non-profit community loan entity. Black businesses are integral to this community, and this is a step up to pursuing equity in 2022.

Seeing no further testimony, Councillor Mascari moved, seconded by Councillor Adamson, for adoption. Proposal No. 286, 2021 was adopted on the following roll call vote; viz:

24 YEAS: Adamson, Bain, Barth, Boots, Brown, Carlino, Dilk, Evans-E, Evans-J, Graves, Gray, Hart, Jackson, Jones, Larrison, Lewis, Mascari, McCormick, Mowery, Oliver, Osili, Potts, Ray, Robinson
0 NAYS:
1 ABSENT: Annee

Proposal No. 286, 2021 was retitled FISCAL ORDINANCE NO. 20, 2021, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 20, 2021

A FISCAL ORDINANCE amending the City-County Annual Budget for 2021 (City-County Fiscal Ordinance No. 20, 2020) by additional appropriations of two hundred six million, three hundred nine thousand, five hundred fifty-nine dollars (\$206,309,559) for purposes of the City Non-Departmental.

WHEREAS, the COVID-19 pandemic has taken—and continues to take—a severe toll on our country, our state, and our Indianapolis and Marion County community; and

WHEREAS, Marion County has now experienced well over 100,000 confirmed cases of COVID-19 and over 1,800 deaths confirmed to be caused by COVID-19; and

WHEREAS, the spread of COVID-19 throughout our country and our community poses a severe and imminent threat to public health and has required aggressive response measures to slow the spread of the disease and mitigate its impact; and

WHEREAS, the COVID-19 pandemic has also required, and continues to require, significant investments in local public-health efforts to mitigate the spread of coronavirus; and

WHEREAS, the COVID-19 pandemic has also required, and continues to require, significant investments to combat the secondary effects caused by the pandemic—including investments to mitigate significant pandemic-caused hardships being faced by Marion County's residents and small businesses; and

WHEREAS, Section 9901 of the American Rescue Plan Act of 2021 (ARP Act), amending Section 603 of the Social Security Act, created the Coronavirus Local Fiscal Recovery Fund (FRF) and allocated block grants to certain large municipalities in the United States; and

WHEREAS, the City and County have received \$209,884,727 in total funds, which represents 50% of their overall FRF allocation, with the remaining 50% of funds to be allocated from the federal government in 2022; and

WHEREAS, Section 9901 of the ARP Act states that FRF dollars may be used for the following purposes:

- (A) to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
- (B) to respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the metropolitan city, non-entitlement unit of local government, or county that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;
- (C) for the provision of government services to the extent of the reduction in revenue of such metropolitan city, non-entitlement unit of local government, or county due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the metropolitan city, non-entitlement unit of local government, or county prior to the emergency; or
- (D) to make necessary investments in water, sewer, or broadband infrastructure; and

WHEREAS, the ARP Act and Department of the Treasury guidance emphasize the need to take account of racial inequities and other disparities in the impact of the COVID-19 pandemic and encourage state and local governments to prioritize addressing systemic racial and other disparities in their implementation of FRF dollars; and

WHEREAS, the City has developed, and will continue to develop, plans to implement its FRF dollars to ensure the community's resilient response to the public health threat caused by the pandemic and its related effects, including direct COVID-19 mitigation, promotion of vaccination, investments in mental health and behavioral health care, creation of additional public health and safety personnel resources, homelessness services and homelessness prevention, evidence-based community violence intervention programs, and other public-health initiatives that are eligible uses of FRF dollars under the ARP Act; and

WHEREAS, the City has developed, and will continue to develop, plans to address the economic impact of COVID-19 on households, including direct financial assistance to economically impacted households, food assistance, addressing educational disparities, mortgage or utility assistance, legal aid to prevent eviction and/or homelessness, assistance to Marion County businesses and non-profits affected by the pandemic, and other economic recovery measures that are eligible uses of FRF dollars under the ARP Act; and

WHEREAS, the City has developed, and will continue to develop, plans to implement its FRF dollars to provide premium pay to eligible essential workers, to offset reductions in government revenue caused by the pandemic, and to make investments in eligible infrastructure projects; and

WHEREAS, the expenditures requested in this fiscal ordinance represent an initial round of investments in initiatives designed to address the public health threat posed by COVID-19, to promote economic recovery from the pandemic, to promote equitable recovery, and to ensure fiscal stability; and

WHEREAS, all expenditures described in this fiscal ordinance are eligible under the ARP Act and existing federal guidance from the Department of the Treasury, now, therefore:

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

SECTION 1. The ARP Coronavirus Local Fiscal Recovery Subfund of the Federal Stimulus-Coronavirus Pandemic Fund is established to receive the current balance of unexpended dollars received by the City and County pursuant to Section 9901 of the ARP Act as their Fiscal Recovery Fund (FRF) allocations.

SECTION 2. In accordance with the language of the ARP Act and all implementing Department of Treasury guidance to date, the City-County Council hereby finds that the expenditures contemplated in this fiscal ordinance satisfies the eligibility criteria of Section 9901 of the ARP Act; namely, they are expenditures

(A) to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;

(B) to respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the metropolitan city, non-entitlement unit of local government, or county that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;

(C) for the provision of government services to the extent of the reduction in revenue of such metropolitan city, non-entitlement unit of local government, or county due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the metropolitan city, non-entitlement unit of local government, or county prior to the emergency; or

(D) to make necessary investments in water, sewer, or broadband infrastructure,

as to which all appropriated funds will be fully expended on or before December 31, 2024, and as to which all other eligibility criteria set forth in Section 9901 of the ARP Act, other applicable provisions of the ARP Act, and Treasury guidance will be satisfied.

SECTION 3. The City Non-Departmental, requests an additional appropriation in character one totaling seven million four hundred forty thousand three hundred seventy-four dollars (\$7,440,374), character three totaling one hundred sixty-four million three hundred sixty-nine thousand one hundred eighty-five dollars (\$164,369,185), and character four totaling thirty-four million five hundred thousand dollars (\$34,500,000), totaling two hundred six million three hundred nine thousand five hundred fifty-nine dollars (\$206,309,559) from the ARP Coronavirus Local Fiscal Recovery Subfund of the Federal Stimulus-Coronavirus Pandemic Fund.

<u>FUND</u>	<u>CHAR 1</u>	<u>CHAR 2</u>	<u>CHAR 3</u>	<u>CHAR 4</u>	<u>CHAR 5</u>	<u>TOTAL</u>
ARP Coronavirus Local Fiscal Recovery Subfund	7,440,374		164,369,185	34,500,000		206,309,559

SECTION 4. The Controller shall have authority, until the declared disaster emergency is terminated under Indiana Code § 10-14-3-12(a), to alter the character allocation of the total funds appropriated herein to carry forth the City-County's response to the declared emergency.

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. Funds placed in the ARP Coronavirus Local Fiscal Recovery Subfund of the Federal Stimulus- Coronavirus Pandemic Fund shall remain in that fund until December 31, 2024, and shall not lapse or revert at the end of calendar year 2021 or at the end of any calendar year prior to December 31, 2024. The funds appropriated herein to the City Non-Departmental from the ARP Coronavirus Local Fiscal Recovery Fund shall not lapse or revert at the end of calendar year 2021 or at the end of any calendar year prior to December 31, 2024.

SECTION 7. Upon approval of this proposal, the following unappropriated fund balances are projected to remain at the end of 2024:

Fund	2020 Year End Balance	Projected 2024 Year-End Balance
ARP Coronavirus Local Fiscal Recovery Subfund	\$0	\$0

SECTION 8. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 290, 2021. Councillor Adamson reported that the Public Works Committee heard Proposal No. 290, 2021 on August 12, 2021. The proposal, sponsored by Councillor Adamson, Jackson, Boots, J. Evans, E. Evans, McCormick, approves an additional appropriation totaling \$25,000,000 in the 2021 Budget of the Department of Public Works (Capital Asset Lifecycle and Development Fund) in Characters 3 and 4 to finance design, construction and inspection of capital infrastructure projects in furtherance of development of Greenways, Neighborways, and other multimodal facilities as prescribed in the City of Indianapolis and Marion County Indy Moves Transportation Integration and Thoroughfare Plans. By a 10-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillors Jackson, J. Evans, Boots, E. Evans, and McCormick voiced their strong support of the proposal and stated that they would like to see more of these types of projects throughout the County, and asked to be added as co-sponsors.

President Osili called for public testimony at 8:19 p.m. There being no one present to testify, Councillor Adamson moved, seconded by Councillor Carlino, for adoption. Proposal No. 290, 2021 was adopted on the following roll call vote; viz:

24 YEAS: Adamson, Bain, Barth, Boots, Brown, Carlino, Dilk, Evans-E, Evans-J, Graves, Gray, Hart, Jackson, Jones, Larrison, Lewis, Mascari, McCormick, Mowery, Oliver, Osili, Potts, Ray, Robinson
0 NAYS:
1 ABSENT: Annee

Proposal No. 290, 2021 was retitled FISCAL ORDINANCE NO. 21, 2021, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 21, 2021

PROPOSAL FOR A FISCAL ORDINANCE amending the City-County Annual Budget for 2021 (City-County Fiscal Ordinance No.20, 2020) by additional appropriations totaling twenty-five million dollars (\$25,000,000) for purposes of the Department of Public Works.

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, the City-County Annual Budget for 2021 is hereby amended by the character increases hereinafter stated for purposes of the Department of Public Works.

SECTION 2. The Department of Public Works requests additional appropriations totaling twenty-five million dollars (\$25,000,000) in the Capital Asset Lifecycle and Development Fund in Characters Three and Four to finance the design, construction, and inspection of capital infrastructure projects in furtherance of development of Greenways, Neighborways, and other multimodal facilities as prescribed in the City of Indianapolis and Marion County Indy Moves Transportation Integration and Thoroughfare Plans:

FUND	CHAR 1	CHAR 2	CHAR 3	CHAR 4	CHAR 5	TOTAL
Capital Asset Lifecycle and Development Fund			3,000,000	22,000,000		25,000,000

SECTION 3. In support of the additional appropriation provided in Section 2, funds totaling twenty-five million dollars (\$25,000,000) are to be transferred from the Consolidated County General Fund to the Capital Asset Lifecycle and Development Fund.

SECTION 4. Upon approval of this and other pending approvals, the following unappropriated fund balances are projected to remain at the end of 2021:

Fund	2020 Year-End Balance	Projected 2021 Year-End Balance
Capital Asset Lifecycle and Development Fund	-	2,609

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

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 220, 2021. Councillor Lewis reported that the Metropolitan and Economic Development Committee heard Proposal No. 220, 2021 on July 19, 2021, and it was subsequently postponed at Council on August 9, 2021. The proposal, sponsored by Councillor J. Evans, approves the statement of benefits of Micronutrients USA, LLC, an applicant for tax abatement for property located in an economic revitalization area. By an 11-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Hart asked about the abatement terms. Rusty Carr, Department of Metropolitan Development (DMD), said that the three-year savings would total approximately \$260,000, and it is the standard schedule and deduction, with personal property investment being made. Councillor Hart said that the hourly rate they are paying is good, but asked what investment they are making in the growth of their people. Carla Jackson, Quality Director, MicroNutrients, stated that they look internally when advancing employees and do the proper training for the next level. They always take the steps to insure that those who want to advance get the skills and cross-training they need to advance in the company, because they want them to stay 15 to 20 years. It takes a long time to find quality people, and they do not want a revolving door. Councillor Hart asked if the developer has talked to the community about the community's needs. Councillor J. Evans called for a point of order and said that this company has reached out to all community organizations and all this information is in Councillors' mailboxes and was answered in committee, and this is a very small project to undergo the type of scrutiny it has seen, when they have not done the same with other much larger projects.

Councillor Lewis said that this company has been very transparent and eager to answer any and all questions in committee, and it is better to ask these types of questions in committee.

Scarlett Martin, director, DMD, said that they have evolved the tax abatement program to look at the full benefits package employers are offering when determining the abatement. These developers are also investing an additional 5% into the community and donating to transit development so that their employees can get to work.

Councillor Jackson asked for consent to abstain from voting to avoid the appearance of a conflict of interest. Consent was given.

Councillor Hart said that he is elected like everyone else on this body and has the right to ask questions whenever and wherever he can about economic development in any part of this city. He wants to support businesses that will invest in residents and in this community, and he cannot attend every committee meeting in order to ask questions.

September 13, 2021

Councillor Lewis moved, seconded by Councillor Adamson, for adoption. Proposal No. 220, 2021 was adopted on the following roll call vote; viz:

23 YEAS: Adamson, Bain, Barth, Boots, Brown, Carlino, Dilk, Evans-E, Evans-J, Graves, Gray, Hart, Jones, Larrison, Lewis, Mascari, McCormick, Mowery, Oliver, Osili, Potts, Ray, Robinson
0 NAYS:
1 NOT VOTING: Jackson
1 ABSENT: Annee

Proposal No. 220, 2021 was retitled GENERAL RESOLUTION NO. 13, 2021, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 13, 2021

PROPOSAL FOR A GENERAL RESOLUTION to approve the statement of benefits of Micronutrients USA, LLC (hereinafter referred to as "Applicant"), an applicant for tax abatement for property located in an allocation area as defined by IC 36-7-15.1-26.

WHEREAS, IC 6-1.1-12.1 allows a partial abatement of property taxes attributable to redevelopment, rehabilitation activities or installation of new equipment in Economic Revitalization Areas (each hereinafter referred to as a "Project"); and

WHEREAS, pursuant to IC 6-1.1-12.1, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (hereinafter referred to as "MDC") is empowered to designate Economic Revitalization Areas; and

WHEREAS, IC 6-1.1-12.1 requires an applicant for Economic Revitalization Area designation to provide a statement of benefits and requires the MDC, before it makes a decision to designate the area as an Economic Revitalization Area, to determine that (i) the estimated value of a Project is reasonable for projects of that nature, (ii) the estimated employment at the indicated annual salaries for a Project identified in the statement of benefits can reasonably be expected, (iii) a Project can be reasonably expected to yield the benefits identified in the statement of benefits and (iv) the totality of benefits arising from a Project is sufficient to justify Economic Revitalization Area designation; and

WHEREAS, pursuant to IC 6-1.1-12.1-2(k), a statement of benefits for property located within an allocation area, as defined by IC 36-7-15.1-26, may not be approved unless the City-County Council of Indianapolis and Marion County, Indiana (hereinafter referred to as "Council") adopts a resolution approving the statement of benefits; and

WHEREAS, the Applicant has submitted a real property Statement of Benefits to the MDC as part of its application for Economic Revitalization Area designation for property where Applicant's Project will occur, located within an allocation area, as defined by IC 36-7-15.1-26; and

WHEREAS, MDC has preliminarily approved Applicant's Statement of Benefits, pending adoption from the Council, to allow the designation of the Economic Revitalization Area and related tax abatement pursuant to IC 6-1.1-12.1; now, therefore:

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

SECTION 1. The Council hereby approves the Statements of Benefits that were submitted to the MDC, as part of the application for Economic Revitalization Area designation, by Micronutrients USA, LLC.

SECTION 2. This resolution shall be in effect from and after its passage by the Council and compliance with Ind. Code 36-3-4-14.

PROPOSAL NO. 221, 2021. Councillor Lewis reported that the Metropolitan and Economic Development Committee heard Proposal No. 221, 2021 on July 19 and August 23, 2021. The proposal, sponsored by Councillor Adamson, authorizes the issuance of Economic Development Tax Increment Revenue Bonds in a maximum aggregate principal amount not to exceed \$3,750,000

to 1820 Ventures, LLC, for the Elevator Hill Phase I project, located in the Elevator Hill Expansion Allocation Area at approximately 1117 E. Market Street (District 17). By an 11-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Gray said that he is surprised that this project was approved with such MBE/WBE numbers, and said that he will be watching it closely.

Councillor E. Evans asked if \$3.75 million is the principal amount means they will be coming back for more. Ms. Martin said that this is the entire amount for this phase.

Councillor Lewis said that they are compliant with the required 15% MBE, 8% WBE, 3% VBE and 1% DBE. Councillor Gray said that this is what they portrayed, but he would like a list of the companies and amount spent with each. Ms. Martin said that OMWBD will track this information and get it for Councillor Gray. Jared Stevens, Ventures, LLC, said that projects are out for bid currently, but they are glad to work with OMWBD to meet and exceed those numbers.

Councillor Lewis moved, seconded by Councillor Carlino, for adoption. Proposal No. 221, 2021 was adopted on the following roll call vote; viz:

23 YEAS: Adamson, Bain, Barth, Boots, Brown, Carlino, Dilk, Evans-E, Evans-J, Graves, Gray, Jackson, Jones, Larrison, Lewis, Mascari, McCormick, Mowery, Oliver, Osili, Potts, Ray, Robinson
1 NAY: Hart
1 ABSENT: Annee

Proposal No. 221, 2021 was retitled SPECIAL ORDINANCE NO. 10, 2021, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 10, 2021

A SPECIAL ORDINANCE authorizing the City of Indianapolis, Indiana, to issue one or more series of its City of Indianapolis, Indiana, Economic Development Tax Increment Revenue Bonds, Series 2021 (Federally Taxable – Elevator Hill Phase I) (with such further series or other designation as determined to be necessary, desirable or appropriate), in a maximum aggregate principal amount not to exceed Three Million Seven Hundred Fifty Thousand Dollars (\$3,750,000), for the purpose of providing funds to pay the costs of the Project (as defined herein) and approving and authorizing other actions in respect thereto.

WHEREAS, Indiana Code 36-7-11.9 and 12 (collectively, the “Act”) declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, pursuant to the Act, the City of Indianapolis, Indiana (the “City”) is authorized to issue revenue bonds for the purpose of financing, reimbursing or refinancing the costs of acquisition, construction, renovation, installation and equipping of economic development facilities in order to foster diversification of economic development and creation or retention of opportunities for gainful employment in or near the City; and

WHEREAS, 1820 Ventures LLC, and/or one or more subsidiaries, affiliates, designees and/or joint ventures thereof (collectively, the “Developer”) desires to finance certain projects, additions or improvements within the City, including all or any portion of: (a) the construction of a residential development consisting of approximately 77,000 square feet and approximately 103 residential units atop a concrete podium including structured parking and residential amenities; and (b) all acquisition, construction, demolition, renovation, improvement, excavation, utility relocation and/or equipping costs related to the projects described in clause (a) (collectively, the “Project”); and

WHEREAS, the Project will be located at approximately 1117 E. Market Street, Indianapolis, Indiana, which is in City-County Council District 17, and is, or will be, located in, serving or physically connected to a new allocation area, known as the Elevator Hill Expansion Allocation Area, a component of the Consolidated Allocation Area (together, the “Allocation Area”), previously created by the Metropolitan Development Commission of Marion County, Indiana (the “Metropolitan Development Commission”), acting as the Redevelopment Commission of the City; and

September 13, 2021

WHEREAS, the Developer has advised the Indianapolis Economic Development Commission (the “Economic Development Commission”) and the City concerning the Project, and has requested that the City issue one or more series of its taxable Economic Development Tax Increment Revenue Bonds, Series 2021 (Federally Taxable – Elevator Hill Phase I) (with such further or different series designation as may be necessary, desirable or appropriate, including such series designation to indicate the year in which the bonds are issued) (the “Bonds”), in an aggregate principal amount not to exceed Three Million Seven Hundred Fifty Thousand Dollars (\$3,750,000), for the purpose of providing funds for (i) paying all or a portion of the costs of the Project by loaning a portion of the proceeds of the Bonds to the Developer and (ii) paying all incidental expenses incurred on account of the issuance of the Bonds; and

WHEREAS, the Economic Development Commission has rendered a report concerning the proposed financing of the Project as an economic development facility for the Developer and the Metropolitan Development Commission, as Plan Commission, and the Superintendent of the Indianapolis Public Schools have been given the opportunity to comment thereon; and

WHEREAS, pursuant to Section 24 of the Act, following a public hearing held on August 11, 2021, the Economic Development Commission found that the financing of the Project complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of the City; and

WHEREAS, the Economic Development Commission has determined that the financing will not have an adverse competitive effect or impact on any similar facility or facility of the same kind already constructed or operating in the same market area or in or about Marion County, Indiana; and

WHEREAS, pursuant to and in accordance with the Act, the City desires to provide funds necessary to finance all or a portion of the Project by issuing the Bonds; and

WHEREAS, the Act provides that such revenue bonds may be secured by a trust indenture between an issuer and a corporate trustee; and

WHEREAS, the City intends to issue the Bonds consistent with the terms of this Ordinance and pursuant to a Trust Indenture, to be dated the first day of the month in which the Bonds are sold or delivered (or such other date as the officers of the City may hereafter approve) (the “Indenture”), by and between the City and a corporate trustee to be selected by the City (the “Trustee”), in order to obtain funds necessary to provide for the financing of all or a portion of the Project, in accordance with the terms of a Financing Agreement, to be dated the first day of the month in which the Bonds are sold or delivered (or such other date as the officers of the City may hereafter approve) (the “Financing Agreement”), by and between the City and the Developer with respect to the Bonds and the Project, and a Project Agreement (as defined herein) between the City and the Developer, with respect to the Bonds and Project, and other such documents as deemed necessary; and

WHEREAS, pursuant to the Financing Agreement, the Developer will make certain representations, warranties and commitments with respect to the Project and the use of the proceeds of the Bonds to be provided to the Developer in accordance with the terms thereof; and

WHEREAS, no member of the City-County Council has any pecuniary interest in any employment, financing agreement or other contract made under the provisions of the Act and related to the Bonds authorized herein, which pecuniary interest has not been fully disclosed to the City-County Council and no such member has voted on any such matter, all in accordance with the provisions of Indiana Code 36-7-12-16; and

WHEREAS, the Economic Development Commission has heretofore approved the forms of the Bonds, the Indenture and the Financing Agreement (collectively, the “Financing Documents”), and approved and recommended the City-County Council’s adoption of a form of this proposed Ordinance, which were incorporated by reference in the Economic Development Commission’s Resolution adopted on August 11, 2021, which Resolution has been transmitted hereto; and

WHEREAS, prior to the issuance of the Bonds, the Metropolitan Development Commission will pledge eighty percent (80%) of the tax increment revenues from the Project (the “TIF Revenues”) to the payment of the Bonds and other matters in furtherance of the Project on a junior-junior subordinate basis to the prior payment of existing bonds to which such TIF Revenues are pledged and that the pledge of TIF Revenues will not exceed the debt service on the Bonds; and

WHEREAS, based upon the resolution adopted by the Economic Development Commission pertaining to the Project, the City-County Council hereby finds and determines that the funding approved by the Economic Development Commission for all or a portion of the Project will be of benefit to the health and general welfare of

the citizens of the City, complies with the provisions of the Act and the amount necessary to finance all or a portion of the costs of the Project, together with incidental expenses incurred in connection therewith, will require the issuance, sale and delivery of one or more series of economic development tax increment revenue bonds in an aggregate combined principal amount not to exceed Three Million Seven Hundred and Fifty Thousand Dollars (\$3,750,000).

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

SECTION 1. It is hereby found, determined, ratified and confirmed that the financing of the economic development facilities referred to in the Financing Documents consisting of the Project, the issuance and sale of the Bonds, and the loan of the net proceeds thereof to the Developer to finance all or a portion of the Project, will: (i) result in the diversification of industry, the creation or retention of business opportunities and the creation or retention of opportunities for gainful employment within the jurisdiction of the City; (ii) serve a public purpose, and will be of benefit to the health and general welfare of the City; (iii) comply with the purposes and provisions of the Act and it is in the public interest that the City take such lawful action as determined to be necessary or desirable to encourage the diversification of industry, the creation or retention of business opportunities, and the creation or retention of opportunities for gainful employment within the jurisdiction of the City; and (iv) not have a material adverse competitive effect on any similar facilities already constructed or operating in or near the City.

SECTION 2. The forms of the Financing Documents presented herewith are hereby approved and all such documents shall be kept on file by the Clerk of the City-County Council (the "Clerk") or the Controller of the City (the "Controller"). In compliance with Indiana Code 36-1-5-4, two (2) copies of the Financing Documents are on file in the office of the Clerk for public inspection.

SECTION 3. The City is authorized to issue the Bonds in one or more series, any series of which may be taxable for federal income tax purposes, in the maximum aggregate principal amount not to exceed Three Million Seven Hundred Fifty Thousand Dollars (\$3,750,000), with a maximum term not to exceed twenty-five (25) years and with a maximum interest rate not to exceed five percent (5%) per annum, for the purpose of procuring funds to (i) pay all or a portion of the costs of the Project by loaning a portion of the proceeds of the Bonds to the Developer and (ii) pay all incidental expenses incurred on account of the issuance of the Bonds. The Bonds shall be payable as to principal and interest solely from an eighty percent (80%) pledge of the TIF Revenues on a junior-junior subordinate basis, upon such terms and conditions as otherwise provided in the Financing Documents and this Ordinance. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City.

SECTION 4. The Mayor and the Clerk are authorized and directed to execute the Financing Documents, and the Mayor, the Controller, the Clerk and any other officer of the City are authorized and directed to execute such other documents approved or authorized herein and any other document which may be necessary, appropriate or desirable to consummate the transaction contemplated by the Financing Documents and this Ordinance, and their execution is hereby confirmed on behalf of the City. The signatures of the Mayor and the Clerk on the Bonds, and their execution is hereby confirmed on behalf of the City. The signatures of the Mayor and the Clerk on the Bonds may be facsimile signatures. The Mayor, the Clerk, the Controller and any other officer of the City are authorized to arrange for the delivery of the Bonds to the purchaser, payment for which will be made in the manner set forth in the Financing Documents. The Mayor and the Clerk may, by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures thereon, approve any and all such changes therein and also in those Financing Documents which do not require the signature of the Mayor or the Clerk without further approval of this City-County Council or the Economic Development Commission if such changes do not affect terms set forth in Sections 27(a)(1) through and including (a)(10) of the Act.

SECTION 5. The provisions of this Ordinance and the Financing Documents shall constitute a contract binding between the City and the holder or holders of the Bonds and after the issuance of said Bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder or holders so long as said Bonds or the interest thereon remains unpaid.

SECTION 6. The Mayor, the Controller and the Clerk, or any other officer having responsibility with respect to the issuance of the Bonds, are authorized and directed, alone or in conjunction with any of the foregoing, or with any other officer, employee, consultant or agent of the City, to deliver a certificate for inclusion in the transcript of proceedings for the Bonds, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the Bond proceeds as of the date of issuance thereof.

SECTION 7. No recourse under or upon any obligation, covenant, acceptance or agreement contained in this Ordinance, the Financing Documents or under any judgment obtained against the City, including without limitation its Economic Development Commission, or by the enforcement of any assessment or by any legal or equitable proceeding by virtue of any

constitution or statute or otherwise, or under any circumstances, under or independent of the Financing Agreement, shall be had against any member, director, or officer or attorney, as such, past, present, or future, of the City, including without limitation its Economic Development Commission, either directly or through the City, or otherwise, for the payment for or to the City or any receiver thereof or for or to any holder of the Bonds secured thereby, or otherwise, of any sum that may remain due and unpaid by the City upon any of the Bonds. Any and all personal liability of every nature, whether at common law or in equity, or by statute or by constitution or otherwise, of any such member, director, or officer or attorney, as such, to respond by reason of any act or omission on his or her part or otherwise for, directly or indirectly, the payment for or to the City or any receiver thereof, or for or to any owner or holder of the Bonds, or otherwise, of any sum that may remain due and unpaid upon the Bonds hereby secured or any at them, shall be expressly waived and released as a condition of and consideration for the execution and delivery of the Financing Agreement and the issuance, sale and delivery of the Bonds.

SECTION 8. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 9. All ordinances, resolutions and orders or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

SECTION 10. It is hereby determined that all formal actions of the City-County Council relating to the adoption of this Ordinance were taken in one or more open meetings of the Council, that all deliberations of the City-County Council and of its committees, if any, which resulted in formal action, were in meetings open to the public, and that all such meetings were convened, held and conducted in compliance with applicable legal requirements, including Indiana Code 5-14-1.5, as amended.

SECTION 11. The Mayor, the Controller, the Clerk and any other officer of the City are hereby authorized and directed, in the name and on behalf of the City, to execute, attest and deliver such further instruments and documents, and to take such further actions, in the name of the City as in their judgment shall be necessary or advisable in order fully to consummate the transactions described herein and carry out the purposes of this Ordinance, and any such documents heretofore executed and delivered and any such actions heretofore taken, be, and hereby are, ratified and approved. The Mayor or his designee is hereby authorized to enter into one or more project agreements with the Developer, on terms and conditions acceptable to the Mayor, together with any changes as may be necessary, desirable or appropriate, which shall be evidenced by his execution thereof.

SECTION 12. This Ordinance shall be in full force and effect upon adoption and compliance with Indiana Code 36-3-4-14.

PROPOSAL NO. 222, 2021. Councillor Lewis reported that the Metropolitan and Economic Development Committee heard Proposal No. 222, 2021 on July 19 and August 23, 2021. The proposal, sponsored by Councillor Jones, authorizes the issuance of Economic Development Tax Increment Revenue Bonds in a maximum aggregate principal amount not to exceed \$8,660,000 to TWG Development, LLC, for the Rise on Meridian project located in the South Meridian Allocation Area at approximately 915 South Meridian Street (District 16). By an 11-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Jones moved, seconded by Councillor McCormick, to amend Proposal No. 222, 2021 as follows:

Mr. President:

I move to amend SECTION 3 of Proposal No. 222, 2021, in order to allow TWG to realize the stated 80% TIF revenue pledge by setting the interest rate for the bonds at the typical maximum rate for a newly created TIF allocation area; by deleting the language that is double stricken-through and adding the double underlined language in the **highlighted** portions, to read as follows:.

SECTION 3. The City is authorized to issue the Bonds in one or more series, any series of which may be taxable for federal income tax purposes, in the maximum aggregate principal amount not to exceed Eight Million Six Hundred Sixty Thousand Dollars (\$8,660,000), with a maximum term not to exceed twenty-five (25) years and with a maximum interest rate not to exceed **five eight** percent ~~(5%)~~ **(8%)** per annum, for the purpose of procuring funds to (i) pay all or a portion of the costs of the Project by loaning a portion of the proceeds of the Bonds to the Developer and (ii) pay all incidental expenses incurred on account of the issuance of the Bonds. The Bonds shall be payable as to principal and interest solely from an eighty percent (80%) pledge of the TIF Revenues on a

subordinate basis, upon such terms and conditions as otherwise provided in the Financing Documents and this Ordinance. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City.

Councillor Boots asked for consent to abstain from voting on Proposal No. 222, 2021, along with any motions, to avoid the appearance of a conflict of interest. Consent was given.

Proposal No. 222, 2021 was amended on the following roll call vote; viz:

22 YEAS: Adamson, Bain, Barth, Brown, Carlino, Dilk, Evans-E, Evans-J, Graves, Gray, Hart, Jackson, Jones, Larrison, Lewis, Mascari, McCormick, Oliver, Osili, Potts, Ray, Robinson

0 NAYS:

2 NOT VOTING: Boots, Mowery

1 ABSENT: Annee

Councillor Hart said that he has reservations about half the city's debt being in downtown TIFs. He said that they continue to create a perpetual rent cycle instead of creating economic opportunities for homeownership. Low rents cause people to get stuck in a cycle, and they need to focus on creating more home ownership opportunities.

Councillor Lewis moved, seconded by Councillor Adamson, for adoption, as amended. Proposal No. 222, 2021, as amended, was adopted on the following roll call vote; viz:

21 YEAS: Adamson, Bain, Barth, Brown, Carlino, Dilk, Evans-E, Evans-J, Graves, Gray, Jackson, Jones, Larrison, Lewis, Mascari, McCormick, Oliver, Osili, Potts, Ray, Robinson

1 NAY: Hart

2 NOT VOTING: Boots, Mowery

1 ABSENT: Annee

Proposal No. 222, 2021, as amended, was retitled SPECIAL ORDINANCE NO. 11, 2021, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 11, 2021

A SPECIAL ORDINANCE authorizing the City of Indianapolis, Indiana, to issue one or more series of its City of Indianapolis, Indiana, Economic Development Tax Increment Revenue Bonds, Series 2021 (Federally Taxable – Rise on Meridian Project) (with such further series or other designation as determined to be necessary, desirable or appropriate), in a maximum aggregate principal amount not to exceed Eight Million Six Hundred Sixty Thousand Dollars (\$8,660,000), for the purpose of providing funds to pay the costs of the Project (as defined herein) and approving and authorizing other actions in respect thereto.

WHEREAS, Indiana Code 36-7-11.9 and 12 (collectively, the “Act”) declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, pursuant to the Act, the City of Indianapolis, Indiana (the “City”) is authorized to issue revenue bonds for the purpose of financing, reimbursing or refinancing the costs of acquisition, construction, renovation, installation and equipping of economic development facilities in order to foster diversification of economic development and creation or retention of opportunities for gainful employment in or near the City; and

WHEREAS, TWG Development, LLC, and/or one or more subsidiaries, affiliates, designees and/or joint ventures thereof (collectively, the “Developer”) desires to finance certain projects, additions or improvements within the City, including all or any portion of: (a) the acquisition, construction, equipping and preservation of a mixed-use apartment building consisting of 269 multifamily units atop a 58,490 +/- square foot concrete podium, which will house resident amenities, parking and commercial/retail location; and (b) all acquisition, construction, demolition, renovation, improvement, excavation, utility relocation and/or equipping costs related to the projects described in clause (a), including, but not limited to certain streetscape and sidewalk projects and improvements (collectively, the “Project”); and

WHEREAS, the Project will be located at approximately 915 South Meridian Street, Indianapolis, Indiana, which is in City-County Council District 16, and is, or will be, located in, serving or physically connected to an allocation area, known as the South Meridian Allocation Area (the "Allocation Area"), previously created by the Metropolitan Development Commission of Marion County, Indiana (the "Metropolitan Development Commission"), acting as the Redevelopment Commission of the City; and

WHEREAS, the Developer has advised the Indianapolis Economic Development Commission (the "Economic Development Commission") and the City concerning the Project, and has requested that the City issue one or more series of its taxable Economic Development Tax Increment Revenue Bonds, Series 2021 (Federally Taxable – Rise on Meridian Project) (with such further or different series designation as may be necessary, desirable or appropriate, including such series designation to indicate the year in which the bonds are issued) (the "Bonds"), in an aggregate principal amount not to exceed Eight Million Six Hundred Sixty Thousand Dollars (\$8,660,000), for the purpose of providing funds for (i) paying all or a portion of the costs of the Project by loaning a portion of the proceeds of the Bonds to the Developer and (ii) paying all incidental expenses incurred on account of the issuance of the Bonds; and

WHEREAS, the Economic Development Commission has rendered a report concerning the proposed financing of the Project as an economic development facility for the Developer and the Metropolitan Development Commission, as Plan Commission, and the Superintendent of the Indianapolis Public Schools have been given the opportunity to comment thereon; and

WHEREAS, pursuant to Section 24 of the Act, following a public hearing held on July 14, 2021, the Economic Development Commission found that the financing of the Project complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of the City; and

WHEREAS, the Economic Development Commission has determined that the financing will not have an adverse competitive effect or impact on any similar facility or facility of the same kind already constructed or operating in the same market area or in or about Marion County, Indiana; and

WHEREAS, pursuant to and in accordance with the Act, the City desires to provide funds necessary to finance all or a portion of the Project by issuing the Bonds; and

WHEREAS, the Act provides that such revenue bonds may be secured by a trust indenture between an issuer and a corporate trustee; and

WHEREAS, the City intends to issue the Bonds consistent with the terms of this Ordinance and pursuant to a Trust Indenture, to be dated the first day of the month in which the Bonds are sold or delivered (or such other date as the officers of the City may hereafter approve) (the "Indenture"), by and between the City and a corporate trustee to be selected by the City (the "Trustee"), in order to obtain funds necessary to provide for the financing of all or a portion of the Project, in accordance with the terms of a Financing Agreement, to be dated the first day of the month in which the Bonds are sold or delivered (or such other date as the officers of the City may hereafter approve) (the "Financing Agreement"), by and between the City and the Developer with respect to the Bonds and the Project, and a Project Agreement between the City and the Developer, with respect to the Bonds and Project, and other such documents as deemed necessary; and

WHEREAS, pursuant to the Financing Agreement, the Developer will make certain representations, warranties and commitments with respect to the Project and the use of the proceeds of the Bonds to be provided to the Developer in accordance with the terms thereof; and

WHEREAS, no member of the City-County Council has any pecuniary interest in any employment, financing agreement or other contract made under the provisions of the Act and related to the Bonds authorized herein, which pecuniary interest has not been fully disclosed to the City-County Council and no such member has voted on any such matter, all in accordance with the provisions of Indiana Code 36-7-12-16; and

WHEREAS, the Economic Development Commission has heretofore approved the forms of the Bonds, the Indenture and the Financing Agreement (collectively, the "Financing Documents"), and approved and recommended the City-County Council's adoption of a form of this proposed Ordinance, which were incorporated by reference in the Economic Development Commission's Resolution adopted on July 14, 2021, which Resolution has been transmitted hereto; and

WHEREAS, prior to the issuance of the Bonds, the Metropolitan Development Commission will pledge up to eighty percent (80%) of the tax increment revenues from the Project (the "TIF Revenues") to the payment of the Bonds and other matters in furtherance of the Project on a subordinate basis to the prior payment of existing bonds or other

obligations to which such TIF Revenues are pledged and that the pledge of TIF Revenues will not exceed the debt service on the Bonds; and

WHEREAS, based upon the resolution adopted by the Economic Development Commission pertaining to the Project, the City-County Council hereby finds and determines that the funding approved by the Economic Development Commission for all or a portion of the Project will be of benefit to the health and general welfare of the citizens of the City, complies with the provisions of the Act and the amount necessary to finance all or a portion of the costs of the Project, together with incidental expenses incurred in connection therewith, will require the issuance, sale and delivery of one or more series of taxable economic development tax increment revenue bonds in an aggregate combined principal amount not to exceed Eight Million Six Hundred Sixty Thousand Dollars (\$8,660,000).

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

SECTION 1. It is hereby found, determined, ratified and confirmed that the financing of the economic development facilities referred to in the Financing Documents consisting of the Project, the issuance and sale of the Bonds, and the loan of the net proceeds thereof to the Developer to finance all or a portion of the Project, will: (i) result in the diversification of industry, the creation or retention of business opportunities and the creation or retention of opportunities for gainful employment within the jurisdiction of the City; (ii) serve a public purpose, and will be of benefit to the health and general welfare of the City; (iii) comply with the purposes and provisions of the Act and it is in the public interest that the City take such lawful action as determined to be necessary or desirable to encourage the diversification of industry, the creation or retention of business opportunities, and the creation or retention of opportunities for gainful employment within the jurisdiction of the City; and (iv) not have a material adverse competitive effect on any similar facilities already constructed or operating in or near the City.

SECTION 2. The forms of the Financing Documents presented herewith are hereby approved and all such documents shall be kept on file by the Clerk of the City-County Council (the "Clerk") or the Controller of the City (the "Controller"). In compliance with Indiana Code 36-1-5-4, two (2) copies of the Financing Documents are on file in the office of the Clerk for public inspection.

SECTION 3. The City is authorized to issue the Bonds in one or more series, any series of which may be taxable for federal income tax purposes, in the maximum aggregate principal amount not to exceed Eight Million Six Hundred Sixty Thousand Dollars (\$8,660,000), with a maximum term not to exceed twenty-five (25) years and with a maximum interest rate not to exceed eight percent (8%) per annum, for the purpose of procuring funds to (i) pay all or a portion of the costs of the Project by loaning a portion of the proceeds of the Bonds to the Developer and (ii) pay all incidental expenses incurred on account of the issuance of the Bonds. The Bonds shall be payable as to principal and interest solely from an eighty percent (80%) pledge of the TIF Revenues on a subordinate basis, upon such terms and conditions as otherwise provided in the Financing Documents and this Ordinance. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City.

SECTION 4. The Mayor and the Clerk are authorized and directed to execute the Financing Documents, and the Mayor, the Controller, the Clerk and any other officer of the City are authorized and directed to execute such other documents approved or authorized herein and any other document which may be necessary, appropriate or desirable to consummate the transaction contemplated by the Financing Documents and this Ordinance, and their execution is hereby confirmed on behalf of the City. The signatures of the Mayor and the Clerk on the Bonds, and their execution is hereby confirmed on behalf of the City. The signatures of the Mayor and the Clerk on the Bonds may be facsimile signatures. The Mayor, the Clerk, the Controller and any other officer of the City are authorized to arrange for the delivery of the Bonds to the purchaser, payment for which will be made in the manner set forth in the Financing Documents. The Mayor and the Clerk may, by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures thereon, approve any and all such changes therein and also in those Financing Documents which do not require the signature of the Mayor or the Clerk without further approval of this City-County Council or the Economic Development Commission if such changes do not affect terms set forth in Sections 27(a)(1) through and including (a)(10) of the Act.

SECTION 5. The provisions of this Ordinance and the Financing Documents shall constitute a contract binding between the City and the holder or holders of the Bonds and after the issuance of said Bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder or holders so long as said Bonds or the interest thereon remains unpaid.

SECTION 6. The Mayor, the Controller and the Clerk, or any other officer having responsibility with respect to the issuance of the Bonds, are authorized and directed, alone or in conjunction with any of the foregoing, or with any other officer, employee, consultant or agent of the City, to deliver a certificate for inclusion in the transcript of proceedings for the Bonds,

setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the Bond proceeds as of the date of issuance thereof.

SECTION 7. No recourse under or upon any obligation, covenant, acceptance or agreement contained in this Ordinance, the Financing Documents or under any judgment obtained against the City, including without limitation its Economic Development Commission, or by the enforcement of any assessment or by any legal or equitable proceeding by virtue of any constitution or statute or otherwise, or under any circumstances, under or independent of the Financing Agreement, shall be had against any member, director, or officer or attorney, as such, past, present, or future, of the City, including without limitation its Economic Development Commission, either directly or through the City, or otherwise, for the payment for or to the City or any receiver thereof or for or to any holder of the Bonds secured thereby, or otherwise, of any sum that may remain due and unpaid by the City upon any of the Bonds. Any and all personal liability of every nature, whether at common law or in equity, or by statute or by constitution or otherwise, of any such member, director, or officer or attorney, as such, to respond by reason of any act or omission on his or her part or otherwise for, directly or indirectly, the payment for or to the City or any receiver thereof, or for or to any owner or holder of the Bonds, or otherwise, of any sum that may remain due and unpaid upon the Bonds hereby secured or any at them, shall be expressly waived and released as a condition of and consideration for the execution and delivery of the Financing Agreement and the issuance, sale and delivery of the Bonds.

SECTION 8. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 9. All ordinances, resolutions and orders or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

SECTION 10. It is hereby determined that all formal actions of the City-County Council relating to the adoption of this Ordinance were taken in one or more open meetings of the Council, that all deliberations of the City-County Council and of its committees, if any, which resulted in formal action, were in meetings open to the public, and that all such meetings were convened, held and conducted in compliance with applicable legal requirements, including Indiana Code 5-14-1.5, as amended.

SECTION 11. The Mayor, the Controller, the Clerk and any other officer of the City are hereby authorized and directed, in the name and on behalf of the City, to execute, attest and deliver such further instruments and documents, and to take such further actions, in the name of the City as in their judgment shall be necessary or advisable in order fully to consummate the transactions described herein and carry out the purposes of this Ordinance, and any such documents heretofore executed and delivered and any such actions heretofore taken, be, and hereby are, ratified and approved. The Mayor or his designee is hereby authorized to enter into one or more project agreements with the Developer, on terms and conditions acceptable to the Mayor, together with any changes as may be necessary, desirable or appropriate, which shall be evidenced by his execution thereof.

SECTION 12. This Ordinance shall be in full force and effect upon adoption and compliance with Indiana Code 36-3-4-14.

PROPOSAL NO. 256, 2021. Councillor Robinson reported that the Public Safety and Criminal Justice Committee heard Proposal No. 256, 2021 on August 18, 2021. The proposal, sponsored by Councillors Robinson and Mowery, approves and authorizes the execution of an Interlocal Agreement for the Indianapolis Fire Department (IFD) to provide fire protection and prevention services to excluded city, Beech Grove, Indiana for a fee, in order to provide efficiencies for both the City and Beech Grove. By an 13-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillors Mascari and Brown expressed their excitement over this agreement and stated that they wholeheartedly support the proposal.

Councillor Robinson moved, seconded by Councillor Adamson, for adoption. Proposal No. 256, 2021, as amended, was adopted on the following roll call vote; viz:

23 YEAS: Adamson, Bain, Barth, Boots, Brown, Carlino, Dilk, Evans-E, Evans-J, Graves, Gray, Hart, Jackson, Jones, Larrison, Lewis, Mascari, McCormick, Oliver, Osili, Potts, Ray, Robinson

0 NAYS:

1 NOT VOTING: Mowery

1 ABSENT: Annee

Proposal No. 256, 2021, as amended, was retitled GENERAL RESOLUTION NO. 10, 2021, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 10, 2021

PROPOSAL FOR A GENERAL RESOLUTION to approve and authorize the execution of an Interlocal Agreement for the Indianapolis Fire Department (IFD) to provide fire protection and prevention services to excluded city, Beech Grove, Indiana.

WHEREAS, IFD and BGFD currently have mutual aid agreements for fire protection services; and

WHEREAS, IFD fire runs into Beech Grove compromise a substantial amount of IFD resources and manpower; and

WHEREAS, Indiana law permits municipalities to enter into Interlocal Agreements for fire prevention and protection services; and

WHEREAS, at this time, Indiana law does not provide a mechanism by which an excluded city in Marion County can consolidate its fire prevention and protection services with Indianapolis; and

WHEREAS, representative from both cities have met to draft the Interlocal Agreement attached to this Resolution. Beech Grove Mayor Dennis Buckley, the Chiefs of Fire for each city, and Local 416 are all in support of this Agreement. The Office of Finance and Management has approved amount of compensation to be paid to Indianapolis; and

WHEREAS, substantial operational efficiencies, a reduction of administrative costs, and economies of scale may be obtained through entering into this Agreement; and

WHEREAS, the purpose of this Agreement is for Indianapolis to provide fire prevention and protection services to Beech Grove in exchange for monetary compensation and other assets. In addition, firefighter personnel shall become employed by Indianapolis which shall also accept administrative and financial management of the pensions of those personnel; and

WHEREAS, a substantially similar Resolution has, or will be, introduced to the Beech Grove Common Council for its approval; and

WHEREAS, the City-County Council finds that entering into this Agreement serves the public interest by resulting in the provision of an enhanced level of public safety and fire prevention and protection services, with greater efficiency and at a lower cost; 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 hereby approves the Interlocal Agreement attached to this Resolution. Upon approval of a substantially similar Resolution approved by the Beech Grove Common Council, City of Indianapolis personnel are authorized to execute the Agreement in substantially similar form with such changes and may be determined to be reasonably warranted.

SECTION 2. This resolution shall be in effect from and after its passage by the Council and compliance with Indiana Code § 36-3-4-14.

PROPOSAL NO. 257, 2021. Councillor Robinson reported that the Public Safety and Criminal Justice Committee heard Proposal No. 257, 2021 on August 18, 2021. The proposal, sponsored by Councillor Mascari, amends the Code to clarify provisions regarding the Indianapolis Fire Department, reflect the prevailing operations of the department, and make technical corrections. By a 13-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Robinson recognized Chief Ernest Malone, Indianapolis Fire Department, and stated that they are recognized not just in the state, but in the country, and even internationally. Chief Malone thanked Robinson for the recognition and stated that their firefighters are the best working on the front line, and they have a great working relationship with the Local 416 Firefighters Union, as well.

Councillor Robinson moved, seconded by Councillor Adamson, for adoption. Proposal No. 257, 2021 was adopted on the following roll call vote; viz:

23 YEAS: Adamson, Bain, Barth, Boots, Brown, Carlino, Dilk, Evans-E, Evans-J, Graves, Gray, Hart, Jackson, Jones, Larrison, Lewis, Mascari, McCormick, Oliver, Osili, Potts, Ray, Robinson

0 NAYS:

1 NOT VOTING: Mowery

1 ABSENT: Annee

Proposal No. 257, 2021 was retitled GENERAL ORDINANCE NO. 33, 2021, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 33, 2021

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to clarify provisions regarding the Indianapolis Fire Department, reflect the prevailing operations of the department, and make technical corrections.

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

SECTION 1. Chapter 252 "Indianapolis Fire Department" of the Revised Code of the Consolidated City and County, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 252-101. Definitions.

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

Chief or Chief of Fire means the chief executive officer of the Indianapolis fire department appointed pursuant to this article.

Civilian fire merit board or merit board means the Indianapolis fire department Merit Board created pursuant to this chapter.

Department means the Indianapolis fire department.

~~*Employee* means a regularly employed civilian employee of the Indianapolis fire department.~~

Fire special service district means the special service district created pursuant to IC 36-3-1-6 and section 111-3 of the Code.

Member or firefighter means a regularly employed firefighter of the Indianapolis fire department.

Merit rank means all promotions to the rank of lieutenant, captain, and battalion chief made in accordance with the Indianapolis fire department's merit system.

Non-suppression division means all firefighters assigned to work an average of one hundred and twenty (120) hours in a twenty-one-day work period at various Indianapolis fire department worksites other than fire stations.

Suppression division means all department firefighters assigned to work one hundred and forty-four (144) hours in a twenty-one-day work period.

Sec. 252-102. Indianapolis fire department; jurisdiction, powers, and duties.

(a) The Indianapolis fire department shall have the authority and jurisdiction throughout the fire special service district and such other territory where the department provides fire protection services as provided by law.

(b) It shall be the duty of the Indianapolis fire department to suppress all fires that occur in the fire special service district and such other territory, to prevent the occurrence and spread of such fires, to provide emergency medical services and rescue operations, and to investigate fires.

(c) The department shall have all powers prescribed in chapter 591 of this Code and all other powers necessary to fulfill these duties and any other powers granted by law, the city-county council or the mayor.

Sec. 252-103. Appointment and qualifications of chief; powers and duties.

(a) The mayor shall appoint a chief of the Indianapolis fire department subject to city-county council confirmation who serves at the pleasure of the mayor and reports directly to the mayor.

(b) The chief may be selected from members of the department who hold the permanent merit rank of captain or above on the basis of prior training and experience, and shall have a minimum of fourteen (14) ~~ten (10)~~ years of service with the department, which time period shall include a person's ~~an individual's~~ service as a full-time, paid member of any a fire department that has been consolidated into the department.

(c) The chief may be selected from past members of the department or from members or past members of a fire department other than the department only if he or she has:

(1) Met the following educational requirements:

- a. A bachelor's or master's degree from an accredited institution of higher education in fire science, management, public administration or a related field; or
- b. A bachelor's degree from an accredited institution of higher education in a non-related field: and
 - i. An associate's degree in fire science; or
 - ii. An executive fire officer designation from the National Fire Academy or its successor institution; or
 - iii. A chief fire officer designation from the Center for Public Safety Excellence or its successor

(2) Attained fire officer I, II, and III ~~and fire officer II~~ certification;

(3) At least fourteen (14) ~~ten (10)~~ years of experience in a fire department of a city with a population of one hundred thousand (100,000) or more in Indiana, another state, or the District of Columbia; and

(4) Achieved the merit rank of captain (or its equivalent) or above.

(d) The chief may appoint any number of executive assistants, who shall hold the temporary rank and title of assistant chief, deputy chief, division chief or shift commander as the chief ~~he or she~~ deems necessary to efficiently discharge the chief's ~~his or her~~ executive duties. The chief shall select these executive assistants from among those holding the permanent merit rank of captain or above in the department. The appointed ranks of assistant chief, deputy chief, division chief and shift commander shall be temporary, and each executive assistant shall retain their ~~his or her~~ permanent merit rank, unless promoted in accordance with the merit system. The chief may temporarily appoint and assign members of the department to lieutenant, captain, or battalion chief in the non-suppression division, and such member's pay grade shall be commensurate with the duties and qualifications required of the member. Such assignment shall have no effect on the merit rank of the member.

The chief shall have general authority over all matters, personnel, and property relating to and connected with the department, unless otherwise restricted by law. This authority includes the following powers and duties:

(1) To organize the department and determine and implement policies, methods and means by which operations are conducted;

(2) Oversee the daily operation of the department;

- (3) Execute contracts on behalf of the department subject to the powers of the mayor, the board of the office of public health and safety, and any limitations prescribed by law;
- (24) Make general and special rules and regulations for the government and discipline of the department, to the extent such duties and powers are not granted to the merit board;
- (35) To administer and oversee the department's fire merit system with the mayor as provided by this code, relating to appointment, transfer, discipline and removal of members ~~and employees~~ of the department pursuant to applicable rules, regulations and laws in accordance with an established merit system;
- (46) To enter into contracts with town or township firefighting companies or associations for mutual civil aid and assistance programs, life-saving, firefighting, emergency services, ambulance services, mutual communications services, coordinating training programs, or central dispatching programs in accordance with applicable law;
- (57) To purchase, rent or improve any real estate or personal property, subject to appropriations therefor by the city-county council and subject to the powers of the mayor and the board of public health and safety;
- (68) To purchase or obtain necessary supplies, equipment, and services; subject to the authority of the board of the office of public safety and purchasing laws;
- (79) In conjunction with the mayor, to fix the number of employees, members and reservists of the department;
- (810) To temporarily appoint additional personnel on application of any person or corporation in response to any emergency, riot or insurrection as declared by the mayor, which persons the director may remove at any time without hearing or notice or assigning any cause;
- (911) To delegate to the personnel employed in the department authority to act in the chief's ~~his or her~~ behalf as provided in IC 36-3-5-5(c); and
- (4012) Any other powers that may be granted by law or by the mayor.

Sec. 252-104. Budget.

The chief shall prepare and submit an annual budget to the fire special service district council that shall approve or modify said budget. The fire special service district council shall appropriate funds to finance the operations and activities of the Indianapolis fire department provided for in this article. These appropriated funds shall be deposited with the consolidated city controller in an account known as the "Indianapolis fire department account." The chief shall have authority to expend, under regular consolidated city procedure in accordance with applicable law, all sums appropriated to such account for the purposes, activities and services contemplated by this chapter. At the end of each fiscal year, any unexpended portion of such account shall revert to the fire special service district general fund.

Sec. 252-105. Reserved.

Sec. 252-106. Personnel division ~~branch~~.

(a) There is hereby created a personnel division ~~branch~~ as a part of the Indianapolis fire department, which shall be supervised ~~on a daily basis~~ by a deputy chief director of personnel ~~who shall be appointed by the Chief of Fire and who shall have prior training in personnel management.~~

(b) ~~Pursuant to the recommendations of the civilian fire merit board established by this chapter, the director of the personnel branch of the department shall appoint such employees of the personnel branch as he or she deems necessary. Such employees shall be civilians.~~

(be) Subject to applicable law, and with approval of the civilian fire merit board and chief, the deputy chief director supervising ~~of~~ the personnel division ~~branch~~ shall be responsible for the development and implementation of personnel management programs within the department. These personnel management programs shall be: merit systems relating to member recruitment; applicant screening, testing and selection; job auditing; hiring; performance evaluation; transfer; promotion; separation; reemployment career development; discipline; ~~employee~~ relations; grievance procedures; and, personnel records management.

Sec. 252-107. Civilian employees.

~~(a) The civilian fire merit board shall be authorized to prescribe and promulgate such rules and policies as it deems necessary concerning the regulation of civilians on the Indianapolis fire department.~~

The chief, through the personnel division ~~branch~~, shall hire ~~appoint~~ civilian employees and shall make maximum use of civilian employees in positions in the department not requiring firefighters.

~~(b) All civilian employees of the department, other than those in appointive positions, shall be considered merit employees. All civilian merit personnel management programs shall be administered in accordance with the merit systems outlined in section 252-106 above.~~

~~(c) A civilian employee appointed by the chief or the director of the personnel branch shall serve for one (1) year from the date of appointment as a probationer, during which time the employment of such employee may be terminated by the chief with or without cause, and such termination shall be final and not subject to review. If his or her employment is not otherwise terminated, the employee shall become a permanent employee at the end of one (1) year and may be subject to discharge or discipline for any cause in conformity with the rules and regulations adopted by the civilian fire merit board.~~

Sec. 252-108. Life and liability insurance.

The chief shall recommend to the corporation counsel and the office of finance and management appropriate group life and disability insurance coverage to cover all members of the Indianapolis fire department. Such insurance coverage may be purchased and maintained in reasonable amounts and shall cover only firefighters killed or disabled in the line of duty. The chief shall recommend to the corporation counsel and the office of finance and management appropriate insurance to indemnify members of the department against liability for injuries or damages to persons or property resulting from alleged acts of negligence, wrongful acts or omission of such members while acting within the scope of their authority and employment.

Sec. 252-109. Fire protection outside the fire special service district.

The Indianapolis fire department may provide fire protection or services outside the boundaries of the fire special service district, only under the following circumstances and upon the following conditions:

- (1) The chief or the mayor may enter into any contract or mutual agreement or understanding with the ranking fire officer of any existing municipal or volunteer fire department or with the chief executive officer of any unit of government that maintains or finances an established fire department, wherein the agreement provides for the mutual assistance between the department and the other fire department such that the ranking officers of the respective fire departments may request, when necessary, the assistance without charge to the assisted department. The department is authorized to render such assistance as is requested by the ranking officer on duty with the respective department so long as the rendering of such assistance shall not endanger the citizens of the fire special service district or threaten the ability of the department to render services within the fire special service district.
- (2) The department, upon approval of the mayor, may enter into a contract with any person, municipality, or other governmental unit that is situated at a place not within the fire special service district but within the county and that is desirous of contracting with the city for regular fire protection involving the use and services of the Indianapolis fire department. The details of such contract shall be specified by the department, but each contract must provide that the city furnish on a calendar-year basis so much firefighting service and apparatus as may be reasonably necessary on the request of the contracting person, municipality or other governmental unit when a fire exists at the premises of such person or within the boundaries of the municipality or governmental unit, but that obligation to render such services shall not exist at any time that the same would endanger or threaten the services of the Indianapolis fire department to the citizens of the fire special service district. The contract shall also provide for a negotiated rate or fees payable as required by the department for the rendering of such services and may provide for additional charges based on the actual services and apparatus used in the performance of such agreement.
- (3) Upon consolidation of a township fire department into the Indianapolis fire department pursuant to IC 36-3-1-6.1, the department shall provide fire protection or services in the territory where such services were formerly provided by the township fire department.

Sec. 252-201. Civilian fire merit board.

(a) There is hereby established a civilian fire merit board that shall be composed of four (4) ~~persons~~ ~~members~~ appointed by the mayor and two (2) ~~persons~~ ~~members~~ elected by the active members of the Indianapolis fire department in accordance with IC 36-8-3.5-1. Each ~~person~~ ~~member~~ ~~serving on~~ of the merit board shall be a registered voter who resides within the department's jurisdiction as established by section 252-102 of the Code, and no ~~person~~ ~~member~~ appointed or elected to the merit board shall be a ~~firefighter or employee~~ ~~member~~ of the department or of any other police or fire department or agency, or hold another elective or appointive office in either a city, town, township, county or state government. All persons, whether appointed or elected, shall serve on the merit board for a term of two (2) years, and all members, either elected or appointed, shall serve during their respective terms and until their respective successor shall be appointed or elected, and qualified.

The mayor may remove an appointee from the merit board, with or without cause, without right of hearing. If a mayoral appointee vacancy occurs, the mayor shall appoint a replacement to serve the unexpired term. If a vacancy exists to be filled by the active members of the department, a replacement shall be elected, in accordance with IC 36-8-2-3.5-8, by the active members to serve the unexpired term. A person may serve on the merit board for successive terms, whether appointed or elected. An appointed member of the merit board may be removed by the mayor, with or without cause, without right of hearing. If a vacancy occurs among the members of the merit board appointed by the mayor, the mayor shall appoint a replacement to serve the unexpired term. If a vacancy occurs among the members of the merit board elected by the active members of the department, a replacement shall be elected by the active members of the department in accordance with IC 36-8-3.5-8 to serve the unexpired term. A member of the merit board may be appointed or elected for successive terms.

(b) The chief shall be an ex officio member of the merit board without voting power.

(c) A quorum for the purpose of taking official action shall consist of 3 persons. Three (3) members of the board shall constitute a quorum for the purpose of taking official action; however, in In the event of a tie vote, the recommendation of the chief shall be deemed adopted by the board.

(d) The merit board shall establish rules for its operation. Included in such rules shall be the time and place for holding regular monthly meetings and such special meetings throughout the year as may be deemed necessary to transact its business. Each year the merit board, with the concurrence of the Chief of Fire ~~director~~, shall select from its membership ~~members~~ a president, vice-president and secretary.

(e) The merit board shall administer and supervise the merit system established by this article.

~~(f) The city county council, in accordance with IC 36-3-6-6, may provide the board a monthly stipend of fifty dollars (\$50.00).~~

Sec. 252-202. Merit selection and procedures.

(a) Any person, including persons seeking reappointment or reinstatement, shall be appointed to the Indianapolis fire department in accordance with the merit selection and appointment procedure created by this section and such rules and regulations as may be established by the merit board in accordance with the provisions of this section. Such rules and regulations may change the order of their procedure but not the substance of the requirements established by this section. Appointment and reappointment to the department shall be made without regard to an applicant's political party preference or activity.

(b) A person ~~An individual~~ may not submit an application, ~~or~~ be appointed, or reappointed as a member of the department unless the ~~person~~ ~~individual~~ is at least twenty-one (21) years of age but not yet reached the age of thirty-six (36). ~~sixth (36th) birthday.~~ The age thirty-six limitation shall not apply if the person is a former member or a retired member not yet receiving retirement benefits of the 1937 or 1977 fund and can complete twenty (20) years of service before reaching sixty (60) years of age as in the case of a firefighter leaving another fire department to be employed as a firefighter (member) with the Indianapolis Fire Department.

The ~~individual~~ applicant must have at least a high school education or equivalent to be eligible to make application to become a member of the department, and each applicant must meet minimum fitness/medical standards adopted by the department and continue to meet minimum fitness/medical standards, as a condition of employment, while serving as a member of the department. The department shall develop job-related minimum standards with the assistance of an independent consultant in order to meet applicable federal and state guidelines. ~~All Applicants~~ individuals appointed or reappointed to the department must establish residency in compliance with state statute. ~~Marion County or a contiguous~~

~~county at the time of such appointment or reappointment.~~ Applicants shall not have been convicted of an offense that is a felony under Indiana law.

Applicants must obtain an application form from the personnel ~~division~~ branch and must comply with the following additional requirements:

- (1) Applicants must pass a complete physical examination and a psychological examination in accordance with state law. The psychological examination shall be given by an individual approved by the state board of examiners in psychology or the state board of medical registration. If a written psychological examination is administered, such examination shall be approved by the state board of examiners in mental health or the state board of medical registration, in accordance with psychological examinations approved by the PERF board in consultation with the commissioner of mental health. Applicants may be required to pay up to one-half (½) of the costs of the required physical and psychological examinations in accordance with applicable departmental rules.
- (2) Applicants must pass a written examination to evaluate both aptitude and intellectual capacity for fire work.
- (3) Applicants must pass a job-related agility test.
- (4) Applicants shall have a structured oral interview as established by the fire merit board.

The rules and procedures for the above requirements shall be set by the chief with the approval of the merit board.

(c) The chief, with the approval of the board, shall give a preference for employment ~~to~~ for any the following, all of which must be validated by the department:

- (1) An applicant ~~A person~~ who has served in the military service and has received an honorable discharge from any branch of the service including the Coast Guard (as defined in IC 36-8-4-10); and any participant in the Army PaYS Program;
- (2) An applicant ~~A person~~ whose mother or father was a firefighter of a unit, municipal police officer, or county police officer, who died in the line of duty (as defined in IC 5-10-10-2);
- (3) An applicant ~~A person~~ who successfully graduated from a City of Indianapolis or Marion County high school; ~~and/or~~
- (4) An applicant ~~A person~~ who is a resident of Marion County as of the date the person submits an application for employment;

(5) An applicant who has graduated from the department's Arsenal Tech High School, CTC Fire/Rescue program.

(d) The personnel ~~division~~ branch shall prepare a list of those applicants eligible for appointment ranked in order of their total combined score. The written examination shall constitute no more than fifty (50) percent of the applicant's total eligibility score. Any combination of the preferences described in subsection (c) of this section shall constitute no more than five (5) percent of the applicant's total eligibility score. Prior to the creation of the eligibility list, the personnel branch, with approval of the merit board, shall establish the weight of each of the components of the applicant process.

(e) Beginning with the applicant having the highest eligibility score on the eligibility list, the department shall conduct a background investigation into the personal history and character of the applicant. Any information indicating that the applicant has engaged in any conduct or activities that would warrant the disqualification of the applicant from appointment to the department shall be forwarded to the deputy chief supervising chairman of the personnel ~~division~~ branch and shall be made a part of the applicant's file. The file shall be presented by the deputy chief of the personnel branch to the merit board, which shall determine whether such conduct or activities are such as to disqualify the applicant for appointment.

(f) Final eligibility lists prepared as the result of an applicant screening process shall be in effect for two (2) years or until a new eligibility list for the next process is final, whichever occurs earlier ~~sooner~~. A new applicant screening process shall be initiated by the department no later than eighteen (18) months after a final eligibility list is certified by the merit board. The merit board shall establish procedures for the management of the final eligibility lists. Any applicant who, personally or through any other person, solicits any member of the merit board to favor the applicant's ~~his or her~~ appointment or reinstatement to the department shall be thereby rendered ineligible for any such appointment.

Sec. 252-203. Vacancies; training academy for recruits; probationary period.

(a) The chief shall appoint as recruit trainees such ~~applicant or~~ applicants as are necessary to fill any vacancies that exist in the Indianapolis fire department. Eighty (80) percent of such vacancies to be appointed at one time by the chief shall be filled by taking the applicant having the highest score on the final eligibility list and proceeding down the list in order. The chief shall fill the remaining twenty (20) percent of the vacancies by selecting any person remaining on the final eligibility list. In making these selections, the chief shall consider ~~applicants~~ candidates who, in the opinion of the chief, are best qualified for appointment based on such considerations as cumulative score on the merit selections procedures, and community and legal obligations of the department and the city. Recruit trainees shall be assigned to the fire training academy for a training course prescribed by the chief with the approval of the merit board. No recruit trainee shall be assigned to regular active duty until the recruit trainee ~~he or she~~ has attended and successfully completed the training course so prescribed. Failure to complete the course successfully shall result in dismissal from the department. After completing the training course, the recruit trainee shall be elevated to the probationary rank of firefighter and shall be assigned to regular active duty. The probationary period shall last for one (1) year of actual service from the date of the recruit trainee's graduation from the training academy. Each probationary firefighter shall be evaluated monthly during this period by their ~~his or her~~ immediate supervisor pursuant to the evaluation system provided for in this Code. The appointment of probationary firefighter to firefighter ~~of the firefighter~~ becomes permanent when the probationary firefighter ~~he or she~~ has successfully completed the one-year probationary period.

(b) While a ~~person~~ an individual is in the status of recruit trainee or probationary firefighter, the chief may terminate or temporarily suspend such person ~~an individual~~ for cause, without right to any hearing before the merit board.

Sec. 252-204. Retirement.

A member of the Indianapolis fire department shall be required to retire from the department consistent with state and federal guidelines or upon the member's ~~his or her~~ failure to meet minimum medical/fitness standards adopted by the department. Such minimum medical and fitness ~~medical/fitness~~ standards shall be job-related and established with the assistance of an independent consultant to the department.

Sec. 252-205. Rules and regulations of the Indianapolis fire department.

(a) Within the limits of this Code, the chief, shall prescribe, adopt and put into effect such rules and regulations for the governance of the Indianapolis fire department as, from time to time, he or she deems appropriate. Within the limits of this Code, the chief, with the approval of the merit board, shall establish a classification of ranks, grades and positions in the department and shall designate the authority and responsibilities of each rank, grade and position. The chief shall have authority to assign or reassign any member of the department to serve at any department worksite, within the limits of the Code, and to perform such duties as he or she shall designate, provided such grade and assignment results in no decrease in the firefighter's merit rank, and provided the firefighter's minimum salary is commensurate with the firefighter's ~~his or her~~ merit rank. The chief shall be authorized to make maximum use of civilian employees in any position in the department so as to release firefighters to perform essential departmental functions.

(b) Consistent with the terms of section 252-206(a), the chief, in consultation ~~consultation~~ with the mayor, may establish a position classification system and a scale of compensation for the various firefighters in the department. The compensation so fixed shall be based on the rank held by the firefighter and the special technical competence of the job assignment of the firefighter. Any position pay granted to a firefighter shall remain in effect only while such firefighter is in such position. The scale of compensation shall be required to apply uniformly to all firefighters' merit rank and minimum salary commensurate with the rank.

Sec. 252-206. Merit promotion system.

(a) There shall be a merit promotion system that shall be administered in accordance with rules and regulations adopted by the merit board. This merit promotion system shall apply to all promotions to the ranks of lieutenant, captain and battalion chief. It shall not apply to the appointment of the chief by the mayor or to the appointment of assistant chief, deputy chiefs, division chiefs and shift commanders by the chief. Within the limits of this Code, the chief, with the approval of the merit board, shall set standards for promotion in conformity with the most widely approved standards of comparable fire departments and shall establish reasonable prerequisites of training, education and experience for each rank, grade and position in the department.

(b) The following eligibility requirements are established for all individuals seeking promotion within the Indianapolis fire department:

- (1) *Private to lieutenant:* To be eligible to participate in the process for promotion to the rank of lieutenant, an

individual must have completed five (5) years of continuous service as a member of the department, which time period shall include an individual's service as a full-time, paid member of a fire department ~~that has been consolidated into the department~~. To be eligible for promotion to the rank of lieutenant, an individual must have completed eight (8) years of continuous service as a member of the department, which time period shall include the firefighter's ~~an individual's~~ service as a full-time, paid member of a fire department ~~that has been consolidated into the department~~.

- (2) *Lieutenant to captain:* To be eligible for promotion to the rank of captain, an individual must have completed three (3) years in the rank of lieutenant and have completed eleven (11) years of continuous service as a member of the department, which time periods shall include an individual's service as a full-time, paid member of a fire department ~~that has been consolidated into the department~~.
- (3) *Captain to battalion chief:* To be eligible for promotion to the rank of battalion chief, an individual must have completed three (3) years in the rank of captain and have completed fourteen (14) years of continuous service as a member of the department, which time periods shall include an individual's service as a full-time, paid member of a fire department ~~that has been consolidated into the department~~.

In determining years of service for promotion eligibility to the next merit rank, all time served from the candidate's date of appointment shall be considered. However, if a firefighter is demoted, no time served in a rank prior to the demotion shall be considered in determining years of service for promotion eligibility. The merit board shall resolve any issue relating to the determination of a firefighter's years of service. A member shall be promoted only to the next highest rank.

(c) The merit board, in conjunction with the chief, shall establish process phases and procedures for use in selecting candidates for promotion to the various ranks. The board may use the services of professional consultants from outside the department to assist in developing and administering the process. The process phases shall be established in conformity with standard psychometric procedures, federal and state guidelines relating to selection methods, equal employment opportunity laws, and generally accepted standards for fire departments. Weightings of the components of the process shall be established by the department, using the services of professional consultants prior to the inception of the process with the acceptance of the merit board. The process may include, but is not limited to, such phases as a written examination, structured interviews, performance evaluations, and/or assessment center techniques, as structured to accommodate the various rank levels.

(d) Final eligibility lists prepared as the result of a promotion process shall be in effect for three (3) years or until a new eligibility list for the next process is final, whichever occurs sooner. A new promotion process shall be initiated by the department no later than twenty-four (24) months after a final promotion list is certified by the merit board.

(e) Promotions shall be made by the chief with the approval of the merit board. Such promotions shall be made to position vacancies identified by the chief and designated to be filled by the chief. In making final selections for promotion, the chief shall promote the candidate who, in the opinion of the chief and merit board, is best qualified for the position based on such considerations as cumulative score on the merit selections procedures, the qualifications of the candidate for promotion, and community and legal obligations of the department and the city. The merit board shall establish guidelines, policies and procedures for the administration of the promotion process, and such guidelines, policies and procedures shall be posted in all department work sites and a copy provided to the public safety committee of the city-county council prior to the inception of the process.

(f) All promotions to the ranks of lieutenant, captain and battalion chief shall be made in accordance with this merit system, without regard to the candidate's political party preference or activities. Any member of the department who, personally or through any other person, solicits any member of the merit board to favor their ~~his or her~~ promotion shall be thereby rendered ineligible for any such promotion.

(g) The chief of fire may make staff appointments in the suppression division for positions requiring special certifications, skills and/or training. These positions may include, but are not limited to, EMS duty officers and fire investigators. These appointments shall not be made to circumvent the department's established seniority bidding or merit systems that shall be adhered to in compliance with department general orders and labor agreements.

(h) In instances in which the officer assigned to an apparatus or station is temporarily absent due to illness, vacation, training or other reason, a firefighter may be temporarily assigned to fulfill the responsibilities of the absent officer.

(i) Upon a consolidation of a fire department into the Indianapolis fire department pursuant to IC 36-3-1-6.1 that results in the addition of a new battalion, any merit captain who was acting as a battalion commander for the fire

department shall be allowed to remain as an acting battalion commander if he or she participates in the next process for promotion to battalion chief and successfully completes all components of that promotion process. If the acting battalion commander chooses not to participate in or does not successfully complete all components of that promotion process, he or she shall immediately vacate the acting battalion commander position. Once a promotion list is certified by the merit board, an acting battalion commander, who has successfully completed all components of the promotion process, shall immediately vacate that position and return to the merit rank of captain, unless he or she is promoted to battalion chief in the first group of promotions made from the certified promotion list.

Sec. 252-207. Evaluations.

The chief, with the approval of the merit board and with the assistance of the personnel ~~division branch~~, shall establish a system for the evaluation of the performance of each member of the department. The personnel ~~division branch~~ shall maintain a record of all evaluations of each member under this system.

Sec. 252-208. Discipline.

(a) The chief shall have the ultimate authority to discipline all members of the ~~Indianapolis fire department~~, subject to the authority of the merit board. However, that authority may be delegated by the chief in accordance with the provisions contained in this section. The authority of the chief to discipline shall be subject only to the firefighter's right of appeal to the fire merit board as provided herein.

(b) All disciplinary matters within the department shall be based on one (1) or more of the following infractions:

- (1) Violation of any rule, regulation, or order of the department;
- (2) Any breach of discipline;
- (3) Insubordination;
- (4) Neglect of duty;
- (5) Immoral conduct;
- (6) Conduct unbecoming a firefighter;
- (7) Substandard performance;
- (8) Violation, with the determination by the chief, of any federal, state or local law; and
- (9) Failure to cooperate or be truthful.

(c) A firefighter may be placed on leave with pay for up to thirty (30) calendar days by the chief pending determination of final disciplinary action. Such leave with pay shall be considered a duty status and not a punishment.

(d) The delegation by the chief of the authority to discipline shall not exceed the following:

- (1) Any deputy or assistant chief may suspend any subordinate firefighter for up to a total of eighty (80) working hours, with or without pay, which suspension shall be reviewed by the disciplinary board of battalion chiefs, and ultimately reviewed by the chief. The suspended firefighter may be subject to reinstatement with pay by the chief at any time.
- (2) Any division chief may suspend any subordinate firefighter for up to a total of forty-eight (48) working hours, with or without pay, which suspension shall be reviewed by the disciplinary board of battalion chiefs, and ultimately reviewed by the chief. The suspended firefighter may be subject to reinstatement with pay by the chief at any time.
- (3) Any battalion chief may suspend any subordinate firefighter for up to a total of twenty-four (24) working hours, with or without pay, which suspension shall be reviewed by the disciplinary board of battalion chiefs, and ultimately reviewed by the chief. The suspended firefighter may be subject to reinstatement with pay by the chief at any time.

(e) Firefighters who are classified by the department as exempt executive, administrative or professional

employees pursuant to the provisions of the Fair Labor Standards Act are not subject to unpaid disciplinary suspensions other than for violations of safety rules of major significance unless the suspension is for the period of an entire workweek or a specified number of full workweeks.

(f) A disciplinary board of battalion chiefs, referred to in this section as the disciplinary board, shall assist the chief in departmental disciplinary matters. The board shall be subordinate and advisory to the chief and shall consist of three (3) ~~member~~ firefighters with the permanent merit rank of battalion chief. Board members shall be selected at random and shall serve as a board for a term not to exceed six (6) months. A new board shall be impaneled every six (6) months. No battalion chief shall serve as a member of the board in consecutive six-month periods.

- (1) Following the suspension of a firefighter by the chief for a period greater than eighty (80) working hours or any suspension of a firefighter by an assistant chief, the chief shall appoint a firefighter to gather all of the pertinent facts and to investigate the event surrounding the suspension. The results of that investigation shall be reported to the chief, to the disciplinary board and to the chairman of the personnel division branch for inclusion in the firefighter's personnel record. The chief, or the chief's designee may cause the firefighter to be brought before the disciplinary board for a hearing based upon any charges. Alternately, the chief, ~~in his or her discretion,~~ may also cause the firefighter to appear directly before the merit board for a hearing.
- (2) Any firefighter subject to a hearing before the disciplinary board shall be notified in writing of the charges and of the time and date of the hearing. Such notice must be given by the board at least five (5) days prior to such hearing. In addition, the firefighter has the right to have witnesses subpoenaed by the disciplinary board to testify in the firefighter's ~~his or her~~ behalf upon forty-eight (48) hours' advance notice to the board. by providing ~~If the firefighter requests that witnesses be subpoenaed, he or she shall provide~~ a list of such witnesses to the board and to the deputy chief supervising chairman of the personnel division branch, who shall prepare and deliver the subpoenas on behalf of the board. All testimony at this hearing shall be under oath. Any firefighter, or other department employee, testifying appearing at this hearing, ~~whether as an accused or as a witness,~~ shall cooperate fully with the disciplinary board and answer all questions truthfully and directly. In such hearings, and pursuant to departmental policy, the subject firefighter shall have the right to have legal counsel.
- (3) The hearing before the disciplinary board shall be conducted in accordance with written directives of the chief. The disciplinary board shall, by a majority vote, make a finding of sustained or not sustained ~~guilty or not guilty~~ and reduce it to writing. If the finding is sustained guilty, the board shall ~~also~~ make ~~its~~ recommendations of for appropriate disciplinary action, punishment. The findings and recommendations shall then be referred to the chief or the chief's ~~his or her~~ designee for ~~his~~ determination and shall be made available to the subject ~~accused~~ firefighter.
- (4) After receiving the findings and recommendations, the chief or the chief's designee may, with or without hearings, either concur with the disciplinary board or ~~may~~ reverse the board in full or in part. After making a ~~his or her~~ determination, the chief or the chief's designee may:
 - a. Suspend the firefighter without pay for up to six (6) months. If the suspension does not exceed a total of eighty (80) working hours, suspension shall be without the right of appeal to the fire merit board. That portion of any suspension exceeding a total of eighty (80) working hours may be appealed to the fire merit board within thirty (30) calendar days;
 - b. Demote the firefighter in rank; however, any demotion may be appealed to the fire merit board within thirty (30) calendar days;
 - c. Recommend to the merit board that the firefighter be terminated, in which case the merit board shall consider such a recommendation in the same manner as an appeal of a chief's determination for suspension or demotion;
 - d. Reprimand the firefighter verbally or in writing;
 - e. Reinstatement with pay any firefighter who has been previously suspended without pay.
- (5) A copy of the findings of fact and recommendations of the disciplinary board as well as the chief's determination shall be made a permanent part of the subject firefighter's personnel record. ~~A copy of all of these findings of fact and recommendations as well as the chief's determination shall also be referred to the director within fourteen (14) days.~~
- (g) Appeals to the merit board shall be handled in the following manner:

- (1) Any member of the department may appeal the following determinations to the fire merit board within thirty (30) calendar days of such determination:
 - a. That portion of any suspension without pay exceeding eighty (80) working hours;
 - b. Any demotion in rank.
 - c. A recommendation of termination.
- (2) The hearing before the merit board shall be an administrative hearing, shall be de novo and shall be a hearing of record. The evidence before the merit board shall consist of the findings of fact and recommendations of the disciplinary board of battalion chiefs if such disciplinary board is convened, the written charges and the determination of the fire chief upon those charges, and any other evidence requested by the merit board, presented by the subject aggrieved firefighter, or presented by the chief.
- (3) Any firefighter appealing any decision of the chief shall be given notice at least fourteen (14) calendar days prior to the hearing before the merit board.
- (4) The appealing firefighter may be represented by legal counsel before the merit board, and the chief shall be represented by the corporation counsel or the chief's ~~his or her~~ designee.
- (5) The merit board may fully or partially affirm or completely reverse any portion of the chief's determination that is appealable. In the case of a demotion, the merit board may demote a firefighter only one (1) permanent rank at any one (1) time. The merit board may order any firefighter reinstated with pay for any appealable suspension. In addition, the merit board may remand the action for further review by the chief.
- (6) After hearing the evidence, the merit board shall make a finding by majority voice and reduce its findings and decision to writing. A copy of the findings and decision shall be forwarded to the subject firefighter in question and to the chief and shall become a permanent part of the firefighter's personnel record.
- (h) For the purpose of all hearings before the chief, the disciplinary board of battalion chiefs, and the merit board, each respectively shall have subpoena power as may be enforceable by application to the Marion Ceircuit or Ssuperior Ceourt.
- (i) Either party may, following a decision of the merit board, file a verified petition in the Marion Circuit or Superior Court as may be allowed. ~~superior or circuit court of the county for a review of the decision.~~ The petition for review shall be filed within thirty (30) days of the written decision of the merit board. Within thirty (30) calendar days after the filing of the petition for review, the petitioner shall file a true and complete copy of the transcript of the hearing and the board's written findings with the court. Upon request, the board shall prepare the transcript for the petitioner. The board shall charge the petitioner the reasonable cost of preparing the transcript for transmittal to the court. An extension of time in which to file the transcript may shall be granted by the court for good cause shown. Inability to obtain the transcript from the board within the time permitted by this section is good cause. Failure to file the transcript within the time permitted by this subsection, including any extension period ordered by the court, is cause for dismissal of the petition for review by the court, on its own motion, or on petition by the department City of Indianapolis. The court, without jury, shall review the record and render its decision as in other administrative reviews. ~~The clerk of the court shall send a copy of the court's decision to the department of public safety and the appealing firefighter.~~ Either party may appeal the decision of the court.

Sec. 252-301. Holidays; additional pay.

(a) *Suppression division.* Because of the increased pressures of the work of the department and the around-the-clock requirements for members of the suppression division, the council hereby grants to such members additional pay according to in accordance with the collective bargaining agreement between the city and the Indianapolis ~~Metropolitan~~ Professional Fire Fighters, Local 416 for working on any of the ~~following~~ holidays: stated in the collective bargaining agreement as may exist and change from time to time.

- ~~(1) New Year's Day;~~
- ~~(2) Martin Luther King Day (third Monday of January);~~
- ~~(3) Presidents Day (third Monday of February);~~
- ~~(4) Easter Sunday;~~

- ~~(5) Memorial Day;~~
- ~~(6) Independence Day;~~
- ~~(7) Labor Day;~~
- ~~(8) Columbus Day;~~
- ~~(9) Veterans Day;~~
- ~~(10) Thanksgiving Day; and~~
- ~~(11) Christmas Day.~~

(b) *Non-suppression division.* Members of the non-suppression division of the department shall be entitled to the following days as holidays: established by Sec. 291-206 of the Code.

- ~~(1) New Year's Day;~~
- ~~(2) Martin Luther King Day (third Monday of January);~~
- ~~(3) Presidents Day (third Monday of February);~~
- ~~(4) Good Friday;~~
- ~~(5) Primary Election Day in years with state or municipal elections;~~
- ~~(6) Memorial Day;~~
- ~~(7) Independence Day;~~
- ~~(8) Labor Day;~~
- ~~(9) General Election Day in years with state or municipal elections;~~
- ~~(10) Thanksgiving Day;~~
- ~~(11) Friday after Thanksgiving; and~~
- ~~(12) Christmas Day.~~

Members of the non-suppression division shall receive their regular rate of pay for holidays on which they are not required to work. Members who are required to work for eight (8) hours or more on a holiday shall receive additional pay for that holiday at the rates set forth for members of the suppression division in the collective bargaining agreement between the city and the Indianapolis Metropolitan Professional Fire Fighters, Local 416 Members who are required to work less than eight (8) hours on a holiday shall receive a portion of the additional holiday pay commensurate with the portion of the day worked, but not less than one-half (½) of the holiday pay.

Sec. 252-302. Annual leave.

(a) Annual leave for firefighters shall be as stated in the collective bargaining agreement as may exist and change from time to time.

~~(a) *Suppression division.*~~

- ~~(1) Each active member of the Indianapolis fire department assigned to the suppression division shall receive not less than one hundred and forty four (144) hours annual leave with full salary each and every fiscal year. Provided, that any such member who shall have served five (5) continuous years but less than seven (7) continuous years on such department shall receive not less than one hundred and sixty eight (168) hours annual leave with full salary each and every fiscal year. Provided further that any such member who shall have served seven (7) continuous years but less than fifteen (15) continuous years on such department shall receive not less than one hundred and ninety two (192) hours annual leave with full salary each and every fiscal year. Provided~~

~~further that any such member who shall have served fifteen (15) continuous years but less than twenty (20) continuous years on such department shall receive not less than two hundred and sixteen (216) hours annual leave each and every fiscal year. Provided further that any such member who shall serve for twenty (20) or more continuous years shall receive not less than two hundred and forty (240) hours annual leave each and every fiscal year.~~

- ~~(2) Annual leave shall be taken within the calendar year in which it is accumulated; however, at the discretion of the chief, up to a maximum of three hundred and twelve (312) hours of earned annual leave may be carried over from one (1) calendar year to the next calendar year, provided the chief retains the right to schedule such carryover annual leave at his or her discretion in order to maintain the efficiency of the operation of the department. Members who are unable to take sufficient annual leave to keep their maximum carry-over amount below three hundred and twelve (312) hours; due to extenuating circumstances (including, but not limited to, extended military leave, family medical leave, on duty injury leave, or other administrative or legal constraints) may be allowed, with the approval of the chief or director, to carry over the additional adjusted accrued hours until such hours can be efficiently scheduled upon the member's return to regularly assigned duties. (3) Upon separation of employment by reason of death, or retirement under circumstances such that the employee would be eligible for retirement under state law, or in the event of layoff, if such layoff was anticipated to last longer than six (6) months, an employee will be entitled to compensation for accumulated vacation leave at his or her daily rate of compensation.~~

~~(b) Non-suppression division.~~

- ~~(1) Effective October 1, 1996, each active member of the Indianapolis fire department assigned to the non-suppression division and hired on or before December 31, 1984, shall receive hereafter not less than one hundred and twenty (120) hours annual leave with full salary each and every fiscal year. Provided, that hereafter any member hired on or before December 31, 1984, who shall have served from ten (10) years to twenty (20) years on such department shall receive not less than one hundred and sixty (160) hours annual leave with full salary each and every fiscal year. Provided further that any such member hired on or before December 31, 1984, who shall serve for more than twenty (20) years shall be entitled to forty (40) additional hours to be added to his or her regular annual leave. Annual leave shall be taken within the calendar year in which it is accumulated; however, at the discretion of the chief, up to a maximum of two hundred and forty (240) hours of earned annual leave may be carried over from one (1) calendar year to the next calendar year, provided the chief retains the right to schedule such carryover annual leave at his or her discretion in order to maintain the efficiency of the operation of the department.~~
- ~~(2) Each active member of the department assigned to the non-suppression division and hired after December 31, 1984, shall receive hereafter not less than eighty (80) hours annual leave with full salary each and every fiscal year. Provided, that hereafter any such member hired after December 31, 1984, who shall have served seven (7) continuous years but less than fifteen (15) continuous years on such department shall receive not less than one hundred and twenty (120) hours annual leave with full salary each and every fiscal year. Provided further that any such member hired after December 31, 1984, who shall have served fifteen (15) or more continuous years on such department shall receive not less than one hundred sixty (160) hours annual leave and that any such member who shall have served twenty (20) or more continuous years on such department shall receive not less than two hundred (200) hours annual leave with full salary every fiscal year. Annual leave shall be taken within the calendar year in which it is accumulated; however, at the discretion of the chief, up to a maximum of three hundred and twelve (312) hours of earned annual leave may be carried over from one (1) calendar year to the next calendar year, provided the chief retains the right to schedule such carryover annual leave at his or her discretion in order to maintain the efficiency of the operation of the department. Members who are unable to take sufficient annual leave to keep their maximum carry-over amount below three hundred and twelve (312) hours; due to extenuating circumstances (including, but not limited to, extended military leave, family medical leave, on duty injury leave, or other administrative or legal constraints) may be allowed, with the approval of the chief or director, to carry over the additional adjusted accrued hours until such hours can be efficiently scheduled upon the member's return to regularly assigned duties.~~
- ~~(3) Upon separation of employment by reason of death, or retirement under circumstances such that the employee would be eligible for retirement under state law, or in the event of layoff, if such layoff was anticipated to last longer than six (6) months, an employee will be entitled to compensation for accumulated vacation leave at his or her daily rate of compensation.~~

~~(b)~~ Upon separation of employment by reason of death, or retirement under circumstances such that the member would be eligible for retirement under state law, or in the event of layoff, if such layoff was anticipated to last longer than six (6) months, a member will be entitled to compensation for accumulated annual leave at their daily rate of

compensation.

~~(d)(c) How leave shall be taken.~~ Annual leave shall be taken in increments of not less than one (1) duty day, unless approved by the chief or ~~chief's his or her~~ designee. For purposes of this section, duty day means twenty-four (24) hours for members of the department assigned to the suppression division, and eight (8) hours for all other members of the department.

~~(d) Conversion of annual leave.~~ When a firefighter is transferred from one (1) division to another, the number of hours of annual leave that he/she has accrued shall be converted so the firefighter he/she retains, as nearly as possible, the same calendar period of time off.

Sec. 252-303. Sick leave.

(a) Any active member of the Indianapolis fire department hired on or before December 31, 1984, or after January 1, 1993, or any member who is hired between these two (2) dates and who makes an election pursuant to section 252-303(d) who is unable to perform the member's duties of ~~his or her~~ employment by reason of sickness, accident or injury is entitled to not less than ninety (90) calendar days' sick leave with full pay in a calendar year, or for the period of such incapacity, should said period be less than ninety (90) days. In the case of an officer incurring a sickness, accident or injury in the direct line of duty, the chief, with the approval of the merit board, may, upon written application of the officer, extend paid sick leave. Before any extension may be rendered, a medical doctor or psychologist retained by the department must certify the member unfit for active duty. If the member is unable to return to work, he or she shall apply for a disability pension pursuant to state law. The merit board shall establish guidelines, policies and procedures for the administration of paid sick leave and extensions thereof.

(b) Any active member of the department hired between December 31, 1984, and January 1, 1993, and who does not make an election to opt out pursuant to section 252-303(d), shall receive sick leave as follows:

- (1) *On-duty injury.* Any such member who is unable to perform the member's duties of ~~his/her~~ employment by reason of sickness, accident or injury incurred in the direct line of duty as certified by a medical doctor or psychologist retained by the department shall be entitled to such leave with full pay for the period of such incapacity; however such sick leave period shall not exceed ninety (90) calendar days in a calendar year. The chief, with the approval of the merit board, may, upon written application of the officer, extend paid sick leave. Before any extension may be rendered, a medical doctor or psychologist retained by the department must certify the member unfit for active duty. If the member is unable to return to work, he or she shall apply for a disability pension pursuant to state law. The merit board shall establish guidelines, policies and procedures for the administration of paid sick leave and extensions thereof.

- (2) *Non-duty injury.*

a. Definitions.

1. "Sick leave" means time off granted a firefighter whose illness, accident, injury or disability prevents him or her from performing duties directed by the department. Sick leave is intended to provide relief from loss of pay in cases of absence from work due to established incapacity to perform assigned duties, as defined and directed by the department, but is not to be regarded as an optional leave right.
2. "Reasonable evidence" means a certificate from a medical doctor licensed to practice medicine or a licensed psychologist and retained by the department that the subject firefighter is incapable of performing assigned duties as defined and directed by the department. Before granting or continuing sick leave with pay, the department may require evidence that the member ~~employee~~ is actually sick or disabled.

b. Accrual.

1. Upon commencement of employment, firefighters shall have a bank of ninety-six (96) hours of sick leave for nonduty illnesses, accidents or injuries. Upon completion of one (1) year of employment, firefighters shall accrue sick leave at the rate of eight (8) hours per month, ninety-six (96) hours per year.
2. Those firefighters who are starting to work on or before the fifteenth day of the month shall have their account credited with a full month's accrual of sick time on the first day of the month following the month in which they were hired.

3. Those firefighters who are starting to work on or after the sixteenth day of the month shall have their account credited with a full month's accrual of sick time on the first day of the second month after they were hired.
 4. Sick leave time will only accrue if a firefighter works or is paid for more than one-half (½) the month; no firefighter shall continue to accrue sick leave or other fringe benefits while receiving pension disability payments.
 - c. Separation from employment. Accrued sick leave will not be paid upon termination, except as follows: Upon separation from employment by reason of death, or retirement under circumstances such that the firefighter ~~employee~~ would be eligible for retirement benefits under state law, or in the event of a layoff, if such layoff was anticipated to last longer than six (6) months, an firefighter ~~employee~~ will be entitled to compensation or accrued accumulated sick leave at one-half (½) the firefighter's ~~his or her~~ regular daily rate of compensation.
 - d. Carryover. Accrued sick leave may be carried over from year to year.
- (c) *Compliance with departmental policy.* All use of sick leave due to sickness, accidents and injuries must comply with departmental rules, regulations, orders and standard operating procedures.
- (1) Unearned leave. Sick leave cannot be used prior to accrual and cannot be earned while on any leave without pay status.
 - (2) Justification. The burden of proof rests with the firefighter to demonstrate to the department that sick leave is justifiable. The department may require a medical certificate or other evidence of illness as requested. Sick leave is only to be used for personal illness or injury.
 - (3) Sick leave abuse. In the case of sick leave abuse, the department may designate such leave as vacation leave, leave without pay, or as grounds for disciplinary actions, including dismissal.
 - (4) Charging sick leave. Sick leave may only be taken in eight-hour increments; provided, that those firefighters who work on a twenty-four-hour on/forty-eight-hour off shift may only take sick leave in twenty-four-hour increments.
 - (5) Accrual of other paid leave. Vacation days shall accrue to firefighters while on paid sick leave.

Sec. 252-304. Perfect attendance leave.

- (a) Effective January 1, 1994, those active members of the Indianapolis fire department assigned to the non-suppression division shall receive one (1) eight-hour perfect attendance leave day for each calendar quarter in which no sick leave is used in addition to any vacation provided thereto.
- (b) Perfect attendance leave days are noncumulative and shall be awarded at the pleasure of the chief, so long as the granting of such leave does not necessitate the use of supplementary manpower nor incur additional costs to the department. During declared emergencies, all leave days, including compensatory perfect attendance days, may be canceled for the duration of such emergencies.

Sec. 252-305. Military leave.

Military leave shall be granted in accordance with applicable state and federal law. Notwithstanding the provisions of section 291-210, firefighters ~~assigned to the non-suppression division shall be granted a maximum of fifteen (15) eight hour working days of paid military leave in a calendar year and firefighters assigned to the suppression division shall be granted a maximum of one hundred forty-four (144) work hours of paid military leave in a calendar year.~~

Sec. 252-306. Reserved.

Editor's note(s)—G.O. 139, 1996, § 4, adopted Sept. 30, 1996, repealed § 23-76 of the 1975 Code, relative to F.L.S.A. Day and bonus day, from which § 252-306 Editor's note(s)— derived.

Sec. 252-307. ~~Death~~ Bereavement leave.

- (a) *Firefighters in non-suppression division.* Upon the death of a parent, child or spouse, an active firefighter assigned to the non-suppression division will receive a maximum of five (5) eight (8)-hour duty days leave with pay. Upon the death of a brother, sister, stepmother, stepfather, stepson, stepdaughter, stepbrother, stepsister, father-in-law,

mother-in-law, son-in-law, daughter-in-law, grandmother, grandfather, grandson and granddaughter, or other relative who was residing with the firefighter, a firefighter will receive a maximum of three (3) working days leave with pay. The chief has discretion to grant three (3) eight (8)-hour duty days for leave to be charged against any earned leave time for a death of someone other than those listed above.

(b) *Firefighters in suppression division.*

- (1) Upon the death of a parent, child or spouse, an active firefighter assigned to the suppression division will receive a maximum of two (2) twenty-four-hour duty days off with pay.
- (2) Upon the death of a brother, sister, stepmother, stepfather, stepson, stepdaughter, stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, daughter-in-law, grandfather, grandmother, grandson or granddaughter, or other relative who was residing with the firefighter, a firefighter assigned to the suppression division shall receive a maximum of one (1) twenty-four-hour duty day off with pay. The chief has the discretion to grant one (1) day for leave to be charged against any earned leave time for a death of someone other than those listed above.

(c) *General.* Documentation of the death, such as a death certificate or article, may be required from the firefighter. Additional time off to be charged to earned leave time if available, or without pay, may be granted at the discretion of the chief.

Sec. 252-308. Pension benefit payable to the surviving children of deceased members of the 1937 firefighters' pension fund.

Effective January 1, 1985, and as authorized by IC 36-8-7-12.1(b)(2)(B), surviving children of deceased members of the 1937 firefighters' pension fund shall receive a benefit equal to twenty (20) percent of the salary of a fully paid first class firefighter in the Consolidated City of Indianapolis at the time of the payment of the benefit.

Sec. 252-309. Hours of work.

Effective October 5, 1996, firefighters assigned to the suppression division shall be scheduled by the Indianapolis fire department to work an average of one hundred forty-four (144) hours in a twenty-one-day work period. Firefighters assigned to non-suppression shall be scheduled by the department to work an average of one hundred twenty (120) hours in a twenty-one-day work period.

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. 258, 2021. Councillor Adamson reported that the Public Works Committee heard Proposal No. 258, 2021 on August 12, 2021. The proposal, sponsored by Councillors Adamson and Jones, authorizes the City of Indianapolis, acting through the Marion County Stormwater Management District, to finance the planning, design, construction, and inspection of channels, culverts, levees and dams, stewardship, studies, and water quality projects, and to issue up to \$50 Million of revenue bonds, in one or more series, and if necessary, interim financing notes, and approves and authorizes other actions in respect thereto. By a 10-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Boots asked to abstain to avoid the appearance of a conflict of interest. Consent was given.

Councillor Adamson moved, seconded by Councillor Carlino, for adoption. Proposal No. 258, 2021 was adopted on the following roll call vote; viz:

23 YEAS: Adamson, Bain, Barth, Brown, Carlino, Dilk, Evans-E, Evans-J, Graves, Gray, Hart, Jackson, Jones, Larrison, Lewis, Mascari, McCormick, Mowery, Oliver, Osili, Potts, Ray, Robinson
0 NAYS:
1 NOT VOTING: Boots
1 ABSENT: Annee

Proposal No. 258, 2021 was retitled GENERAL RESOLUTION NO. 11, 2021, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 11, 2021

A PROPOSAL FOR A GENERAL RESOLUTION approving the issuance of one or more series of City of Indianapolis, Indiana Stormwater Revenue Bonds and, if necessary, one or more series of bond anticipation notes or other notes in an aggregate principal amount not to exceed Fifty Million Dollars (\$50,000,000) and approving and authorizing other actions in respect thereto.

WHEREAS, the Board of Public Works ("Board") of the City of Indianapolis, Indiana ("City") being the governing body of the Marion County Stormwater Management District ("Stormwater District"), has determined that it is necessary to issue revenue bonds ("Bonds") of the Stormwater District in one or more series, bond anticipation notes ("BANs") of the Stormwater District in one or more series, or other short-term notes ("Notes") of the Stormwater District to be issued in one or more series, in the aggregate principal amount not to exceed Fifty Million Dollars (\$50,000,000) for the purposes of procuring funds to apply to the costs of the projects specified in the Stormwater Capital Improvement Plan described below; and

WHEREAS, IC 8-1.5-5-23(a) and, to the extent applicable, IC 36-3-5-8, requires the City-County Council of Indianapolis and Marion County, Indiana (the "City-County Council") to approve the issuance of bonds or notes by the Stormwater District and any special taxing district of the City, respectively; and

WHEREAS, the Indianapolis Department of Public Works (the "DPW") 4-year (2022-2025) Stormwater Capital Improvement Plan set forth in Exhibit A attached hereto and incorporated herein (the "2022-2025 Stormwater Improvement Plan") will invest approximately Three Hundred Millions Dollars (\$300,000,000) from various sources of revenue in the planning, design, construction, and inspection of channels, culverts, levees and dams, stewardship, studies, and water quality projects;

WHEREAS, the 2022-2025 Stormwater Improvement Plan has been programmed by the DPW Engineering Division with specific projects from DPW, which projects were identified by need; and

WHEREAS, the 2022-2025 Stormwater Improvement Plan will be updated to the City-County Council each May with the subsequent year added and the 2022-2025 Stormwater Improvement Plan is dependent upon the dedicated revenues that are incorporated and appropriated each year by the City-County Council and the Mayor, now, therefore,

WHEREAS, IC 5-1.4 provides that a "qualified entity", which term includes the Stormwater District, may issue and sell its bonds or notes to the Indianapolis Local Public Improvement Bond Bank ("Bond Bank"); and

WHEREAS, the Executive Director of the Bond Bank has expressed a willingness to purchase the Bonds, BANs and/or Notes in a negotiated sale subject to approval by the Board of Directors of the Bond Bank; and

WHEREAS, the City-County Council has determined that the issuance of the Bonds, BANs, and Notes by the Stormwater District 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 the issuance of the Bonds of the Stormwater District, to be issued in one or more series, BANs to be issued in one or more series, and Notes to be issued in one or more series, in an

aggregate principal amount not to exceed Fifty Million Dollars (\$50,000,000) to apply on the costs of the projects contained in the 2022-2025 Stormwater Capital Improvement Plan (the "Projects"), and hereby approves the sale of the Bonds and the BANs to the Bond Bank and the Notes to the Bond Bank or other purchaser.

SECTION 2. The 2022-2025 Stormwater Improvement Plan as set forth by DPW and attached as Exhibit A, which includes the Projects to be funded by the issuance of the Bonds or Notes, is hereby endorsed by the City-County Council.

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

Councillor Adamson reported that the Public Works Committee heard Proposal Nos. 259-262, 2021 on August 12, 2021. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 259, 2021. The proposal, sponsored by Councillor Annee, authorizes a speed limit reduction to 25 miles per hour in Forest Commons subdivision, as well as all streets within the adjacent Kuester Survey, Mitchell's Homes Survey, Forest Creek Commons, Willow Pond, Victory Terrace, Catalina Estates and Swathmoor Hills subdivisions (District 23). PROPOSAL NO. 260, 2021. The proposal, sponsored by Councillor Hart, authorizes a speed limit reduction to 25 miles per hour in the Adler Grove subdivision (District 18). PROPOSAL NO. 261, 2021. The proposal, sponsored by Councillors Jones and Dilk, authorizes a speed limit reduction to 25 miles per hour in the William L. Elder's University Heights, Elder's Marion Heights, Martin Burton's and Reliable Realty Company's The Freeland subdivisions (Districts 16, 24). PROPOSAL NO. 262, 2021. The proposal, sponsored by Councillor J. Evans, authorizes a speed limit reduction to 25 miles per hour in the Cloverleaf Farms, Lyndale and Biltmore Gardens platted subdivisions (District 22). By 10-0 votes, the committee recommended the proposals to the full Council with a recommendation that they do pass. Councillor Adamson moved, seconded by Councillor Jones, for adoption. Proposal Nos. 259-262, 2021 were adopted on the following roll call vote; viz:

24 YEAS: Adamson, Bain, Barth, Boots, Brown, Carlino, Dilk, Evans-E, Evans-J, Graves, Gray, Hart, Jackson, Jones, Larrison, Lewis, Mascari, McCormick, Mowery, Oliver, Osili, Potts, Ray, Robinson
0 NAYS:
1 ABSENT: Annee

Proposal No. 259, 2021 was retitled GENERAL ORDINANCE NO. 34, 2021, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 34, 2021

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to make various changes to Chapter 441, Traffic.

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

SECTION 1. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 441-323, Alteration of prima facie speed limits, be, and the same is hereby amended by the addition of the following, to wit:

All local streets within *Forrest Commons* platted subdivision, 25 mph.
All local streets within *Kuester Survey* platted subdivision, 25 mph.
All local streets within *Mitchell's Homes Survey* platted subdivision, 25 mph.
All local streets within *Forest Creek Commons* platted subdivision, 25 mph.
All local streets within *Willow Pond* platted subdivision, 25 mph.
All local streets within *Victory Terrace* platted subdivision, 25 mph.
All local streets within *Catalina Estates* platted subdivision, 25 mph.
All local streets within *Swathmoor Hills* platted subdivision, 25 mph.

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

September 13, 2021

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. 260, 2021 was retitled GENERAL ORDINANCE NO. 35, 2021, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 35, 2021

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to make various changes to Chapter 441, Traffic.

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

SECTION 1. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 441-323, Alteration of prima facie speed limits, be, and the same is hereby amended by the addition of the following, to wit:

All local streets within *Adler Grove* platted subdivision, 25 mph.

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. 261, 2021 was retitled GENERAL ORDINANCE NO. 36, 2021, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 36, 2021

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to make various changes to Chapter 441, Traffic.

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

SECTION 1. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 441-323, Alteration of prima facie speed limits, be, and the same is hereby amended by the addition of the following, to wit:

All local streets within *William L. Elder's University Heights* platted subdivision, 25 mph.

All local streets within *Elder's Marion Heights* platted subdivision, 25 mph.

All local streets within *Martin Burton's* platted subdivision, 25 mph.

All local streets within *Reliable Realty Company's The Freeland* platted subdivision, 25 mph.

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. 262, 2021 was retitled GENERAL ORDINANCE NO. 37, 2021, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 37, 2021

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to make various changes to Chapter 441, Traffic.

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

SECTION 1. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 441-323, Alteration of prima facie speed limits, be, and the same is hereby amended by the addition of the following, to wit:

All local streets within *Cloverleaf Farms* platted subdivision, 25 mph.
All local streets within *Lyndale* platted subdivision, 25 mph.
All local streets within *Biltmore* platted subdivision, 25 mph.

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. 287, 2021. Councillor Mascari reported that the Administration and Finance Committee heard Proposal No. 287, 2021 on September 7, 2021. The proposal, sponsored by Councillor Mascari, approves changes to compensation and personnel ordinances to provide that the Controller is to apply cost of living adjustment to employee salary classification schedules in annual budget ordinance and to consider corresponding compensation increases for employees not covered by a collective bargaining ordinance; clarify incentive pay program and add a bonus award program to recognize exemplary performance and service; reinstitute benefit leave for all part-time employees; waive the requirement for 2-weeks notice upon separation for a payout of benefit leave for certain employees; eliminate the payout of benefit leave when employee is terminated for gross misconduct; clarify the language of the holiday ordinance as it pertains to those employees on a non-standard schedule; and add a new section providing paid parental leave. By an 11-0 vote, the committee recommended the proposal to the full Council with the recommendation that it do pass. Councillor Mascari moved, seconded by Councillor Adamson, for adoption. Proposal No. 287, 2021 was adopted on the following roll call vote; viz:

September 13, 2021

23 YEAS: Adamson, Bain, Barth, Boots, Brown, Carlino, Dilk, Evans-E, Evans-J, Graves, Gray, Hart, Jackson, Jones, Larrison, Lewis, Mascari, Mowery, Oliver, Osili, Potts, Ray, Robinson

0 NAYS:

1 NOT VOTING: McCormick

1 ABSENT: Annee

Proposal No. 287, 2021 was retitled GENERAL ORDINANCE NO. 38, 2021, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 38, 2021

PROPOSAL FOR A GENERAL ORDINANCE to make certain changes to the compensation and personnel ordinances governing some City-County employees;

WHEREAS, the city controller desires to provide for annual consideration of changes to the employee salary classification schedule and employee compensation in accordance with a formula for a cost of living adjustment (COLA); and

WHEREAS, the city controller desires to modify the incentive pay program for covered employees and add a new bonus award program; and

WHEREAS, the city controller desires to allow for flexibility in the payout of benefit leave when a two (2) week notice is not provided and to prohibit the payout of accrued benefit leave for covered City-County employees who are terminated for gross misconduct; and

WHEREAS, the city controller desires to allow part-time employees to accrue pro-rated benefit leave; and

WHEREAS, the city controller desires to make clarifying changes to the holiday ordinance provisions on leave where non-traditional work schedules or requirements are in place; and

WHEREAS, the city controller desires to provide paid parental leave to enable employees to care for and bond with a newborn or a newly adopted or newly placed child; now, therefore

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

SECTION 1. Section 192-302 of the "Revised Code of the Consolidated City and County" hereby is amended by the addition of the language that is underscored, to read as follows:

Sec. 192-302. – Annual budget

(a) For the calendar year 2003 budgets and thereafter, for each item appropriating funds for payment for "personal services", the item shall specify the total appropriation, including fringe benefits, the number of employees authorized expressed in terms of full time equivalents, and the "salary classification schedule" under which the compensation of each employee shall be determined.

(b) In preparing the annual budget, the Controller may include compensation increases consistent with a positive cost of living adjustment (COLA) formula as set out in Sec. 192-304, for those employees not covered by a collective bargaining agreement.

SECTION 2. Section 192-304 of the "Revised Code of the Consolidated City and County" hereby is amended by the addition of the language that is underscored, to read as follows:

Sec. 192-304. - Modification of salary classification schedule.

(a) The salary classification schedule may be modified by adoption of a fiscal ordinance and such change may be included in an ordinance making additional appropriations.

(b) The Controller shall apply a cost of living adjustment (COLA) to the salary classification schedules promulgated by the human resources division in the annual budget ordinance. The COLA formula will be calculated by taking the percentage change in the Consumer Price Index for urban wage earners and clerical workers from the second quarter average of the previous year to the second quarter average for the current year with a maximum COLA of three

percent (3%) per year. The Controller is authorized to waive or reduce this annual adjustment only if annual revenue projections reduce year-over-year, if applying the adjustment would result in a decrease in the salary classification schedules, or if other extenuating circumstances apply. If an annual COLA is waived for any of these reasons, the next calendar year shall include the adjustment from both the waived year and the regularly calculated year, up to the maximum permitted COLA of three percent (3%) per year. If application of the COLA formula would result in a negative adjustment in a given year, the negative COLA that would have applied in that year may be wholly or partially deducted in the following year from the adjustment that would otherwise be dictated by that following year's COLA formula.

SECTION 3. Section 291-108 of the "Revised Code of the Consolidated City and County" hereby is amended by deleting the language that is stricken-through and adding the language that is underlined, to read as follows:

Sec. 291-108. - Incentive pay programs and bonus awards.

(a) Incentive pay program

Each department director and each county official responsible for hiring and fixing the salaries in each county office or agency may develop a program which would provide compensation adjustments consistent with incentives for productivity ~~and such other measures of success in delivery of programs and services that include specific goals, including~~ measures of success as may be determined by the department director or appropriate county official. Exceptional or above-average performance of an employee's regular duties is not considered to meet the qualifications of an incentive pay program. The incentive pay program will be evaluated over a twelve (12) month period of time (January through December). Each incentive pay program developed must be reviewed and approved for consistency, objectivity and availability of funding by the human resources division of the office of finance and management and the office of corporation counsel. Incentive pay program submission approval and payout requests must be received by the human resources division, the office of finance and management, and the office corporation counsel no later than February 1 of the program year. Upon approval by the aforementioned offices, evaluation of the payout will begin no earlier than January of the year following completion of the program. Payouts shall not exceed \$2,000 per employee, occur no sooner than February and no later than April of the year following the completion of the program, and be disbursed in the same manner as the employee's regular paycheck.

(b) Bonus awards

Each department director and each county official responsible for hiring and fixing the salaries in each county office or agency may provide a bonus award to an employee who has demonstrated exceptional meritorious performance and service that produced a measurable outcome, during the course of their regular duties, worthy of recognition and/or celebration. Examples include: completing a significant project ahead of schedule with results which exceeded expectations, creating a solution to a problem and/or providing exceptional customer service, or continuing to deliver exceptional service when there was unusually high volume. Bonus awards may be provided to active employees with at least six (6) months of employment, in amounts between \$100 to \$2,500. The department's bonus award program and criteria must be documented and records maintained by the department or agency and approved for budget availability by the office of finance and management. An individual employee may not receive more than \$2,500 per calendar year and will receive the bonus amount in the same manner as the employee's regular paycheck. The human resources division is authorized to develop guidance for administration of bonus awards.

SECTION 4. Section 291-203 of the "Revised Code of the Consolidated City and County" hereby is amended by deleting the language that is stricken-through and adding the language that is underlined, to read as follows:

Sec. 291-203. – Benefit leave

(a) *Accrual schedule for city employees and applicable county offices whose employees normally are scheduled to work a forty-hour week.*

- (1) Employees with less than five (5) continuous years of employment shall accrue benefit leave monthly at the rate of fourteen and sixty-six hundredths (14.66) hours per month.
- (2) Employees who have completed five (5) continuous years of employment but less than ten (10) continuous years of employment shall accrue benefit leave monthly at the rate of eighteen (18) hours per month.
- (3) Employees who have completed ten (10) years of continuous employment but less than fifteen (15) years of continuous employment shall accrue benefit leave monthly at the rate of twenty-one and thirty-three hundredths (21.33) hours per month.
- (4) Employees who have completed at least fifteen (15) years of continuous employment shall accrue benefit leave at the rate of twenty-four and sixty-six hundredths (24.66) hours per month.
- (5) Benefit leave can only accrue if the employee works, or is on a paid leave of absence, or is receiving worker's compensation (or any combination of the three (3)) for more than half of the month.

- (b) *Accrual schedule for applicable county offices whose employees are normally scheduled to work a thirty-seven-and-one-half-hour week.*
- (1) Employees with less than five (5) continuous years of employment shall accrue benefit leave monthly at the rate of thirteen and seventy-five hundredths (13.75) hours per month.
 - (2) Employees who have completed five (5) continuous years of employment but less than ten (10) continuous years of employment shall accrue benefit leave monthly at the rate of sixteen and eight hundred seventy-five thousandths (16.875) hours per month.
 - (3) Employees who have completed ten (10) continuous years of employment but less than fifteen (15) continuous years of employment shall accrue benefit leave monthly at the rate of twenty (20) hours per month.
 - (4) Employees who have completed at least fifteen (15) continuous years of employment shall accrue benefit leave monthly at the rate of twenty-three and one hundred twenty-five-thousandths (23.125) hours per month.
 - (5) Benefit leave can only accrue if the employee works, is on a paid leave of absence, or on worker's compensation for more than half of the month.
- (c) *Charging benefit leave.* Benefit leave shall be charged at the rate the employee is scheduled to work.
- (d) *Eligibility for accrual.*
- (1) Those employees who are starting to work on or before the fifteenth day of the month shall have their accounts credited with the appropriate benefit leave time on the first day of the month following the month in which they were hired.
 - (2) Those employees who are starting to work after the fifteenth day of the month shall have their accounts credited with the appropriate benefit leave time on the first day of the second month following the month in which they were hired.
 - (3) Employees who have been terminated or who have resigned from city or county employment will receive credit for benefit leave for the month they left employment only if they worked past the fifteenth day of the month.
- (e) *Use of benefit leave.* The final right to approve use of benefit leave shall rest with the office, department, division, bureau or commission involved in order to preserve efficiency and provide the necessary service.
- (f) *Part-time employees.* Part-time employees, ~~who are scheduled to work at least 1320 hours in a calendar year,~~ shall be entitled to benefit leave; however, leave accrual and pay for these employees shall be prorated based upon the average hours ~~scheduled~~ worked during the previous six (6) months of employment.
- (g) *When benefit leave does not accrue.* No benefit leave shall accrue while an employee is on any leave without pay status. No temporary/seasonal or part-time/temporary employee is eligible to accrue benefit leave or pay.
- (h) *Benefit leave carryover.*
- (1) For city and county employees paid on a biweekly basis: Benefit leave shall be taken within the calendar year in which it is accumulated or it shall be lost. However, up to a maximum of one hundred sixty hours (160) (one hundred fifty (150) where appropriate) of benefit leave may be carried over from one (1) calendar year to the next calendar year, provided the officials retain the right to schedule such carryover at their discretion in order to maintain the efficiency of the operation involved. In addition, an employee who is required by management to work during a period which the employee had been previously scheduled to take benefit leave and who is unable due to the demands of his/her position to reschedule the benefit leave for that calendar year may be allowed, with the approval of the mayor or the appropriate elected official or agency head, to carry over an additional eighty (80) hours (seventy-five (75) where appropriate) of benefit leave, subject to such restrictions as may be imposed by the mayor or the appropriate elected official or agency head. Benefit leave in excess of the maximum carryover amount shall be added to an employee's short term disability leave bank, if that bank is not at maximum accrual.
 - (2) For city employees covered by the current master agreement between the city and the American Federation of State, County and Municipal Employees: Benefit leave shall be taken within the calendar year in which it is accumulated or it shall be lost. However, up to a maximum of the number of hours which the employee can accrue in a calendar year may be carried over from one (1) calendar year to the next calendar year, provided the officials retain the right to schedule such carryover at their discretion in order to maintain the efficiency of the operation involved. In addition, an employee who is required by management to work during a period which the employee had been previously scheduled to take benefit leave and who is unable due to the demands of his/her position to reschedule the benefit leave for that calendar year may be allowed, with the approval of the mayor, to carry over an additional eighty (80) hours of benefit leave, subject to such restrictions as may be imposed by the mayor. Benefit leave in excess of the maximum carryover amount shall be added to an employee's short term disability leave bank, if that bank is not at maximum accrual.

- (i) *Two weeks' notice.* Two (2) weeks' notice must be given upon voluntary resignation in order to receive payment for accrued benefit leave. The city department or county agency may waive this requirement for good cause determined in consultation with the human resources division. The maximum payment for accrued benefit leave shall be ten (10) weeks in 2021, eight (8) weeks in year 2022, and six (6) weeks in year 2023 and every year thereafter.
- (j) *Termination, separation prior to six (6) months of employment.* Employees who are terminated or separate employment prior to the completion of six (6) months of employment will not be paid for accumulated, unused benefit leave.
- (k) *Termination for gross misconduct.* Employees who are terminated for gross misconduct will not be paid for accumulated, unused benefit leave. Gross misconduct shall include:
 - (1) the filing of criminal charges against an employee;
 - (2) working or reporting to work in a state of intoxication caused by the employee's use of alcohol or a controlled substance;
 - (3) battery on another individual while on City-County property or during working hours;
 - (4) theft or embezzlement;
 - (5) fraud.
- ~~(kl)~~ *Employees transferred from noncity or noncounty entities.* Any person who becomes an employee as a result of a transfer of the duties of his/her former employer to the city or county may, upon the approval of the appropriate official, use his/her most recent hire date with the former employer for the purpose of determining benefit leave accrual.
- ~~(lm)~~ *Advance use of benefit leave.* Employees of Marion County offices and agencies (including Marion County courts) may not use or be paid for benefit leave hours before such hours are accrued. However, an elected official or agency who wishes to allow employees to use benefit leave up to one (1) week in advance may request permission to do so from the Marion County job classification and compensation board. The board may grant permission to the elected official to allow up to one (1) week use of benefit leave under such circumstances as the board deems advisable. Any benefit leave so advanced which remains outstanding upon an employee's termination shall be collected or withheld from the employee's final pay.

SECTION 5. Section 291-206 of the Revised Code of the Consolidated City and County" hereby is amended by deleting the language that is stricken-through and adding the language that is underlined, to read as follows:

Sec. 291-206. - Holidays.

- (a) *Designated.* The following are designated as city and county holidays for full-time and part-time employees:

New Year's Day (January 1st);
Martin Luther King Day (third Monday of January);
President's Day (third Monday of February);
Memorial Day (last Monday of May);
Juneteenth Observed (June 19th);
Independence Day Observed (July 4th);
Labor Day (first Monday of September);
Indigenous People's Day (second Monday of October);
Veteran's Day (November 11th);
Thanksgiving Eve, close at Noon (fourth Wednesday of November);
Thanksgiving Day (fourth Thursday of November);
Friday after Thanksgiving;
Day before Christmas Eve, close at Noon (December 23rd);
Christmas Eve (December 24th);
Christmas Day (December 25th);
New Year's Eve, close at Noon (December 31st);
Floating Holiday. This floating holiday shall be taken on a day of the employee's choosing with the approval of the employee's supervisor. Such approval shall not be unreasonably withheld. The floating holiday must be taken as a full work day. It shall be taken once each year and will not carry over from year to year and will not be paid out upon the employee's separation.
Primary Election Day; and
General Election Day in years with state and municipal elections;

provided; however, that nothing in this ordinance shall prevent the offices of the county clerk, county prosecutor and the courts from designating holidays recognized by the judicial branch.

~~(e) Days celebrated as holidays in Monday through Friday operations.~~

- ~~(1) In Monday through Friday operations, when any of these holidays occur on Sunday, the Monday succeeding shall be designated as the legal holiday. When any holiday occurs on Saturday, the Friday preceding shall be designated as the legal holiday.~~
- ~~(2) Holiday pay for unworked holiday. Employees shall receive holiday pay at the employee's regular straight time rate for each of the designated holidays, if the employee is normally scheduled to work on the day that has been designated as a holiday.~~
- ~~(3) a. If a holiday is observed on a day of the week when an employee is not normally scheduled to work due to his/her participation in a voluntary flex time plan, the employee shall receive a maximum eight-hour (seven and one half hour where applicable) compensatory day off, which shall be scheduled with the approval of his/her supervisor. An employee who separates employment shall not receive pay for any unused compensatory days.~~
~~b. If a holiday is observed on a day of the week when an employee is not normally scheduled to work due to a work schedule implemented by the city, the employee shall observe his/her next regularly scheduled day as a holiday and shall receive holiday pay for the number of hours he/she would have been regularly scheduled to work on that day.~~
- ~~(4) Pay for working on a holiday. Eligible employees shall be paid time and one half in addition to holiday pay for any and all time authorized for work on the day designated as the holiday or compensatory time and one half off as the case may be.~~
- ~~(5) Eligibility for holiday pay. To be eligible, the employee must work the full scheduled workday before and the full scheduled workday following the holiday, unless the employee is on a paid leave of absence or is receiving worker's compensation. In Monday through Friday operations, there shall be no duplication or pyramiding of holiday pay for holidays falling on Saturday or Sunday but which are observed on other days.~~
- ~~(6) Failure to report for scheduled work. Any employee scheduled for work on a day designated as a holiday, who fails to report for work or absents himself or herself for that day, shall not be eligible for holiday pay or compensatory time off as the case may be. Regardless of whether the absence is approved or not, any employee scheduled to work on a holiday, who fails to work that holiday, must use paid leave time to be paid for that day.~~
- ~~(7) Temporary employees. Temporary/seasonal and part-time/temporary employees do not receive holiday pay.~~

(b) Days celebrated as holidays in Monday-through-Friday operations.

- (1) In Monday-through-Friday operations, when any of these holidays occur on Sunday, the Monday succeeding shall be designated as the legal holiday. When any holiday occurs on Saturday, the Friday preceding shall be designated as the legal holiday. Otherwise, employees shall observe the actual holiday.
- (2) Holiday pay for unworked holiday. Employees shall receive holiday pay at the employee's regular straight time rate for each of the designated holidays, if the employee is normally scheduled to work on the day that has been designated as a holiday.
- (3) An employee who is required to work on the actual holiday shall be paid time and one-half in addition to holiday pay for all time authorized for work on the day designated as the holiday, or compensatory time and one-half off as determined by the department or agency.

(c) Days celebrated as holidays in continuing operations.

- (1) In continuing seven-day-a-week operations, employees will observe the actual holiday, if possible, and will receive the employee's regular straight time rate for each of the designated holidays, if the employee is normally scheduled to work on the day that has been designated as a holiday.
- (2) If the holiday is observed on a day of the week when an employee is not normally scheduled to work, the employee shall observe the employee's next regularly scheduled work day as a holiday and receive holiday pay at the employee's regular straight time rate.
- (3) An employee who is required to work on the actual holiday shall be paid time and one-half in addition to holiday pay for all time authorized for work on the day designated as the holiday, or compensatory time and one-half off as determined by the department or agency.

(d) Days celebrated as holidays when employee is on a compressed or alternate work schedule.

- (1) Employees shall observe the actual holiday, if possible, and shall receive holiday pay at the employee's regular straight time rate for the number of hours the employee would have been regularly scheduled to work on that day.
- (2) If a holiday is observed on a day of the week when an employee is not normally scheduled to work, the employee shall observe the employee's next regularly scheduled work day as a holiday and shall receive holiday pay for the number of hours the employee would have been regularly scheduled to work on that day.
- (3) An employee who is required to work on the actual holiday shall be paid time and one-half in addition to holiday pay for all time authorized for work on the day designated as the holiday, or compensatory time and one-half off as determined by the department or agency.

(e) Eligibility for holiday pay. To be eligible, the employee must work the full scheduled workday before and the full scheduled workday following the holiday, unless the employee is on a paid leave of absence. In Monday-through-Friday operations, there shall be no duplication or pyramiding of holiday pay.

(f) Failure to report for scheduled work. Any employee scheduled for work on a day designated as a holiday, who fails to report for work or absents himself or herself for that day, shall not be eligible for holiday pay or compensatory time off as the case may be. Regardless of whether the absence is approved or not, any employee scheduled to work on a holiday, who fails to work that holiday, must use paid leave time to be paid for that day.

(g) Temporary employees. Temporary/seasonal and part-time/ temporary employees do not receive holiday pay.

SECTION 6. Section 291-217 is added as a new section of the "Revised Code of the Consolidated City and County" by adding the language below:

291-217 . - Parental Leave

(a) *Leave generally.* Eligible employees will be entitled to up to six (6) weeks of paid parental leave, depending on length of employment, following the birth of an employee's child or the placement of a child with an employee in connection with adoption. This leave will run concurrently with Family and Medical Leave Act (FMLA) leave, as applicable. This policy will be in effect for births or adoptions of children occurring on or after January 1, 2022.

(b) *Eligibility.*

- (1) Employees must meet the following criteria to be eligible for six (6) weeks of parental leave:
 - (A) Have been employed by the City for at least twelve (12) months
 - (B) Have worked at least 1,250 hours during the twelve (12) consecutive months immediately preceding the date the leave would begin; and
 - (C) Be a full- or part-time, regular employee (temporary employees and seasonal employees are not eligible for this benefit).
- (2) Employees must meet the following criteria to be eligible for four (4) weeks of parental leave:
 - (A) Have been employed by the City for at least six (6) months; and
 - (B) Have worked at least 625 hours during the six (6) consecutive months immediately preceding the date the leave would begin; and
 - (C) Be a full- or part-time, regular employee (temporary employees and seasonal employees are not eligible for this benefit).
- (3) Employees must meet the following criteria to be eligible for two (2) weeks of parental leave:
 - (A) Have been employed by the City for at least three (3) months; and
 - (B) Have worked at least 312.5 hours during the three (3) consecutive months immediately preceding the date the leave would begin; and
 - (C) Be a full- or part-time, regular employee (temporary employees and seasonal employees are not eligible for this benefit).
- (4) in addition, employees must meet one of the following criteria:
 - (A) Have given birth to a child; or
 - (B) Be the legal or biological parent of a child, recently born or adopted, if that child is age 17 or younger.
 - (C) The child must live in the same residence as the employee requesting the parental leave.

(c) Employees will be entitled to this paid parental leave no more than once in a rolling twelve (12)-month period, regardless of whether more than one birth or adoption event occurs within that twelve (12)-month time frame.

(d) *Pay.* Each week of paid parental leave is compensated at the employee's regular, straight-time weekly pay. Paid parental leave will be paid on the employee's regularly scheduled pay dates.

(e) *When taken.* Upon approval by the human resources division, paid parental leave may be taken at any time during the six (6)-month period immediately following the birth or adoption of a child with the employee. Paid parental leave may not be used or extended beyond this six (6)-month time frame.

(f) Paid parental leave is separate from other leave time and shall not be deducted from an employee's short-term disability or benefit leave accrual balance.

(g) Employees must take paid parental leave in one continuous period of leave. Any unused paid parental leave will be forfeited at the end of the eligible six (6)-month time frame.

(h) Upon separation for any reason, the employee will not be paid for any unused paid parental leave for which the employee was eligible.

(i) *Implementation.* The human resources division is authorized to develop additional guidance and make decisions consistent with the intent of this leave.

SECTION 7. 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 8. 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 9. 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. 288, 2021. Councillor Mascari reported that the Administration and Finance Committee heard Proposal No. 288, 2021 on September 7, 2021. The proposal, sponsored by Councillor Mascari, approves revisions to the City of Indianapolis and Marion County's membership in the Public Employees' Retirement Plan administered by the Public Retirement System to revise, effective January 1, 2022, membership options for new city and county employees and employees that transfer between City agencies/offices/departments and County agencies/offices/departments, to allow those employees the choice of the PERF Hybrid or the PERF MyChoice: Retirement Savings Plan; and, to amend the default provision for failing to select a specific plan within sixty(60) days of employment to the PERF Hybrid Plan. By an 11-0 vote, the committee recommended the proposal to the full Council with the recommendation that it do pass. Councillor Mascari moved, seconded by Councillor Adamson, for adoption. Proposal No. 288, 2021 was adopted on the following roll call vote; viz:

24 YEAS: Adamson, Bain, Barth, Boots, Brown, Carlino, Dilk, Evans-E, Evans-J, Graves, Gray,
Hart, Jackson, Jones, Larrison, Lewis, Mascari, McCormick, Mowery, Oliver, Osili, Potts, Ray,
Robinson
0 NAYS:
1 ABSENT: Annee

Proposal No. 288, 2021 was retitled GENERAL RESOLUTION NO. 12, 2021, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 12, 2021

A PROPOSAL FOR A GENERAL RESOLUTION electing to join the Public Employees' Retirement Plan as administered by the Indiana Public Retirement System.

WHEREAS, the City-County Council of the City of Indianapolis and of Marion County, Indiana ("City-County Council") is the governing body of the Consolidated City of Indianapolis and Marion County, a political subdivision or miscellaneous participating entity in the STATE OF INDIANA ; and

WHEREAS, the City-County Council adopted a resolution effective January 1, 2017 (GR No. 12, 2016) to set forth its election to join the Public Employees' Retirement Plan as administered by the Indiana Public Retirement System; and

WHEREAS, the City-County Council is adopting this general resolution to modify the options for new employees to be effective January 1, 2022, and this general resolution, once adopted and effective, will supersede and replace its GR No. 12, 2016; and

WHEREAS, for the purposes of this document and interpretation of statutes governing the Public Employees' Retirement Fund ("PERF"), "Plan" refers to the public employees' defined contribution plan under IC 5-10.3-12 ("PERF My Choice: Retirement Savings Plan"). "Fund" refers to the PERF Hybrid defined benefit pension fund ("PERF Hybrid"); and

WHEREAS, political subdivisions may participate in PERF My Choice: Retirement Savings Plan and choose whether employees are required to become members of the Plan, the Fund or may choose membership in either the Plan or the Fund; and

WHEREAS, the governing body is fully cognizant that, if it is resolved that the governing body will place any employees in the Fund, the percentage of cost of gross annual payroll of covered employees has been set at 11.2% by the actuary of the Fund, and that the Board of Trustees of the Indiana Public Retirement System directs the actuary to annually review the status of the employees covered and shall adjust the cost percentage accordingly so that the Fund will remain on an actuarially sound basis; and

WHEREAS, the governing body is fully cognizant that, if it is resolved that the governing body will require employees to enter the Plan or offer employees a choice between Fund and Plan membership, the governing body shall submit a resolution with the following information regarding their participation in the Plan:

1. Specify the political subdivision's contribution rate to the plan as a percentage of each member's compensation AND pay such contributions as required under IC 5-10.3-12-23 and IC 5-10.3-12-24.5. Such rates must be greater than or equal to zero percent (0%) and may not exceed the percentage that would produce the normal cost for participation in the fund under IC 5-10.2-2-11.
2. Specify the political subdivision's matching rate that is the percentage of each member's additional contributions to the plan that the political subdivision will match. A political subdivision may specify only:
 - (1) zero percent (0%); or
 - (2) fifty percent (50%).
3. Specify whether the political subdivision will pay any part of a member's contribution on behalf of the member;
4. Specify whether employees will automatically be enrolled in the Fund or the Plan if an eligible employee does not make an affirmative election; and

WHEREAS, if such governing body participates in Fund, such governing body acknowledges its liability and that, pursuant to law, it and its successors in office, must appropriate sufficient funds each year to retire the employees' prior service liability in an orderly manner and also fund the current cost accruing annually; and

WHEREAS, if such governing body participates in Plan, such governing body acknowledges its liability and that, pursuant to law, it and its successors in office, must appropriate sufficient funds each year to meet all contribution obligations required by law; and

WHEREAS, such governing body acknowledges and agrees to make a supplemental contribution (7.2% for FY 2021 and 7.3% as of FY 2022) to the fund in an amount necessary to pay the employer's share of the fund's actuarial unfunded liability that other employers would otherwise be required to pay because the employer's employees are becoming members of the plan instead of the fund; and

WHEREAS, such governing body acknowledges and agrees, when an employee separates from service before the member is fully vested in the employer contribution subaccount, the amount in the employer contribution subaccount is forfeited as of the date the member separates from service and that such forfeited amounts shall be used to reduce the unfunded accrued liability of the fund as determined under IC 5-10.2-2-11(a)(3) and IC 5-10.2-2-11(a)(4). Employers

September 13, 2021

without an unfunded liability, such as employers joining PERF for the first time and offering only Plan membership, such forfeited amounts will be returned to the employer in the form of a credit to the employer contribution subaccount; and

WHEREAS, the General Assembly of the State of Indiana has authorized covered employers to pick up all or part of members' mandatory contributions; now, therefore:

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

SECTION 1. The Consolidated City of Indianapolis and Marion County continues its election to be a participating political subdivision or miscellaneous participating entity in the Public Employees' Retirement Fund by including classes of employees as stated below in the coverage under Chapter 340 of the Acts of 1945, and all Acts amendatory thereof and supplemental thereto.

SECTION 2. The Consolidated City of Indianapolis and Marion County elects to offer the following retirement plan(s) under the Public Employees' Retirement Fund:

- ☐ PERF Hybrid
 - ☐ PERF My Choice: Retirement Savings Program
 - ☐ Both PERF Hybrid and PERF My Choice: Retirement Savings Plan to all employees allowing the employee to choose in which retirement plan the employee will participate, based upon the employee's previous participation in the Fund or the Plan.
 - ☐ PERF My Choice: Retirement Savings Plan, in addition to PERF Hybrid, for which this governing body has already submitted a resolution to join PERF Hybrid.
 - ☒ PERF Hybrid only to certain classes of employees and PERF My Choice: Retirement Savings Plan to certain classes of employees as set forth in the attached document.
 - ☒ Both PERF Hybrid and PERF My Choice: Retirement Savings Plan to certain classes of employees, as set forth in an attached document, allowing those employees to choose in which retirement plan the employee will participate, based upon the employee's previous participation in the Fund or the Plan.
- If PERF My Choice in any format is selected above; please indicate whether PERF Hybrid retirees will be allowed to participate in PERF My Choice. If one of the checkboxes below is not selected, the default will be that no PERF Hybrid retirees will be allowed to participate in PERF My Choice.

- ☐ Yes, PERF Hybrid retirees will be allowed to participate in PERF My Choice
- ☒ No, PERF Hybrid retirees will not be allowed to participate in PERF My Choice

SECTION 3. If an employee is eligible to choose membership in either the Fund or the Plan, and that employee fails to make an election within the period set forth in IC 5-10.3-12-20 and 35 IAC 1.3-4-1, said employee will be automatically and irrevocably enrolled in the following plan:

- ☒ PERF Hybrid
- ☐ PERF My Choice: Retirement Savings Plan

SECTION 4. Effective as of the 1st day of January 2017 and continuing in effect after the adoption of this Resolution, this participating political subdivision or miscellaneous participating entity shall pick up 100% of the mandatory contribution for all employees who are members of PERF. Said employees shall not be entitled to choose to receive the contributed amounts directly instead of having them paid by the employer to the specified pension fund.

CHOOSE EITHER 4A OR 4B

☒ 4A. New Money Pick-Up – That the above contributions, even though designated as employee contributions for state law purposes, are being paid by the employer in addition to the regular compensation as a supplemental contribution that is separate and distinct from the employees' current or future compensation, and in lieu of contributions by the employees. Such contributions will not be included in the gross income of the employees for any tax reporting purposes, such as for federal, state or local income tax withholding, or FICA taxes, until distributed either through a pension benefit or a lump sum payment. These contributions are made on a pre-tax basis and are paid by the employer on behalf of the employee.

☐ 4B. Salary Reduction Pick-Up – That said contributions, even though designated as employee contributions for state law purposes, are being paid by the employer via a reduction in salary. Such contributions will not be included in the gross income of the employees for certain tax reporting purposes, that is for federal, state and local income tax withholding, until distributed either through a pension benefit or a lump sum payment. Such contributions will be

included in the gross income of the employees for FICA taxes when they are made. These contributions are made on a pre-tax basis but are paid by the employee through a payroll deduction.

SECTION 5. The Consolidated City of Indianapolis and Marion County, as a participating political subdivision, offering the Plan, agrees to pay a contribution rate to the Plan as a percentage of each member's compensation in the amount of 1% for FY 2021 and 0.9% for FY 2022. This amount may range from 0% to the percentage that would produce the normal cost for participation in the fund under IC 5-10.2-2-11.

SECTION 6. The Consolidated City of Indianapolis and Marion County, as a participating political subdivision, offering the Plan, agrees to pay a matching rate in the amount of:

 Fifty Percent (50%)
 X Zero Percent (0%)

which is the percentage of each member's additional voluntary contributions to the Plan that governing body will match.

SECTION 7. The positions listed on the attached documents are declared covered by the Fund, the Plan, or Both as indicated in the Consolidated City of Indianapolis and Marion County Public Employees' Retirement Fund (PERF) Coverage by Employee Classification, attached hereto and incorporated as Exhibit A.

SECTION 8. It is hereby declared that none of the classifications or positions specified in Section Three (3) are compensated on a fee basis or of an emergency nature, or in a part-time category.

SECTION 9. The active participation membership of the Consolidated City of Indianapolis and Marion County began on January 1, 2017 and shall continue with the adoption of this Resolution.

SECTION 10. This resolution shall be in full force and effect from date of passage and upon approval of the Board of Trustees of the Indiana Public Retirement System, except that active participating membership shall begin on the date set forth in Section Nine (9).

SECTION 11. 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 an 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 12. This resolution shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 289, 2021. Councillor Mascari reported that the Administration and Finance Committee heard Proposal No. 289, 2021 on August 31, 2021. The proposal, sponsored by Councillor Mascari, revises the structure of the information services agency to absorb the functions formerly performed by the telecom and video services agency, while maintaining continuity of operations and services; to grant the information technology board the responsibilities and authorities formerly exercised by the telecom and video services board. By a 12-0 vote, the committee recommended the proposal to the full Council with the recommendation that it do pass. Councillor Mascari moved, seconded by Councillor Adamson, for adoption. Proposal No. 289, 2021 was adopted on the following roll call vote; viz:

24 YEAS: Adamson, Bain, Barth, Boots, Brown, Carlino, Dilk, Evans-E, Evans-J, Graves, Gray, Hart, Jackson, Jones, Larrison, Lewis, Mascari, McCormick, Mowery, Oliver, Osili, Potts, Ray, Robinson
0 NAYS:
1 ABSENT: Annee

Proposal No. 289, 2021 was retitled GENERAL ORDINANCE NO. 39, 2021, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 39, 2021

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to incorporate the telecom and video services agency into the information services agency, to consolidate the agencies' governing boards, and to make related changes.

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

SECTION 1. Sections 181-702 and 281-201 through 281-233 of the "Revised Code of the Consolidated City and County," regarding the Marion County Information Technology Board and the Information Services Agency (ISA), hereby are amended by the deletion of the language that is stricken and the addition of the language that is underscored, to read as follows:

Sec. 181-702. Authorization to make public purpose grants.

- (a) Any city department ~~of the city or county agency that has a governing body~~ may make a public purpose grant upon the adoption of a resolution by the governing body ~~of the department~~ finding that a public purpose grant is necessary and desirable in the public interest and in furtherance of a purpose for which the city department or county agency is otherwise authorized to expend public moneys.
- (b) A public purpose grant of the type described in section 181-601(2) may be made only by the department of metropolitan development upon the adoption of a resolution by the metropolitan development commission.
- (c) A public purpose grant may be made upon conditions and terms deemed appropriate by the city department or county agency making the grant.
- (d) The authority to make a public purpose grant is within the discretion of the appropriate city department or county agency and its governing body, and no department shall be compelled to make any public purpose grant.

Sec. 281-201. Definitions.

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

- (a) *Board* means the Marion County Information Technology Board.
- (b) *Chief information officer* means the director of the information services agency and team leader of the IT team.
- (c) *Council* means the City-County Council of Indianapolis and Marion County.
- (d) *ISA* means the Information Services Agency of Indianapolis and Marion County.
- (e) *IT* means all aspects of information technology, data processing and related services including telecommunications and the provision of governmental access video services channels, governmental access streaming video services, and website-driven programming.
- (f) *IT team* means the information technology integration and coordinating team.
- (g) *Subject agencies* means any and all agencies, officers, offices, boards, commissions, divisions and departments of the city, of the county, units of township government in the county, and any court or prosecutor funded by the county.
- (h) *Telecommunications* means all aspects of telephone services, including voice, data and video transmission and equipment.
- (i) *User* means any and all subject agencies as defined herein and any and all other entities which use the services of ISA.
- (j) *Enhanced access activities* means activities necessary for the provision of enhanced access services in accordance with Chapter 285, Article III of this Revised Code.

Sec. 281-211. Board created; members; compensation.

- (a) To ensure enterprise-wide connectivity, compatibility and integration of information technology and the cost-effective provision of quality information systems and services, including telecommunications, there is hereby created the county information technology board, which shall consist of the following persons, who shall be appointed for the following terms:

- (1) Two (2) city officers appointed by the mayor of the city to serve at the pleasure of the mayor. One (1) such person shall be a representative for public safety agencies, and the other shall be a representative for public service agencies;
 - (2) Three (3) of four (4) county constitutional officeholders, limited to the auditor, the clerk, the sheriff and the treasurer of the county, to be appointed by and serve at the pleasure of the council;
 - (3) One (1) representative appointed by the presiding judges of the county superior court, representing the judicial branch of local government;
 - (4) Two (2) persons, with senior management experience which includes holding or having held line authority over the manager of the data processing area of an organization located in Marion County, that utilizes a large data processing installation comparable to the city-county installation, and that is not in the business of selling data processing equipment or services. One (1) such person shall be appointed by the council and the other by the mayor. The terms of such appointments shall be staggered by the initial appointment of the mayor's appointment to a three-year term and the council's appointment to a two-year term; thereafter each to serve for two-year terms but at the pleasure of the respective appointing authority; and
 - (5) The Marion County Assessor.
- (b) The three constitutional officeholders and the assessor may serve by proxy. The officeholder shall appoint the proxy in writing annually. All other board members shall serve in person and not by proxy. Board Members shall serve without compensation, except that personal expenses incurred through service to the board, travel, lodging and fees may be reimbursed to the board member upon authorization of the board.

Sec. 281-212. Powers and duties.

- (a) The board shall have the following powers and duties:
- (1) To establish and revise information technology guidelines, standards and benchmark processes for subject agencies and other users;
 - (2) To establish and maintain procedures for the technology related planning, approval and quality review of information technology operations and initiatives;
 - (3) To assist in the formulation of policy concerning appropriation of funds for governmental access video services channels, governmental access streaming video services, and website driven programming, including:
 - (A) The production of materials for use on governmental access video services channels, governmental access streaming video services, and website-driven programming;
 - (B) The construction and maintenance of facilities for such production; and
 - (C) The education of the public in the use of such facilities;
 - (4) To advise the mayor and the council in the formulation and implementation of policy on video services communications, on governmental access video services channels and streaming video services, and website driven programming, as well as other governmental, educational and public access issues;
 - ~~(35)~~ To review, approve and administer major IT contracts;
 - ~~(46)~~ To define at least five (5) functional classifications for representation of the various subject agencies on the IT team;
 - ~~(57)~~ To review and make recommendations concerning all information budgets, and approve all operating systems, contracts and expenditures for IT services, equipment purchase, rent or lease, consultants, management or technical personnel, studies, programs and IT materials or supplies for any and all users;
 - ~~(68)~~ To conduct studies and evaluations of any and all IT needs and current systems operations of users;
 - ~~(79)~~ To contract for technical and specialized assistance in administering its duties;
 - ~~(810)~~ To require annual IT service plans and resources inventories from all users;
 - ~~(911)~~ To develop, maintain and communicate IT services policy and administrative procedures for users and an IT services master plan for users;
 - ~~(1012)~~ To employ, or retain by personal services contract, a chief information officer, who shall have such duties as established herein, to serve at the pleasure of the board;
 - ~~(1113)~~ To promulgate rules and regulations for the efficient administration of its policies and procedures for users;
 - ~~(1214)~~ To develop and oversee adherence to standards for security and confidentiality of all data, information and telecommunication systems, including backup/recovery plans;
 - ~~(1315)~~ The exclusive power to select and contract with telecommunication providers for all city and county offices and agencies, whose expenditures for such services are paid from funds subject to appropriation by the city-county council;

(4416) To delegate any functions to the chief information officer or the IT team, subject to review by the board.

- (b) In addition to the powers and duties described in subsection (a), the board shall perform all enhanced access activities under Chapter 285, Article III of this Revised Code.
- (c) Should any powers granted by this article conflict with powers granted under IC 36-8-15-1 et seq. or sections 285-611 et seq. of this Code or Chapter 851 or Article I of Chapter 285, the provisions of IC 36-8-15-1 et seq. or sections 285-611 et seq. of this Code or Chapter 851 or Article I of Chapter 285 shall control.

Sec. 281-213. Officers; quorum; meetings.

- (a) The officers of the board shall be a chairperson and a secretary. The chairperson and the secretary shall be elected by the board. All contracts, agreements, resolutions and official communications of the board shall be in writing and be executed by these officers upon being authorized by motion passed by the board by simple majority of its members present.
- (b) A quorum of the board for official action in session shall be five (5) members. Official minutes of meetings shall be kept by the chief information officer.
- (c) The board shall meet monthly at such place and time as may be set by the chairperson, and may meet at such other times and places as may be needed in special session called by the chairperson for a particular purpose. All meetings, whether regular or special, shall be open to the public. No official action may be taken by the board except at a public meeting, whether regular or special. Board members may confer from time to time in executive session without the necessity of calling a public meeting as applicable by law.

Sec. 281-221. Chief information officer—Qualifications; responsibilities generally.

- (a) The board shall employ or retain by personal services contract a chief information officer.
- (b) The chief information officer shall have such qualifications and experience as set by the board. The chief information officer shall act as technical advisor and provide staff support for the board in its deliberations. The chief information officer shall have the authority and responsibility to act for the board in its name on a daily operational basis when the board is not in session, but all such action shall be subject to the review of the board.
- (c) The chief information officer shall manage and supervise ISA. The chief information officer shall be responsible for the planning, organization and management of ISA, within the organization plans and policies approved by the board.
- (d) The chief information officer shall be a member and team leader of the IT team.

Sec. 281-222. Same—Powers and duties.

The chief information officer shall have the following additional specific duties:

- (1) To review IT activities, operations, requests and technical personnel of the users and provide recommendations on same to the subject agency or board; to oversee the overall management IT activities which are subject to this article;
- (2) To manage all enterprise-wide IT contracts and assist in the management of the IT contracts of the subject agencies;
- (3) To monitor IT budgets for contract administration;
- (4) To monitor service level agreements and charges;
- (5) To receive and review with comment and recommendations all reports, requests and documents for the board;
- (6) To communicate for and on behalf of the board with the users, including subject agencies, other governmental units and the private sector when the board is not in session;
- (7) To receive budget proposals for IT services and operations for agencies of the consolidated city, the county, the courts and other users and to assist the board in review and evaluation of the budgets prior to their submission to the city-county council;
- (8) To review all contracts for IT services, equipment lease, rent or purchase, materials, supplies, consultants, technical personnel, studies or programs for users, including specifically, ISA, and submit same with comment and recommendations to the board for its action;

- (9) To coordinate the preparation of a master plan for IT operations for all users within the direction given from the board;
- (10) To manage the operation of governmental access video services channels, governmental access streaming video services, and website driven programming, and to advise city and county agencies with respect to video service as generally defined in 47 USC § 522;
- (11) To grant funds to entities with services designated for public, education, or governmental programming on the governmental access video services channels and streaming services, subject to the approval of the information technology board;
- (12) To fulfill the functions designated in section 285-107 of the Code; and
- (13) To implement all administrative rules and regulations promulgated by the board.

Sec. 281-223. Board approval required for services.

- (a) The written approval of the board shall be obtained before any subject agency shall:
 - (1) Acquire by contract, purchase, lease or rental ~~of any data processing services, equipment, materials, supplies, programs or software; or~~
 - (2) ~~Acquire by contract, purchase, lease or rental of telephone or telecommunications services, equipment, materials or supplies~~ equipment, materials, or supplies relating to telephone or telecommunications services, or to governmental access video services channels, governmental access streaming video services, and website driven programming; or
 - (3) Authorize or contract for studies, technical personnel or consultants regarding data processing or telecommunications services (including governmental access video services channels, governmental access streaming video services, and website driven programming).
- (b) No subject agency or officer, employee or agent thereof shall purchase, lease, rent or contract for the use of any IT services, equipment, materials, supplies, IT studies, programs, technical personnel or consultants without first submitting a written proposal to the board for its review, recommendations and approval. Any such purchase, lease, rental or contract entered into by a subject agency without the prior written approval of the board shall be voidable at the option of the board.

Sec. 281-224. Appeal procedure.

- (a) Any subject agency or user which, in the opinion of that agency manager, feels aggrieved at a decision of the board concerning that agency's IT systems and services, including telecommunications, may file a written request for review of such decision with the chairperson of the board, who shall place such request on the agenda of the special meeting of the board for the purpose of appellate review. The board shall call a special meeting to hear the appeal, and for the purpose of special meetings for appeals, the board shall consist of the regular board members, plus the mayor or the mayor's designee and the president of the city-county council or such president's designee. The decision of this board shall be final, except as provided in subsection (b) below, and shall be entered of record in the minutes of the board. In order to hear the appeal, the board shall have present at least four (4) of its regular members plus either the mayor (or designee) or the president of the city-county council (or such president's designee).
- (b) Should an elected official feel that a decision resulting from appeal to this board constitutes a derogation of the elected official's powers, duties or responsibilities or otherwise feel aggrieved, the matter shall be heard and finally resolved by majority vote at a special meeting of the committee on rules and public policy of the city-county council with at least five (5) members present and voting. Such meeting shall be held within twenty-one (21) days of written request by the elected official.

Sec. 281-231. Information services agency created.

There is created the information services agency (ISA) which shall be under the policy supervision of the county information technology board through the chief information officer.

Sec. 281-232. Reserved.

Editor's note(s)—G.O. 202Editor's note(s)—, 1995, § 1, adopted Nov. 20, 1995, deleted, in effect repealed, § 281-232Editor's note(s)—, which pertained to duties of director with respect to information services agency and derived from G.O. 2, 1993, § 4.

Sec. 281-233. Agency function.

ISA shall provide IT services to those local government subject agencies and other users designated by the board according to the direction given by the board and to the master plan for the county as developed by the board in conjunction with the subject agencies, including ISA and other users. ISA, subject to the board's direction, shall be the primary provider of services for the city, the county, the courts and all other approved users. With approval of the board, ISA may contract with other agencies, including nongovernmental entities, for the provision of IT systems and services, including telecommunications and governmental access video services channels, governmental access streaming video services, and website driven programming.

SECTION 2. Sections 285-101 through 285-110 of the "Revised Code of the Consolidated City and County," regarding franchise fees and formerly regarding the telecom and video services agency and board, hereby are amended by the deletion of the language that is stricken and the addition of the language that is underscored, to read as follows:

ARTICLE I. ~~TELECOM AND VIDEO SERVICES AGENCY~~

~~Sec. 285-101. Agency created.~~

~~There is hereby created a telecom and video services agency as a separate agency of the consolidated city, responsible to the telecom and video services board.~~

~~Sec. 285-102. Telecom and video services agency.~~

~~The telecom and video services agency shall be administered by the telecom and video services agency subject to the approval of the telecom and video services board and approved by the council committee on rules and public policy.~~

~~Sec. 285-103. Powers and functions.~~

- ~~(a) The agency shall be responsible for the provisions regarding holders in section 285-107 of the Code.~~
- ~~(b) The agency shall provide the administrative support for the telecom and video services board.~~
- ~~(c) The agency shall be responsible for the operation of the governmental access video services channels and website driven programming.~~
- ~~(d) The agency may, subject to the approval of the telecom and video services board, grant funds to entities with services designated for public, education, or governmental programming on the governmental access video services channels.~~
- ~~(e) The agency shall be responsible for advising city and county agencies with respect to video service as generally defined in 47 USC § 522.~~

~~Sec. 285-104. Telecom and video services board created.~~

~~There is hereby established a telecom and video services board.~~

~~Sec. 285-105. Membership.~~

~~The telecom and video services board shall consist of five (5) members, each serving a two-year term expiring on December 31, selected as follows:~~

- ~~(1) Two (2) members shall be appointed by the mayor to serve at his or her pleasure; and~~
- ~~(2) Three (3) members shall be appointed by the city-county council to serve at its pleasure, one (1) of whom shall be selected by the board as its chairman.~~

~~If a vacancy occurs, the appointment shall be for the unexpired term.~~

~~Sec. 285-106. Powers of board.~~

- ~~(a) The telecom and video services board shall supervise the telecom and video services agency.~~
- ~~(b) The telecom and video services board shall advise the mayor and the council in the formulation and implementation of policy on video services communications, governmental, educational and public access issues and promote citizen participation in that process by dissemination of information and encouragement of other governmental, educational, and public entities to participate.~~
- ~~(c) The telecom and video services board may assist in the formulation of policy concerning appropriation of funds for:
 - ~~(1) The production of materials for use on access channels;~~
 - ~~(2) The construction and maintenance of facilities for such production; and~~
 - ~~(3) The education of the public in the use of such facilities;~~~~

~~and to make written recommendations to the council and the mayor regarding the making of applications for financial assistance and the use of grant funds received pursuant to such applications.~~

- ~~(d) The telecom and video services board may recommend and assist in the creation of a nonprofit public, educational and governmental access corporation to promote and develop maximum community involvement in and use of video services for public, educational and governmental and other nonprofit purposes and to administer use of access channels. Such access corporations may be funded by: Foundation, corporate, governmental, other philanthropic grants and private donations; and, the allocation of all appropriate funds from each video services franchise fee.~~

ARTICLE I. – FRANCHISE FEES FOR VIDEO SERVICE PROVIDERS IN MARION COUNTY

Sec. 285-107. Provisions regarding holders.

- (a) *Application.* This section shall apply to any holder of a certificate ("holder") from the Indiana Utility Regulatory Commission that provides video service in the county, as those italicized terms are defined in IC 8-1-34.
- (b) *Franchise fees payments.* A holder shall pay to the city franchise fees pursuant to IC 8-1-34-24, which are based upon the holder's gross revenue, as defined in IC 8-1-34-5, derived quarterly from its operations to provide video services within the county.
 - (1) The city may conduct periodic audits of the operator's records to determine compliance with this provision pursuant to IC 8-1-34-24(c). The city's acceptance of the operator's franchise fee payments does not constitute an accord and satisfaction nor are such payments in lieu of any other fees, taxes, or payments owed by the operator.
 - (2) If the holder and city cannot agree on the amount of gross revenue on which the franchise fee should be based, city may petition the Indiana Utility Regulatory Commission according to IC 8-1-34-24(c).
 - (3) Interest on unpaid fees. The operator shall pay simple interest at the rate of eight (8) percent per annum on all franchise fees which remain unpaid after the date they are due until the fees are paid.
- (c) *Reports to be filed.* With each quarterly payment of a franchise fee remitted to the city pursuant to IC 8-1-34-25(c), a holder shall include a statement explaining the basis for the calculation of the franchise fee to the controller's office, and the controller's office shall provide a copy to the Information Services Agency telecom and video services agency upon request.
- (d) *City inspections; maintenance of records.*
 - (1) The city may review the books and records of the holder to the extent necessary to ensure the holder's compliance with IC 8-1-34-23 in calculating the gross revenue upon which the remitted franchise fee is based. The city shall have the right to inspect the holder's video service system over the public rights of way during normal business hours.
 - (2) The city shall bear its own costs of all inspections.
- (e) *Video services to community public buildings.* If a holder is required to provide service to community public buildings according to the terms of its local franchise agreement that was in effect on June 30, 2006, it is required to provide such service upon request ~~requests~~ pursuant to IC 8-1-34-29.
- (f) Public, educational, or governmental access channels, facilities and equipment or financial support shall be provided according to IC ~~8-1-34-29~~ Sections 8-1-34-25 through 8-1-34-27.
- (g) *Interconnection of institutional networks.* If a holder's former franchise agreement requires the provision of an institutional network under the terms of the former local franchise agreement that was in effect on June 30, 2006, then the holder whose video service system is in place as of the effective date of this ordinance shall be entitled to apportion the incremental costs among all holders that provide video service within a unit pursuant to IC 8-1-34-29(d).

Sec. 285-108. Use of public ways

- (a) The holder shall comply with the provisions of this code regarding the use and occupation of public rights-of-way of the city including, but not limited to, Article II of Chapter 645 of the Code, and the payment of all generally applicable fees so long as such fees are not inconsistent with IC 8-1-34, federal law and any other applicable law for the provision of such charges and that such charges are not specific to any one operator or utility providing services in the city over or under the public rights-of-way.
- (b) All poles, cables, towers, lines, and other equipment and fixtures placed by the holder within the public ways, whether above, on, or below ground, of the city shall be so located as to cause minimum interference with other authorized users of the public ways and adjoining premises.
- (c) If the disturbance of any public way is necessary, the holder shall comply with all requirements of the city relevant to such disturbance.

- (d) If at any time during the period of the franchise the city shall deem it necessary to change the location of any pole, cable, tower, line and other equipment or fixture located in any public way, either above, on, or below ground, the holder, upon reasonable notice by the city and reasonable time for compliance, shall relocate its poles, cables, towers, lines, and other equipment and fixtures at no cost to the city, however the holder may pass through such costs as may be allowed under applicable law.
- (e) The holder shall have the authority to trim trees upon and overhanging the public ways of the city so as to prevent the branches of such trees from coming in contact with the cables and the equipment of the holder, except that, at the option of the city, such trimming may be done by it or under its supervision and direction. Should the city determine to perform such trimming the holder shall not be liable for any reimbursement unless otherwise previously and mutually agreed upon between the parties.
- (f) In all sections of the city where the cables, wires or other like facilities of public utilities are placed underground, the holder shall place its cables and other equipment underground to the maximum extent it can be accomplished using proven technology generally used by the video services industry for comparable systems.
- (g) A holder having a state certificate of video franchise authority to operate a video service system for only a portion of the city shall have the right to use the public ways throughout the city as necessary or advisable for the efficient construction, operation and maintenance of that system, provided that video services may be provided only to subscribers located within the area of the holder's designated service area. Use of the public ways outside of the holder's designated service area to construct, operate, or maintain the holder's video service system shall not unreasonably interfere with the construction, operation and maintenance of a video service system by a holder who has, or thereafter obtains, a state certificate of video franchise authority to serve subscribers in such outside area. The city shall have power to promulgate rules and regulations with respect to jointly used public ways as considered necessary or desirable.
- (h) *Notice to occupants of property.* Unless in the event of an emergency repair prior to the start of construction within any easement other than a public street right-of-way, the holder must give written notice to all affected property occupants, if reasonable to do so, informing them that the holder will be working in the area affecting such property occupants. Such notice shall include a telephone number, which may be called by property occupants who encounter any problems or damages as a result of such work by the holder. Such notice may be by direct mail, email, local newspaper, door hanger or similar method of communication as determined by the operator.
- (i) *Holder responsibility for damages.* The holder shall be responsible for repairs to public or private property necessitated by damage caused by or resulting from the holder's or holder's subcontractors' construction operation, or maintenance of the system.
- (j) *Deadlines for repair of public and private property; lawn repair.* The repair of public and private property damaged during construction, operation, or maintenance of the holder's system shall be completed no later than sixty (60) days after notice to the holder of the damage unless otherwise not possible due to inclement weather conditions or for any other reason not within the control of the operator. Lawns shall be repaired to the preconstruction condition however it is understood preconstruction condition does not mean original condition.
- (k) *Safety requirements.*
 - (1) The holder shall at all times comply with all safety requirements of the Code.
 - (2) The holder shall at all times employ reasonable care and shall install and maintain in use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injury or nuisance to the public.
 - (3) All cables and other equipment within the public ways of the city shall at all times be kept and maintained in as safe condition and by generally acceptable practices used by the video services industry for comparable systems.
 - (4) Operation of the system shall not cause any interference to television and radio reception, telephone communication, or other similar operations within the county.

Sec. 285-109. Powers reserved to other entities.

- (a) Pursuant to IC 8-1-34-16(a), the Indiana Utility Regulatory Commission is the exclusive franchising authority, as defined in 47 USC 522(10), for the provision of video service in Indiana. Pursuant to the federal regulation, 47 CFR 76.309, the Indiana Utility Regulatory Commission shall be the sole authority to address consumer complaints regarding telecommunications and video services.

- (b) Pursuant to IC 8-1-34-16(b), state law preserves for the city the limited power to enforce an ordinance governing the use of public rights-of-way. In accordance therewith, section 285-108 of the Code shall be enforced by the department of public works.

Sec. 285-110. Council oversight.

Whenever the ~~information services agency~~ ~~telecom and video services agency~~ or the ~~information technology board~~ ~~telecom and video services board~~ determines that an issue raised with respect to telecommunications or video services is beyond the authority of the agency or board or raises questions of ~~the~~ public policy, such issues may be referred to the council committee on rules and public policy.

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

PROPOSAL NO. 291, 2021. Councillor Robinson reported that the Public Safety and Criminal Justice Committee heard Proposal No. 291, 2021 on September 8, 2021. The proposal, sponsored by Councillor Robinson, revises the structure of the Office of Public Health and Safety to recognize its new divisions and the creation of the Assessment & Intervention Center; creates the Metropolitan Emergency Services Agency, with divisions of emergency management, public safety communications, and emergency dispatch, absorbing functions previously performed by divisions of the Indianapolis Metropolitan Police Department, the Office of Public Health and Safety, the Marion County Sheriff's Office, and the Indianapolis Fire Department; creates an emergency services agency board and an emergency management advisory commission in accordance with state statute; and revises the ordinance governing Indianapolis Emergency Medical Services. By a 13-0 vote, the committee recommended the proposal to the full Council with the recommendation that it do pass as amended. Councillor Robinson moved, seconded by Councillor Adamson, for adoption. Proposal No. 291, 2021 was adopted on the following roll call vote; viz:

24 YEAS: Adamson, Bain, Barth, Boots, Brown, Carlino, Dilk, Evans-E, Evans-J, Graves, Gray, Hart, Jackson, Jones, Larrison, Lewis, Mascari, McCormick, Mowery, Oliver, Osili, Potts, Ray, Robinson
0 NAYS:
1 ABSENT: Annee

Proposal No. 291, 2021 was retitled GENERAL ORDINANCE NO. 40, 2021, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 40, 2021

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to create a county emergency services agency, to revise the ordinance concerning the office of public health and safety, and for other purposes.

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

SECTION 1. Sections 202-711 through 202-713 of the "Revised Code of the Consolidated City and County," regarding the office of public health and safety, hereby are amended by the deletion of the language that is stricken and the addition of the language that is underscored, to read as follows:

Sec. 202-711. - Office of public health and safety created; duties and divisions.

There is hereby created the office of public health and safety for the city as authorized by IC 36-3-4-23. The office shall exercise those powers and duties granted by statute, this code, or as designated by the mayor, ~~to discharge its responsibilities to provide for public safety communications systems, emergency medical services, administration of the Reuben engagement center, oversight of offender re-entry services, and to operate any other division or function of this office as the mayor from time to time may designate by executive order~~ in the areas of community violence reduction, homelessness, re-entry services, and community nutrition and food policy. The office shall also be responsible for administration of the Assessment & Intervention Center, and it will discharge any other functions or responsibilities as the mayor from time to time may designate by executive order.

The office shall be comprised of the divisions of:

- ~~(1) Public safety communications;~~
- ~~(2) Indianapolis emergency medical services;~~
- ~~(3) Reuben engagement center;~~
- ~~(4) Re-entry services;~~
- ~~(5) Public health and safety administration; and~~
- ~~(6) Community nutrition and food policy.~~
- (1) Re-entry services;
- (2) Homelessness;
- (3) Community violence reduction; and
- (4) Community nutrition and food policy.

Sec. 202-712. - Appointment of the director; powers and duties.

The administration of the office shall be under the control of the director, who shall be appointed by the mayor ~~after consultation with the sheriff~~ and be subject to city-county council confirmation. The director shall serve at the pleasure of the mayor. The director shall have ~~prior service with a local, federal or state law enforcement agency, emergency management agency, emergency medical services agency, or fire department, prior experience in the fields of criminal justice, public safety, public health, or social services,~~ have had command or supervisory experience, have received a four-year degree from an accredited institution of higher education and have demonstrated an interest in safeguarding the citizens and property of the consolidated city. The director shall hold no other lucrative elective or appointive office in city, county or state government during the director's term of office. The director of the office shall advise the mayor on matters of health and public safety and shall exercise control of all matters, personnel, and property relating to and connected with the office and its divisions, including the authority to:

- (1) Oversee, supervise and coordinate the activities and operations of the office and its divisions ~~divisions within this office;~~
- ~~(2) Appoint a chief of the division of public safety communications, and administrators for the Reuben engagement center, community nutrition and food policy, and the division of re-entry services;~~
- ~~(3) With respect to Indianapolis emergency medical services, the director shall oversee the division, as provided in section 202-731 of this chapter or otherwise provided by law or agreement;~~
- ~~(4) With respect to public safety communications, the director shall be responsible for financing, purchasing, contracting for, acquiring, leasing, constructing, equipping, erecting, upgrading, and installing a public safety communications system and computer facilities for all participating public safety and public service agencies in the public safety communications and computer facilities district established under IC 36-8-15-7;~~
- (2) Appoint an administrator for the Assessment & Intervention Center and administrators for each of the office's divisions;
- ~~(35) Execute contracts subject to the authority of the mayor and any other limitations prescribed by law;~~
- ~~(46) Prepare and submit the office's budget to the controller; and~~
- ~~(57) Delegate to the personnel of the office the authority to act on behalf of the director.~~

Sec. 202-713. - Board of the office of public health and safety.

(a) *Established.* There is hereby established a board of the office of public health and safety pursuant to IC 36-3-4-23; ~~and concurrent therewith is also established pursuant to IC 36-8-15-2 with respect to public safety communications and computer facilities as these terms are described in IC 36-8-15.~~

(b) *Members.* The board shall be composed of five (5) members: the director of the office of health and safety who serves as presiding member of the board; two (2) members appointed by the mayor and two (2) members appointed by the city-county council. Each appointed member shall serve a one-year term and until his or her successor is appointed and qualified, but serves at the pleasure of the appointing authority. In the event of a vacancy prior to the expiration of a term, the appointing authority shall appoint a member for the remainder of the unexpired term. ~~The members of the board of public safety as of April 11, 2016 as appointed by the mayor and city-county council respectively shall be the initial members of the board until December 31, 2016 or until successor or other members are appointed in accordance with this section.~~

(c) *Meetings.* The board shall hold regular meetings at least once a month, at times and places prescribed by its rules or established by resolution. No notice to members is required for holding or taking any action at a regular meeting.

A special meeting of the board may be called by the presiding officer or by two-fifths (2/5) of the members, at any place in the county designated in the call. Each member shall be notified of the time and place of such a meeting by written notice that must be delivered, mailed or sent by telegram so that each member has at least seventy-two (72) hours' notice of the meeting. The notice requirements may be waived as to a member if he or she attends the meeting or executes a written waiver of notice. The waiver may be executed either before or after the meeting, but if executed after, it must state in general terms the purpose of the meeting.

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

(e) *Powers.* The board shall have the following powers in regard to the office of public health and safety and the city's police and fire departments.

- (1) To review all budgets prepared by the office of public health and safety and the city police and fire departments and to make recommendations, to those directors, ~~that~~ as to any revisions the board feels desirable;
- (2) To approve the award and amendment of contracts let by the office of public health and safety and the city police and fire departments for the purchase or lease of capital equipment or other property where the contract is required to be bid under IC 5-22;
- (3) To approve the award and amendment of public construction contracts let by the office of public health and safety and the city police and fire departments that are required to be bid under IC 36-1-12;
- (4) To approve the acquisition of and leases for real estate by the office of public health and safety and the city police and fire departments;
- (5) To approve the employment of persons engaged by the office of public health and safety and the city police and fire departments by contract to render professional or consulting services;
- (6) To approve the disposal of property by the office of public health and safety and the city police and fire departments as specified in IC 36-1-11, excluding leases of real property, pursuant to IC 36-1-11, for the siting of cellular, digital personal communications systems, or other wireless communications systems towers and related equipment;
- (7) To make recommendations and suggestions ~~the~~ regarding the fiscal policy and management of the office of public health and safety and the city police and fire departments; and
- ~~(8) With respect to the public safety communications system, and computer facilities:~~
 - ~~a. To have, in accordance with IC 36-8-15, the authority to finance, purchase, contract for, acquire, lease, construct, equip, erect, upgrade, install and maintain public safety communications and computer facilities for the public safety agencies that are subject to budget review by the city-county council;~~
 - ~~b. To ensure that any public safety agency of a political subdivision located within Marion County shall be entitled to receive any such services and/or equipment provided to it upon the request of such public safety agency at a cost to the requesting public safety agency no greater than the cost charged to provide said equipment or services to a public safety agency who is subject to budget review by the city-county council;~~
 - ~~c. To approve interlocal cooperation agreements with other political subdivisions for the financing, purchase, acquisition, lease, construction, equipping, erection, upgrade and installation and public safety communications and computer facilities for public safety agencies that are not subject to budget review by the city-county council;~~
 - ~~d. To coordinate all activities necessary to ensure compatibility of all public safety communications and computer systems within the public safety communications and computer facilities district established under IC 36-8-15-7; and~~
 - ~~e. To exercise such other powers and perform such other duties as are granted to the city and the county under IC 36-8-15 with respect to the implementation, financing, operation and maintenance of the public safety communications system and computer facilities; provided, however, no power or duty herein prescribed shall in any way be permitted to derogate the powers, duties or responsibilities of any elected officials;~~~~provided that no bond to finance the purchase or lease of public safety communications systems or computer facilities equipment or the making of payments to a service provider under a contract for enhanced public safety communications systems or computer facilities shall be valid unless the council has first approved such bond; and~~
- (8) Any other powers granted to the board by law or by the mayor or the city-county council.

SECTION 2. Sections 202-721 through 202-726 of the "Revised Code of the Consolidated City and County," regarding the division of public safety communications within the office of public health and safety, hereby are deleted in their entirety.

SECTION 3. Sections 202-731 through 202-735 of the “Revised Code of the Consolidated City and County,” regarding Indianapolis Emergency Medical Services, are hereby deleted in their entirety.

SECTION 4. Existing Sections 202-741 through 202-747 of the “Revised Code of the Consolidated City and County,” regarding the Reuben Engagement Center, are hereby deleted in their entirety and replaced by the following text:

DIVISION 4. – REUBEN ENGAGEMENT CENTER AT THE ASSESSMENT & INTERVENTION CENTER

Sec. 202-741. - Facility.

The Assessment & Intervention Center (AIC) will operate out of a dedicated facility as part of the City’s Community Justice Campus (CJC).

Starting in 2020, the Albert G. and Sara I. Reuben Engagement Center will operate at the AIC facility, whose residential area will be named the Reuben Engagement Center at the Assessment & Intervention Center. Where used in the remainder of this chapter, the term “AIC” includes the Reuben Engagement Center at the Assessment & Intervention Center.

Sec. 202-742. - Purpose.

(a) The AIC will provide a safe location for individuals eighteen (18) years of age and older who are experiencing mental health, behavioral health, or substance abuse issues. The AIC is intended to serve as an alternative to hospitalization or arrest for such individuals. The AIC will additionally provide a place to recover from temporary intoxication and/or behavioral or mental health episodes, and will offer clients related services and referrals to other resources.

(b) Persons are not required to have involvement or interaction with law enforcement or other first responder personnel prior to using the services of the AIC.

(c) Eligible arrestees may use the services of the AIC if the Marion County Sheriff's Office and the Marion County Prosecutor's Office determine that the arrestee meets appropriate protocols.

(d) The AIC will work with the Indianapolis Metropolitan Police Department (IMPD), the mobile crisis assistance teams (MCAT), and other agencies to ensure that an efficient, low-barrier process exists to voluntarily refer individuals eligible for AIC services to the AIC.

(e) Providing services to individuals experiencing homelessness who otherwise meet AIC eligibility criteria will be a priority for the AIC, but the AIC will not restrict its services exclusively to individuals experiencing homelessness. The AIC shall keep accurate records of individuals receiving its services who are experiencing homelessness.

Sec. 202-743. - Organization.

(a) The director of the Office of Public Health and Safety (OPHS) shall appoint an administrator who will be responsible for the day-to-day operations of the AIC. The administrator may be retained via contract with his or her employer.

(b) The OPHS director may also appoint, employ, or contract with such other persons as the director deems necessary or desirable.

(c) Contracts for such services as may be necessary or desirable in the operation of the engagement center, including staffing and management services consistent with applicable professional standards for the facility, shall be entered into by the office of public health and safety.

Sec. 202-744. - Advisory board.

The AIC advisory board is hereby established to help identify the barriers and gaps in serving those struggling with mental health, homelessness, and chronic substance abuse. The board will use evidence-based research to suggest alternatives and recommend solutions to the identified gaps and barriers, and to educate AIC staff and policy makers regarding research findings and recommendations.

The board will serve as the successor to the Reuben Engagement Center advisory board.

Sec. 202-745. - Board membership.

(a) The board shall be composed of sixteen (16) voting members who are residents of Marion County, and are actively working with those experiencing mental health issues, substance abuse issues (including drug and alcohol addiction), and/or homelessness, and have an interest in and knowledge of the barriers and needs of those experiencing such issues, and who are chosen as follows:

- (1) A representative from the Marion County Sheriff's Office, to be appointed by the sheriff;
- (2) A representative from the Marion County Prosecutor's Office, to be appointed by the prosecutor;
- (3) A representative from the Marion Superior Court or Marion County Probation, to be appointed by the executive committee of the Marion Superior Court;
- (4) A representative from the Marion County Public Defender Agency, to be appointed by the public defender;
- (5) A representative from Marion County Community Corrections, appointed by the director of Marion County Community Corrections;
- (6) A representative from the Indianapolis Metropolitan Police Department, appointed by the chief of the Indianapolis Metropolitan Police Department;
- (7) A representative from the faith-based community, to be appointed by the mayor;
- (8) A veteran of the armed forces, to be appointed by the mayor;
- (9) A representative from the Estate of Albert and Sara Reuben Trust, to be appointed initially by the president of the city-county council, with subsequent appointments to be made by the city-county council;
- (10) The director of the Office of Public Health and Safety (OPHS) or his or her designee;
- (11) A professional provider of services for people experiencing homelessness, appointed by the president of the city-county council, with subsequent appointments to be made by the city-county council;
- (12) A mental health professional, representing the Sandra Eskenazi Mental Health Center, to be appointed by the mayor;
- (13) A substance abuse/addiction professional, to be initially appointed by the president of the city-county council, with subsequent appointments to be made by the city-county council;
- (14) A representative of Indianapolis Emergency Medical Services, to be appointed by the mayor;
- (15) A medical health professional, to be initially appointed by the president of the city-county council, with subsequent appointments to be made by the city-county council; and
- (16) A person who is experiencing or has recently experienced homelessness, to be appointed by a majority vote of the other fifteen (15) board members.

In addition to the sixteen (16) voting members, the administrator of the AIC shall be an ex-officio, non-voting member of the board; provided, however, that the administrator may vote if the administrator's vote is necessary to break a tie.

(b) Each board member shall serve at the pleasure of the appointing authority for a term ending December 31 following appointment and until a successor is appointed. A member may be reappointed for successive terms.

(c) If any board member dies, resigns, vacates office or is removed from office, a new member shall be appointed to fill the vacancy in the same manner as the member in respect to whom the vacancy occurs was appointed.

(d) Any board member who fails to attend three (3) consecutive regular meetings of the board shall be treated as if he or she had resigned, unless sufficient written justification is submitted to and approved by the appointing authority. The administrator shall inform the appointing authority in writing of such board member's failure to attend three (3) consecutive regular meetings.

Sec. 202-746. - Officers, quorum, meetings.

(a)..The voting members of the board shall select a chair and a vice-chair. A recording secretary who shall keep the official minutes of the meetings, reserve meeting room space, handle all of the communications, including but not limited to meeting notices, will be supplied by the Office of Public Health and Safety (OPHS). All official action of the board shall be in writing and be executed by the board upon being authorized by motion passed by the board by simple majority of its members present.

(b) A quorum of the board for official action in session shall be eight (8) of the sixteen (16) voting members. Official minutes of meetings shall be kept by the secretary.

(c) The board shall meet at least every month, or on special call of the chair, or upon written request of any eight (8) members.

Sec. 202-747. - Powers and duties of the board.

The board shall have the following powers and duties:

- (1) To create an AIC mission statement consistent with Section 742 of this Chapter;
- (2) To recommend policies and procedures to ensure that the goals identified in the mission statement are fulfilled;
- (3) To receive and review monthly reports from the administrator concerning the number of individuals served; the length of stay in the AIC; the services offered and received; the reasons why the persons came to the AIC; the status of programs designed to implement the AIC's mission statement, fiscal operation and budgetary needs; and such other information as the board may from time to time request;
- (4) To receive and review information regarding the status of voluntary referrals by IMPD or other law enforcement entities, development of post-arrest referral programs, and progress in developing the AIC as an alternative to hospitalization or criminal justice involvement;
- (5) To receive information and provide input regarding further construction and development of the AIC facility;
- (6) To receive and review information relating to the AIC's services to members of the community experiencing homelessness, and to ensure that the AIC continues to fulfill the mission statement of the Reuben Engagement Center;
- (7) To make recommendations to the director and the council concerning how the services and programs offered by the AIC should be modified; and
- (8) To submit to the council, the mayor and the OPHS director annual reports of its activities and operations.

SECTION 5. Sections 279-281 through 279-285 of the "Revised Code of the Consolidated City and County," regarding the homeland security division within the metropolitan police department, hereby are deleted in their entirety.

SECTION 6. A new Chapter 287 of the "Revised Code of the Consolidated City and County," concerning the Metropolitan Emergency Services Agency, emergency management board, and emergency management advisory commission, is added, to contain the text that appears as follows:

Chapter 287 – METROPOLITAN EMERGENCY SERVICES

DIVISION 1. - METROPOLITAN EMERGENCY SERVICES AGENCY

Sec. 287-101. - Metropolitan Emergency Services Agency

- (a) The Metropolitan Emergency Services Agency is created.
- (b) A chief shall be appointed by the mayor and confirmed by the emergency services agency board, and shall serve at the pleasure of the board.
- (c) The agency shall be comprised of three divisions:
 - (1) The emergency management division;
 - (2) The public safety communications division; and
 - (3) The emergency dispatch division, responsible for operating Marion County's public safety answering point (PSAP).

Sec. 287-102. - Emergency Services Agency Board established; appointments and members

- (a) There is hereby created the emergency services agency board (for purposes of this chapter, the "board"), pursuant to IC 36-3-4-23 and IC Chapter 36-8-15.
- (b) The board shall be composed of seven (7) members, consisting of:
 - (1) The chief of the Indianapolis Metropolitan Police Department, or his or her designee;
 - (2) The chief of the Indianapolis Fire Department, or his or her designee;
 - (3) Two (2) members who currently serve in command or supervisory positions in law enforcement, fire, or emergency response agencies in Marion County (other than the Indianapolis Metropolitan Police Department, Indianapolis Emergency Medical Services, the Indianapolis Fire Department, or the Marion County Sheriff's Office), appointed by the city-county council;
 - (4) The sheriff, or his or her designee;
 - (5) The chief of Indianapolis Emergency Medical Services, or his or her designee; and
 - (6) One (1) member appointed by the Mayor.

(c) Each appointed member shall serve a one-year term and until his or her successor is appointed and qualified, but serves at the pleasure of the appointing authority. In the event of a vacancy prior to the expiration of a term of an appointed member, the appointing authority shall appoint a member for the remainder of the unexpired term. Ex officio members serve on the board for as long as they hold the position that entitles them to board membership.

(d) Four (4) members of the board shall constitute a quorum, and a vote of the majority of members present shall be required to pass a resolution or take any official action, other than the confirmation or removal of the chief. When the board is voting to confirm the mayor's appointment of a chief or to remove the chief, the affirmative vote of at least four (4) members shall be required.

(e) The board is a public agency as that term is defined by IC 5-14-1.5-2, and its meetings shall be open, subject to the provisions of IC 5-14-1.5.

Sec. 287-103. - Powers and duties of the emergency services agency board

The board shall have the following powers and duties:

- (a) To review the Marion County emergency management plan created by the emergency management division and determine whether to endorse the plan to the mayor for final approval.
- (b) To establish and maintain procedures for emergency management planning.
- (c) To review and approve the following:
 - (1) The award and amendment of agency contracts for the purchase or lease of capital equipment or other property that are required to be bid under IC Article 5-22;
 - (2) The award and amendment of all agency ~~any~~ contracts for public construction or public works that are required to be bid under IC Chapter 36-1-12;
 - (3) The disposal of property by the agency as specified in IC 36-1-11, excluding leases of real property, pursuant to IC 36-1-11, for the siting of cellular, digital personal communications systems, or other wireless communications systems towers and related equipment; and
 - (4) All leases, acquisitions, or transfers of real property entered into by the agency.

This paragraph does not apply to contracts, leases, acquisitions, or transfers of real property pertaining to the public safety communications system. The board's powers and duties with respect to the public safety communications system are set forth in paragraph (f) below. The agency shall be entitled to forgo the requirement of board review of contracts that would otherwise be required under paragraph (c) during a disaster emergency declared pursuant to IC 10-14-3-12 or IC 10-14-3-29.
- (d) To confirm the mayor's appointment of the chief and to remove the chief.
- (e) With respect to the emergency dispatch system, the board shall have authority:
 - (1) To oversee emergency communications and the county public safety answering point (PSAP) pursuant to IC 36-3-1-5.1(d)(2).
 - (2) To lease, purchase, acquire, upgrade, install or maintain all supplies, equipment, facilities, or real property needed for the operations of the emergency dispatch system;
 - (3) To authorize the issuance of bonds or other obligations to purchase, or to pay any lease rentals for the lease of, all property or facilities needed for the operations of the emergency dispatch system;
 - (4) To pledge money in the emergency dispatch fund established pursuant to IC Chapter 36-8-16.7 for the purposes permitted by IC Chapter 36-8-16.7;
 - (5) To exercise the authority formerly exercised by the chief of the Indianapolis Fire Department to enter into contracts with town or township firefighting companies or associations related to central dispatching programs in accordance with applicable law;
 - (6) To approve interlocal cooperation agreements with other political subdivisions for the financing, purchase, acquisition, lease, equipping, upgrade and installation of the emergency dispatch system and public safety answering point for public safety agencies of political subdivisions that are not subject to budget review by the city-county council;
 - (7) To exercise such other powers and perform such other duties as are consistent with IC Article 36-8 with respect to the implementation, financing, operation and maintenance of an emergency dispatch system and public safety answering point, except as such powers and duties may be delegated by statute to other officers or agencies; and
 - (8) To ensure that the PSAP meets national accreditation standards

- (f) With respect to the public safety communications system, and computer facilities, the board shall serve as the governing body of the Indianapolis-Marion County public safety communications system and computer facilities district pursuant to IC 36-8-15-9, including the following powers and duties:
- (1) To finance, purchase, acquire, lease, erect, install, construct, equip, upgrade, operate, and maintain public safety communications and computer facilities for the public safety agencies that are subject to budget review by the city-county council, in accordance with the procedures set forth in IC Chapter 36-8-15.
 - (2) To sue, be sued, plead, and be impleaded.
 - (3) To condemn, appropriate, lease, rent, purchase, and hold any real or personal property needed or considered useful in connection with facilities for the district's purposes, in accordance with the procedures set forth in IC Chapter 36-8-15.
 - (4) To acquire real or personal property by gift, devise, or bequest, and hold, use, or dispose of that property for purposes authorized by IC Chapter 36-8-15.
 - (5) To design, order, contract for, construct, and equip any facilities for the district's purposes, in accordance with the procedures set forth in IC Chapter 36-8-15.
 - (6) To employ architects, engineers, attorneys, auditors, clerks, construction managers, and other employees necessary for the financing, erection, and equipping of facilities for the district's purposes.
 - (7) In accordance with IC 36-8-15-15 and subject to the limitations imposed by IC 36-8-15-16 and all other limitations and conditions under state law, to issue bonds in the name of the consolidated city. However, no bond to finance the purchase or lease of public safety communications system or computer facilities equipment shall be valid unless the city-county council has first approved such bond.
 - (8) To make and enter into all contracts and agreements necessary or incidental to accomplishing the purposes of the district, in accordance with the procedures set forth in IC Chapter 36-8-15.
 - (9) To review and approve requests by a public safety or public service agency of a political subdivision located within Marion County for access to the public safety communications system, including provision of equipment, services, or supplies. Any such requesting agency shall be entitled to receive such equipment, services, or supplies at a cost to the requesting agency no greater than the cost charged to provide said equipment, services, or supplies to a public safety agency that is subject to budget review by the city-county council. However, the board shall be entitled to determine, based on the input of the requesting agency and the recommendation of the public safety communications division, the appropriate quantity of such equipment, services, or supplies to be provided on this cost-parity basis, based on the reasonable needs of the requesting agency. Provision of equipment, services, or supplies to any such requesting agency in any quantity above that determined by the board will be subject to the rate set by the commission.
 - (10) To approve interlocal cooperation agreements with other political subdivisions for the financing, purchase, acquisition, lease, construction, equipping, erection, upgrade and installation of public safety communications and computer facilities for public safety and public service agencies of political subdivisions that are not subject to budget review by the city-county council.
 - (11) To coordinate all activities necessary to ensure compatibility of all public safety communications and computer systems within the public safety communications and computer facilities district established under IC 36-8-15-7.
 - (12) To exercise such other powers and perform such other duties as are granted to the city and the county under IC Chapter 36-8-15 with respect to the implementation, financing, operation and maintenance of the public safety communications system and computer facilities; provided, however, no power or duty herein prescribed shall in any way be permitted to derogate the powers, duties or responsibilities of any elected officials.

Sec. 287-104. - Marion County Emergency Management Advisory Commission established; appointments and members

(a) The Marion County emergency management advisory commission (for purposes of this Chapter, the "commission") hereby is established pursuant to IC 10-14-3-17 and shall serve as the county emergency management advisory council for Marion County pursuant to the statute. The commission shall also perform the functions formerly performed by the emergency communications advisory commission.

- (b) The commission shall consist of the following members:
- (1) The mayor or the mayor's designee;
 - (2) The president of the city-county council or his or her designee;
 - (3) The chief of the Indianapolis Metropolitan Police Department or his or her designee;
 - (4) The chief of the Indianapolis Fire Department or his or her designee;

- (5) The mayors of Lawrence, Beech Grove, and Southport or their designees, and the president of the town council of Speedway or his or her designee;
- (6) A member of a township fire department, who shall be elected by majority vote at a meeting of elected township trustees; and
- (7) A member of an excluded city law enforcement agency and a member of an excluded city fire department agency, who shall be appointed by majority vote at a meeting of the mayors of Lawrence, Beech Grove and Southport and the president of the town council of the Town of Speedway;
- (8) A member of a school corporation or institution of higher education public safety's law enforcement or emergency management system appointed by the city-county council president;
- (9) A member designated by the commander of Indiana Group V of the Indiana Wing Civil Air Patrol;
- (10) A member of a legislative body of an excluded city or included town, designated by the president of the city-county council in consultation with the legislative bodies of the excluded cities and included towns;
- (11) The sheriff or his or her designee;
- (12) The chief of Indianapolis Emergency Medical Services (IEMS), or his or her designee;
- (13) The director of the Marion County Public Health Department, or his or her designee; and
- (14) The chief of the emergency services agency, or his or her designee.

(c) All commission members shall serve one-year terms and may be appointed for successive terms. A member shall serve until his or her successor is appointed and qualified.

(d) The chief of the emergency services agency or the chief's designee shall serve as the chairperson of the commission.

(e) The commission shall meet at least six (6) times each calendar year or at such times as necessary and upon the call of the chairperson. The commission is a public agency as that term is defined by IC 5-14-1.5-2, and its meetings shall be open, subject to the provisions of IC 5-14-1.5. Six (6) members of the commission constitutes a quorum for a meeting. The affirmative vote of a majority of members present shall be required for the commission to pass any resolution or take any other official action.

Sec. 287-105. - Duties and powers of the commission.

(a) The commission shall exercise general supervision and control over the emergency management division of the emergency services agency, and shall provide input to the director of the public safety communications division regarding the public safety communications system and to the director of the emergency dispatch division regarding the 911 emergency dispatch system.

(b) The commission shall confirm the chief's appointment of the director of the emergency management division.

(c) The commission shall hear all rate cases for services provided by the division of public safety communications to be established for customers and forward recommendations to the city-county council for final approval.

(d) The fee per unit of equipment for those authorized by the commission and approved by the chief of the emergency services agency shall be approved in accordance with this chapter.

(e) The commission will hear all requests for access to the public safety communications systems, with the exception of those pertaining to public safety and public service agencies of political subdivisions within Marion County as defined in section 287-103(f)(9), and will make a recommendation for approval to the division director of public safety communications.

(f) The commission may recommend a lower use fee structure for equipment on the system for consideration in the sharing of another user's infrastructure, capital equipment and/or services to be rendered through an interlocal agreement to be executed by the chief of the emergency services agency.

Sec. 287-106. - Chief; Qualifications; Duties and powers.

(a) The chief shall have the following duties and powers:

- (a) (1) To oversee the daily operation of the agency.
- (b) (2) To oversee, supervise and coordinate the activities and operations of the divisions within the agency.

- (c) (3) To appoint directors of the agency's divisions. The chief's appointment of the director of the emergency management division shall be subject to confirmation by the commission. The chief shall supervise the directors, who serve at the pleasure of the chief.
 - (d) (4) To negotiate and execute contracts on behalf of the agency, subject to the approval authority of the board where applicable.
 - (e) (5) To initiate, prepare, submit and administer the agency's budget in accordance with applicable law.
 - (f) (6) To appoint, receive, suspend, discipline and transfer members of the agency pursuant to applicable rules, regulations and statutes.
 - (g) (7) To exercise any powers that may be granted by law, by the mayor, or by the city-county council.
- (b) To be eligible for appointment by the mayor and confirmation by the board as chief, a person must have at least one of the following minimum qualifications:
- (1) At least fifteen (15) years of service, including command or supervisory experience, with a federal, state, or municipal (with a population at least 100,000) law enforcement agency, emergency medical services agency, or fire department; or
 - (2) A four-year degree from an accredited institution of higher learning in public administration, emergency management, homeland security, or a related academic field.

DIVISION 2. - EMERGENCY MANAGEMENT DIVISION

Sec. 287-201. - Emergency Management; Purpose.

Because of the substantial natural, technological, human-caused and national security hazards faced by the city and because of the need to establish a continuing program for preventing, preparing for, responding to and recovering from emergencies in an orderly way, this article sets forth a mechanism for emergency management planning. It is intended to supplement the Emergency Management and Disaster Law (IC 10-14-3-1 et seq.).

Sec. 287-202. - Definitions.

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

Coordination means the establishment of effective communications linkages and other actions, both of a routine and emergency nature, necessary for the orderly development of the county emergency management plan and for the response to and the recovery from emergencies.

Emergency means occurrence or imminent threat of loss of life, illness or injury, damage to public property, private property or the environment resulting from any technological, human-caused, natural or national security hazard including, but not limited to, floods, earthquakes, severe wind, fires, storms, tornadoes, mass transportation accidents, releases of hazardous materials and substances, oil spills, explosions, droughts, riots, structural failure, public extortion, hostage taking, strikes by essential workers, attack, military action, infestations, epidemic, fuel or resource shortages.

Emergency management means all measures associated with the prevention and mitigation of the effects of major emergencies, development of plans and preparedness for emergencies, response to the acute effects of emergencies, preparation for and management of major events, and recovery from emergencies of all kinds.

Local disaster emergency means a major emergency that has resulted in a formal declaration of local state of emergency by the mayor.

Major emergency means an emergency or threat of emergency that causes loss of life, injury, illness or damage to public or private property or the environment to a degree greater than that which occurs on a regular basis in the county.

Human-caused hazards means threats attributable to intentional disruptive actions by humans, including such episodes as riots, public extortion or strikes by essential workers.

Mitigation means the prevention or the lessening of effects of emergencies when and where possible including the adoption of appropriate ordinances and regulations.

National security hazards means and includes threats attributable to acts or threat of acts by another government, including such episodes as accidental launch of a nuclear or conventional bomb, limited nuclear or conventional

warfare, general nuclear or conventional warfare, or any peacetime emergency that poses a serious threat to the national security.

Natural hazards mean threats attributable to forces of nature, including such episodes as floods, earthquakes, tornadoes or epidemics.

Preparedness means all of the measures taken preparatory to emergency response and recovery actions including, but not limited to, the preparation and distribution of emergency management plans, training programs for citizens and emergency forces workers, and emergency information, warning and communications systems.

Recovery means all actions necessary to restore life, limb, property and environment to a condition as nearly like that which prevailed prior to an emergency as possible.

Response means all of the actions necessary to effectively respond to acute need for protection of life, limb, public property, private property and the environment during an emergency.

Technological hazards mean serious threats attributable to inventions or products of humankind, including such episodes as structural failures, mass transportation accidents, releases of hazardous materials, fires in multiple occupancy buildings.

Sec. 287-203. - Created; duties and powers.

The emergency management division shall:

- (a) Coordinate and direct the development of a county emergency management plan, for approval by the chief and presentation to the emergency services agency board, that shall involve all sectors of government and the private sector, shall address all threats or emergencies from all hazards, including natural, technological, man-caused and national security hazards, and shall include mitigation, preparedness, response and recovery activities;
- (b) Prepare, disseminate and maintain in current status a county emergency management plan that addresses in detail the response to and recovery from major emergencies occurring in Marion County, and that, upon approval by the emergency services agency board and the mayor, shall be the sole emergency management plan for the county and shall be filed in the office of the Marion County Clerk; no police or private organizations shall develop emergency operating or disaster plans or procedures that are in conflict with the county emergency management plan except where specifically authorized by ordinance, statute or federal law or regulation;
- (c) Designate and manage an emergency operations center to which senior government officials and chief coordinators designated in the county emergency management plan may respond to formulate and disseminate decisions regarding the management of a major emergency; homeland security may also designate such auxiliary emergency operations centers as may be necessary;
- (d) Coordinate the development and execution of tests, drills and exercises of the county emergency management plan or any of its parts;
- (e) Be responsible for monitoring hazardous conditions of any kind in the county, making recommendations to the mayor and director of public health and safety concerning emergency measures and activating the county emergency management plan after the declaration of a local disaster emergency by the mayor and for coordinating response and recovery operations associated with a major emergency;
- (f) Serve as the county emergency management organization for Marion County for the purposes of IC Chapter 10-14-3 and fulfill all duties and responsibilities placed on the county emergency management organization by statute; and
- (g) Be authorized to seek and apply for grants, contracts and other sources of funding necessary or in support of its duties from the federal government, state government and nongovernmental public and private sources.
- (h) Ensure compliance with the restrictions on political activities and affiliations set forth in IC 10-14-3-26 and IC 10-14-3-27, to the extent applicable to the division and its personnel.

Nothing in this Chapter shall be construed to affect the emergency powers granted to the Mayor under Section 201-5 of the Code and under applicable state law.

Sec. 287-204. - Director; Qualifications; Duties and powers.

(a) A director shall oversee and manage the operations and functions of the division of emergency management. The chief of the emergency services agency shall appoint the director, for confirmation by the commission. Prior to submitting a director appointment to the commission for confirmation, the chief shall obtain the approval of the mayor. Once appointed and confirmed, the director shall serve at the pleasure of the chief.

(b) To be eligible for appointment by the chief and confirmation by the commission as director, a person must possess at least one of the following minimum qualifications:

- (1) At least ten (10) years of service, including command or supervisory experience, with a federal, state, or municipal (with a population at least 100,000) law enforcement agency, emergency medical services agency, or fire department; or
- (2) A four-year degree from an accredited institution of higher learning in public administration, emergency management, homeland security, or a related academic field.

(c) The division director shall manage the division, its personnel, activities and operations to fulfill its duties required by law, and shall ensure that the division fulfills the duties and powers granted to it under Section 287-203 above.

(d) The division director shall fulfill all other duties and responsibilities placed on the Marion County emergency management and disaster director by IC 10-14-3-17.

Sec. 287-205. - Emergency communications and warning.

(a) The emergency management division shall coordinate the development of an emergency communications and warning system that will allow for the dissemination of warning to potential responders and the general public, to effectuate the notification of appropriate response agencies and individuals and to distribute and receive information to and from potential emergency responders and the general public regarding an emergency condition.

(b) The emergency management division shall develop and maintain an integrated system for warning the public, which may include the deployment of public warning sirens, the development of voice radio systems, coordination of the mobilization of cable television systems, coordination of the county's participation in the emergency broadcast system, and any other appropriate systems that may become available.

(c) The emergency management division's exercise of responsibilities with respect to emergency communications is conditioned on the execution of an interlocal agreement with the Sheriff to the extent that it implicates "emergency communications" functions reserved to the Sheriff under IC 36-3-1-5.1.

DIVISION 3. - PUBLIC SAFETY COMMUNICATIONS DIVISION

Sec. 287-301. - Purpose and authority.

(a) With respect to public safety communications, pursuant to IC 36-8-15-7, a public safety communications systems and computer facilities district is created in the county as a special taxing district of the consolidated city. The territory of the district includes the entire county. The purpose of the district is as stated in IC 36-8-15-8.

(b) As used in this chapter, public safety communications system has the same definition as in IC 36-8-15-3, and computer facilities means computer hardware and computer software, and all related equipment, apparatus, devices and instrumentalities necessary for the proper operation of the public safety communications system within the public safety communications and computer facilities district established under IC 36-8-15-7.

(c) The division of public safety communications shall be responsible for operating public safety communications system and computer facilities, as defined by IC 36-8-15, for all participating public safety and public service agencies of political subdivisions in the district.

Sec. 287-302. - Director of public safety communications division; duties.

(a) The chief of the emergency services agency shall appoint a division director, who shall possess qualifications necessary to perform the duties required. The director shall serve at the pleasure of the chief.

(b) The division director shall manage the division, its personnel, activities and operations to fulfill its duties required by law; receive and review with comment and recommendation all reports, requests and documents on public safety communications operations in the county; and coordinate with participating governments and agencies all activities necessary to ensure compatibility of the public safety communications systems and computer facilities.

(c) With respect to public safety communications, the division director shall be responsible for financing, purchasing, contracting for, acquiring, leasing, constructing, equipping, erecting, upgrading, and installing a public safety communications system and computer facilities for the district established under IC 36-8-15-7, including all participating public safety and public service agencies of political subdivisions within Marion County, subject to the powers of the emergency services agency board as outlined in this chapter.

DIVISION 4. - EMERGENCY DISPATCH DIVISION

Sec. 287-401. - Purpose and Authority.

(a) The emergency dispatch division shall administer and operate the county's "911" emergency dispatch system, fulfilling the functions of a public safety answering point (PSAP) as defined by Indiana Code Chapter 36-8-16.7 and 36-3-1-5.1.

(b) The division shall assume the responsibilities formerly discharged by the Sheriff and the Indianapolis Fire Department with respect to emergency dispatch. The emergency services agency shall enter into agreements with the Sheriff and the Indianapolis Fire Department to effectuate the transition of employment to the division for personnel currently employed in the emergency dispatch system.

(c) The emergency dispatch division's exercise of these duties and responsibilities formerly exercised by the Sheriff is conditioned on the execution of an interlocal agreement with the Sheriff to the extent that it implicates the "emergency communications" functions reserved to the Sheriff under IC 36-3-1-5.1.

Sec. 287-402. - Director of emergency dispatch division; duties.

(a) The chief of the emergency services agency shall appoint a division director, who shall possess qualifications necessary to perform the duties required. The director shall serve at the pleasure of the chief.

(b) The division director shall manage the division, its personnel, activities and operations to fulfill its duties required by law; receive and review with comment and recommendation all reports, requests and documents on 911 emergency dispatch operations in the county; and coordinate with participating governments and agencies all activities necessary ensure the efficient functioning of the emergency dispatch system.

(c) With respect to 911 emergency dispatch, the division director shall be responsible, subject to the approval authority of the emergency services agency board as provided in this chapter, for all purchasing, financing, contracting for, acquiring, leasing, constructing, equipping, upgrading, and maintenance activities necessary for the operation of the system. Funds from the statewide 911 fund shall, as directed by the emergency services agency board, be employed for this purpose.

(d) The director shall have the authority to negotiate and enter into contracts with a service supplier for the provision of services related to 911 emergency dispatch.

(e) The director shall oversee the administration and direction of all agreements and operation of the applications and equipment associated with the Criminal Justice Information Services (CJIS) of the Federal Bureau of Investigation and the Indiana Data and Communications System (IDACS) of the Indiana State Police.

SECTION 7. A new Article IV, concerning Indianapolis Emergency Medical Services, is added to Chapter 252 of the "Revised Code of the Consolidated City and County," to contain the text that appears as follows:

ARTICLE IV. – INDIANAPOLIS EMERGENCY MEDICAL SERVICES

Sec. 252-401. - Definition; purpose.

(a) As used in this article, IEMS means the Indianapolis Emergency Medical Services Division.

(b) Subject to an interlocal agreement, IEMS shall be responsible for providing transport emergency medical services pursuant to IC 36-3-1-6.2 throughout the fire special service district as defined in section 111-3 of this Code, and in those areas in which the Indianapolis fire department has contracted to provide transport emergency medical services.

Sec. 252-402. - Chief; qualifications and appointment.

(a) IEMS shall be administered by a chief who is approved by both the Health and Hospital Corporation of Marion County and the mayor.

(b) The IEMS chief will be appointed for a term of four (4) years, renewable without limitation. The IEMS chief may be removed, with or without cause, upon the agreement of the Health and Hospital Corporation of Marion County and the mayor.

Sec. 252-403. - Chief; responsibilities generally.

The Health and Hospital Corporation of Marion County acting through the IEMS Chief shall have full administrative responsibility for IEMS including operations, patient care, quality and performance improvement, continuing education, personnel and budget recommendations to the IEMS steering committee.

Sec. 252-404. Steering committee.

- (a) The IEMS steering committee is established and shall be comprised of four (4) members as follows:
 - (1) Two (2) members shall be selected by the mayor, in consultation with the chief of the Indianapolis Fire Department; and
 - (2) Two (2) members shall be selected by the chief executive of the Health and Hospital Corporation of Marion County.
- (b) Steering committee members shall serve at the pleasure of the appointing authority, and without compensation. The steering committee annually shall select one of its members to act as chairperson, and shall meet upon the call of the chairperson as frequently as needed.
- (c) The steering committee will provide oversight and direction to IEMS. The steering committee's powers and responsibilities shall be delineated in an interlocal agreement between the City and the Health and Hospital Corporation.

Sec. 252-405. Automated external defibrillators.

- (a) *Definitions.* For purposes of this section, the following terms shall have the following meanings:

Automated external defibrillator (or "AED") means a medical device, approved by the United States food and drug administration, that:

- (1) Is capable of recognizing the presence or absence in a patient of ventricular fibrillation and rapid ventricular tachycardia;
- (2) Is capable of determining, without intervention by an individual, whether defibrillation should be performed on a patient;
- (3) Upon determining that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to a patient's heart; and
- (4) Upon action by an individual, delivers an appropriate electrical impulse to a patient's heart to perform defibrillation.

Owner or operator means the owner, manager, operator, or other person or persons having control of a public place.

Public place means the publicly accessible areas of the following places to which the public is invited or permitted:

- (1) Public buildings maintained by any office, department or agency of the Consolidated City of Indianapolis and Marion County;
- (2) All parks under the jurisdiction of the department of parks and recreation that have facilities where an AED can be secured with access by staff; and
- (3) All sports and recreational facilities under the jurisdiction of the department of parks and recreation that have facilities where an AED can be secured with access by staff.

(b) An owner or operator of a public place shall do the following in order to meet this code's AED requirements for public places:

- (1) Ensure that an AED is located on the premises and is easily accessible to staff and emergency response teams;
- (2) Employ at least one individual who has satisfactorily completed a course consistent with the most current national guidelines for, and is currently certified in, cardiopulmonary resuscitation and AED use;
- (3) Post a sign at each public entrance that indicates the location of the AED;
- (4) Ensure compliance with the requirements of IC 16-31-6.5; and
- (5) Notify IEMS of the location of the AED.

(c) A person is immune from civil liability for acts or omissions involving the use or failure to use an AED located on the premises of a public place as provided under IC 34-30-12-1.

SECTION 8. Section 135-521 of the "Revised Code of the Consolidated City and County," regarding the Public Safety Communications General Fund, hereby is amended by the deletion of the language that is stricken and the addition of the language that is underscored, to read as follows:

Sec. 135-521. - Public Safety Communications ~~General~~ Fund.

(a) There is hereby created a special nonreverting fund to be designated as the "Public Safety Communications ~~General~~ Fund". With the exception of the revenues derived from the levy of taxes imposed under the authority of IC 36-8-15-19, the auditor shall deposit into such fund all moneys received by or credited to the ~~office of public health and safety~~ Metropolitan Emergency Services Agency, public safety communications division, in the performance of its functions and duties with respect to public safety communications, and other moneys duly appropriated during each year, as approved by the city-county council, and as provided by law.

(b) This fund shall be a continuing, nonreverting fund, with all balances remaining therein at the end of the year, and such balances shall not lapse into the county general fund or be diverted directly or indirectly in any manner other than set forth in subsection (c).

(c) Moneys in the Public Safety Communications ~~General~~ Fund may be used for expenses incurred in carrying out the functions and duties of the Metropolitan Emergency Services Agency, public safety communications division ~~office of public health and safety~~ in the performance of its functions and duties with respect to public safety communications.

(d) Amounts shall be paid from this fund only pursuant to appropriations authorized by the city-county council in the normal budgeting processes.

SECTION 9. Section 135-531 of the "Revised Code of the Consolidated City and County," regarding the Emergency Telephone System Fund, hereby is amended by the deletion of the language that is stricken and the addition of the language that is underscored, to read as follows:

Sec. 135-531. - 911 Emergency Telephone System Dispatch Funds.

(a) There is hereby created a special, nonreverting fund to be designated as the "911 Emergency Telephone System Dispatch Fund". The treasurer shall deposit into such fund all distributions received by or credited to the Metropolitan Sheriff's Department Emergency Services Agency, public safety communications division and/or emergency dispatch division from the statewide 911 fund pursuant to IC ~~36-8-16.5-18~~ Chapter 36-8-16.7.

(b) This fund shall be a continuing, nonreverting fund, with all balances remaining therein at the end of the year, and such balances shall not lapse into the county general fund or be diverted directly or indirectly in any manner other than that set forth in subsection (c).

(c) The county treasurer may invest money in this fund in the same manner that other money of the county may be invested, but all income earned from the investment must be deposited into this fund.

(d) Moneys in the 911 Emergency Dispatch Fund shall be used only for purposes ~~allowed by~~ consistent with IC ~~36-8-16.5-41~~ Article 36-8.

(e) Amounts shall be paid from this fund only pursuant to appropriations authorized by the city-county council.

SECTION 10. Section 281-614 of the "Revised Code of the Consolidated City and County," regarding the Sheriff's responsibilities with respect to the enhanced emergency telephone system and public safety answering point, is hereby deleted in its entirety.

SECTION 11. Sections 202-761 through 202-767 of the "Revised Code of the Consolidated City and County," regarding the office of public health and safety's division of community nutrition and food policy, hereby are amended by the deletion of the language that is stricken and the addition of the language that is underscored, to read as follows:

DIVISION 6. DIVISION OF COMMUNITY NUTRITION AND FOOD POLICY

Sec. 202-761. Purpose.

The division of community nutrition and food policy shall be responsible for addressing racial inequity in the food system, creating an inclusive mechanism to launch and coordinate food policies and programs, reducing food insecurity in Indianapolis, and improving equitable access to healthy food in Indianapolis, with a focus on supporting the local food economy and food infrastructure of ~~food desert and~~ low access areas.

Sec. 202-762. Administrator; duties.

- (a) The director of the office of public health and safety shall appoint an administrator for the division of community nutrition and food policy.
- (b) The administrator shall manage the division, shall serve as the principal advisor to the mayor's office on matters related to food insecurity, food access, food procurement and food equity, and shall coordinate city-county government and government facility policies, programs and initiatives on matters related to food insecurity, food access, food procurement and food equity.

Sec. 202-763. Indianapolis Community Food Access Coalition.

- (a) The Indianapolis Community Food Access Coalition ("coalition") is hereby recognized as an independent, community-driven body comprised of diverse residents, constituents, business owners, farmers, educators, community organizations and other stakeholders who share a common goal of improving the Indianapolis food system, whose purpose is to promote policies relating to food equity and healthy food access across all levels of city and county government; to provide independent, community-based advice to policy makers, local organizations, and funders regarding major food initiatives and community investments; to conduct regular assessments and analyses of the Indianapolis food system and communicate findings; and to serve as a forum to empower stakeholders and community members.
- (b) The administrator of the division of community nutrition and food policy shall serve as the chief liaison between the coalition and the city-county government. The administrator may act as a member of the coalition or of its executive committee but shall receive no compensation for such roles.
- (c) The coalition shall be independent of the City of Indianapolis, with its own by-laws, charter, and other organizing documents, and shall raise, receive, and spend funds independently of, and without direct control by, the city and the office of public health and safety.
- (d) The coalition shall recommend to the mayor four (4) individuals for appointment ~~appoint three members of its executive committee~~ to sit on the Indianapolis Community Food Access Advisory Commission, as provided in section 202-765(a)(6) below.
- (e) The city-county council shall allocate funding annually, to be appropriated to the office of public health and safety, division of community nutrition and food policy, for the support of the food equity mission and activities of the coalition. The division of community nutrition and food policy shall coordinate with the coalition as appropriate in initiatives related to healthy food access and food equity.

Sec. 202-764. Indianapolis Community Food Access Advisory Commission.

The Indianapolis Community Food Access Advisory Commission ("commission") is hereby established. The commission shall ~~to~~ evaluate and advance citywide food policy and food access initiatives and provide advice to the city-county council on matters related to food equity and healthy food access.

The commission shall use an inclusive and transparent process to promote policies relating to food equity and healthy food access across all levels of city and county government; shall provide independent, community-based advice to policy-makers, local organizations, and funders regarding major food initiatives and community investments; shall conduct regular assessments and analyses of the Indianapolis food system and communicate findings; and shall serve as a forum to empower stakeholders and community members.

Sec. 202-765. Commission membership.

- (a) The commission shall be composed of thirteen (13) voting members who are chosen as follows:
 - (1) The administrator of the division of community nutrition and food policy as a permanent member, who will serve as a co-chair;
 - ~~(2) A member of the coalition executive committee, appointed by the mayor based on the recommendation of the coalition, who will serve as a co-chair;~~
 - ~~(23)~~ A business owner or employee of an organization that promotes economic development in the city, to be appointed by the mayor;
 - ~~(34)~~ A member with professional experience in transit, housing or public safety, to be appointed by the mayor;
 - ~~(45)~~ Three (3) members with professional experience serving Marion County community organizations involved in food equity, food access, or food insecurity issues, consisting of one (1) public health administrator to be appointed by the Marion County Public Health Department and two (2) members to be appointed by the city-county council;
 - ~~(56)~~ Three (3) Marion County residents who are farmers or food entrepreneurs, consisting of one member designated by Purdue Extension – Marion County and two (2) members to be appointed by the city-county council, of whom at least one member will be age 25 or younger including at least one individual under the age of 25, to be appointed by the city-county council; and
 - ~~(67)~~ Four (4) Three (3) members of the community to be appointed by the mayor based on the recommendation of the coalition, one of whom will be selected by the commission to serve as the other co-chair.
- (b) All non-permanent members shall serve at the pleasure of the appointing authority and serve three-year terms. Members may be appointed for up to two (2) successive terms, with the possibility for reappointment after at least one intervening term of non-service. A member ~~and~~ shall serve until his or her successor is appointed or qualified.
- (c) In the event of a vacancy prior to the expiration of a term, the appointing authority shall appoint a member for the remainder of the unexpired term.

Sec. 202-766. Commission officers, quorum, meetings.

- (a) The administrator of community nutrition and food policy and the ~~community appointee coalition executive committee~~ appointee selected by the commission for the role shall serve as the co-chairs of the commission. A recording secretary who shall keep the official minutes of the meetings, reserve meeting room space, handle all communications, including but not limited to meeting notices, will be supplied by the office of public health and safety.
- (b) Seven (7) ~~Six (6)~~ members of the commission shall constitute a quorum.
- (c) The commission shall meet at least quarterly, and as often as necessary to carry out its duties.

Sec. 202-767. Duties of the commission.

The commission shall have the following duties:

- (a) Identify community needs and goals related to healthy food access, food equity, and the food economy with priority given to low income and food desert areas.
- (b) Establish opportunities to connect retail and for-profit food operations with funding resources to include community development grants, healthy food financing and other economic development opportunities.

- (c) Receive information from city-county agencies on the food equity impact of each agency's work, and make recommendations to the city-county council concerning more effective coordination of city-county food-related functions by the division of community nutrition and food policy.
- (d) Regularly collect data to assess existing food policies and recommend new policies that address food access and food inequity issues in the city.
- (e) No later than July 1 of each year, offer recommendations to the office of public health and safety and the city-county council concerning the budget priorities of the division of community nutrition and food policy for the coming year.
- (f) Provide oversight and guidance to the Indianapolis Community Food Access Coalition.
- (g) Set rules for its governance and establish its procedures for conducting public meetings as permitted or required by law.
- (h) Submit an annual report of its activities and recommendations to the city-county council.

The commission shall carry out its duties in this subsection in accordance with the purposes set forth in section 202-7561.

SECTION 12. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4- 14.

ANNOUNCEMENTS AND ADJOURNMENT

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

Councillor Mowery stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor Jones in memory of Dixie McRoy; and
- (2) Councillor Adamson in memory of Frankie Casel and Trent Garrett; and
- (3) Councillor Larrison in memory of Gregory A. Clayton; and
- (4) Councillor Carlino in memory of Bob Jenkins; and
- (5) Councillors Carlino and McCormick in memory of Benjamin Melvin; and
- (6) Councillor Osili in memory of Joseph Trotter, Marshall Johnson, Jerry Harkness and Lula Gillispie.

Councillor Mowery moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Dixie McRoy, Frankie Casel, Trent Garrett, Gregory A. Clayton, Bob Jenkins, Benjamin Melvin, Joseph Trotter, Marshall Johnson, Jerry Harkness and Lula Gillispie. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:10 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 13th day of September, 2021.

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


President

ATTEST:



(SEAL)