

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA
MONDAY, JULY 12, 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 7:11 p.m. on Monday, July 12, 2021 with Councillor Osili presiding.

Councillor Brown introduced Bishop Jennifer Baskerville-Burrows, Episcopal Diocese of Indianapolis, who led the opening prayer. Councillor Brown then invited all present to join her in the Pledge of Allegiance to the Flag.

ROLL CALL

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

25 PRESENT: Adamson, Annee, 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 ABSENT:

A quorum of twenty-five 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, July 12, 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

June 17, 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, June 25, 2021 a copy of a Notice of Public Hearing on Proposal Nos. 179 and 182-184, 2021, said hearing to be held on Monday, July 12, 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

June 14, 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 ordinances:

FISCAL ORDINANCE NO. 10, 2021 – approves an additional appropriation of \$3,621,300 in the 2021 City Non-Departmental Budget (American Rescue Plan Fund) to fund response efforts addressing the COVID-19 pandemic, including programs to combat the secondary economic effects of the pandemic faced by residents, businesses and non-profits

FISCAL ORDINANCE NO. 11, 2021 – approves an additional appropriation of \$2,128,000 in the 2021 Budget of the Department of Parks and Recreation (Parks General Fund) to finance the final maturity payment of the existing 2014 Note related to capital improvements of the Eagle Creek Golf Course

FISCAL ORDINANCE NO. 12, 2021 – approves an additional appropriation of \$50,000 in the 2021 Budget of the Marion County Coroner (Federal Grants Fund) for the purposes of additional grant awards for violent death reporting and sudden unexpected infant death investigations

FISCAL ORDINANCE NO. 13, 2021 – approves transfers and additional appropriations totalling \$48,898,000 in the 2021 Budget of the Department of Public Works (Transportation General, Stormwater General, City Cumulative, Parking Meter, and Solid Waste Collection General Funds) to finance design, construction and inspection of capital infrastructure projects, along with any unanticipated contractual costs

GENERAL ORDINANCE NO. 17, 2021 – authorizes the director of the Department of Metropolitan Development and the Controller to enter into payment in lieu of taxes (PILOT) agreements with property owners who have received tax exemptions under IC 6-1.1-10-16

GENERAL ORDINANCE NO. 18, 2021 – authorizes intersection controls at 11th Street and Medford and Sharon Avenue (District 11)

GENERAL ORDINANCE NO. 19, 2021 – authorizes intersection controls at 54th Street and Kenwood Avenue (Districts 2, 7)

SPECIAL ORDINANCE NO. 4, 2021 – ratifies public health orders related to the COVID-19 pandemic (**Already signed by Mayor on 6/7/21*)

SPECIAL ORDINANCE NO. 5, 2021 - authorizes the City of Indianapolis to issue up to \$3,670,000 City of Indianapolis, Indiana Economic Development Revenue Refunding Bonds, Series 2021 (Braeburn Village Apartments) in one or more series (the "Bonds") and approves and authorizes other actions in respect thereto to provide funds for refunding of the City's previously issued Multifamily Housing Revenue Bonds, Series 2001B (Braeburn Village Apartments), proceeds of which were used to finance the prior renovation of Braeburn Village Apartments located at 8200 East 21st Street in Council District 19

SPECIAL RESOLUTION NO. 25, 2021 – expresses support for the Protecting the Right to Organize (PRO) Act

SPECIAL RESOLUTION NO. 26, 2021 – recognizes the 52nd Anniversary of the Stonewall Riots and the June Celebration of Pride Month

s/Joseph H. Hogsett, Mayor

July 12, 2021

June 23, 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 ordinances:

GENERAL RESOLUTION NO. 4, 2021 – exercises the City's authority to opt out of state-conducted settlement of pending opioid litigation

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.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journals of June 7, 2021. There being no additions or corrections, the minutes were approved as distributed.

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

PROPOSAL NO. 227, 2021. The proposal, sponsored by Councillors Hart, Mowery, Annee, Bain, Dilk, Boots, Jones, Adamson, Jackson, Brown, E. Evans, and McCormick, recognizes the academic achievement of the best and brightest scholars in the Marion County high schools, the valedictorians. Councillor Hart read the proposal and recognized all county valedictorians. Councillor Hart moved, seconded by Councillor Jackson, for adoption. Proposal No. 227, 2021 was adopted by a unanimous voice vote.

Proposal No. 227, 2021 was retitled SPECIAL RESOLUTION NO. 27, 2021, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 27, 2021

A SPECIAL RESOLUTION recognizing the academic achievement of the best and brightest scholars in the Marion County high schools, the valedictorians.

WHEREAS, Marion County is home to twenty-two (22) private and forty-three (43) public high schools; and

WHEREAS, these schools account for over 50,000 students in Marion County alone; and

WHEREAS, Marion County has the highest Student-Teacher ratio of any county in the state at nearly twenty-four (24) students per teacher; and

WHEREAS, the day is for the County to recognize the achievement of this diverse group of sixty-five students to honor their hard work, determination, and perseverance; now, therefore:

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

SECTION 1. The Indianapolis City-County Council proudly recognizes our city's highest scholastic achievers.

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

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

PROPOSAL NO. 228, 2021. The proposal, sponsored by Councillors Boots, Barth, Brown, Graves, Larrison, E. Evans, J. Evans, Adamson and Carlino, supports federal background checks for all gun sales law. Several Councillors read the proposal and presented copies of the document and Council pins to representatives. State Representative Carey Hamilton ; Rebecca McCracken, Moms Demand Action; and Steve and Cheryl Shockley, victims of gun violence; thanked the Council for this legislation. Councillor Boots moved, seconded by Councillor Adamson, for adoption. Proposal No. 228, 2021 was adopted by a voice vote.

Proposal No. 228, 2021 was retitled SPECIAL RESOLUTION NO. 28, 2021, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 28, 2021

A SPECIAL RESOLUTION in Support of Federal Background Checks for All Gun Sales Law.

WHEREAS, federal law only requires a background check when a gun seller is a licensed gun dealer, leaving all other sales – such as unlicensed gun sales negotiated over the internet -- unregulated and unchecked; and

WHEREAS, a 2015 survey found that nearly a quarter of Americans (22 percent) who acquired a firearm within the past two (2) years did so without a background check; and

WHEREAS, our federal background check law was written 25 years ago, well before the establishment of online gun marketplaces; and

WHEREAS, a recent investigation found that on a single website, there were nearly 1.2 million ads for firearm sales that did not require a background check; and

WHEREAS, a recent investigation found that 1 in 9 persons looking online to buy a gun from an unlicensed seller would fail a background check; and

WHEREAS, a recent investigation of online unlicensed gun sellers found that state background check laws have a profound public safety impact, with only 6 percent of sellers contacted by investigators indicating they would require a background check, while 84 percent of sellers from states with background check laws expressly stated they would follow the background checks law; and

WHEREAS, the National Instant Criminal Background Check System is an effective tool to keep guns away from prohibited purchasers, including felons, domestic abusers and people involuntarily committed, and over 3.5 million sales have been blocked to violent criminals and other prohibited people since the system began in 1994; and

WHEREAS, despite this success, the system is undermined by loopholes that enable guns to be sold without a background check; and

WHEREAS, repeated polls show overwhelming support for requiring background checks on all gun sales, with 94% of American voters indicating support, including 92% of Republicans and 90% of gun owners; and

WHEREAS, the U.S House of Representatives has passed H.R. 8, an important, bipartisan public safety bill that would require a background check for every gun sale, by a vote of 240-190, and

WHEREAS, in 2019, House Bill 1291 was introduced in the Indiana General Assembly by Rep. Carey Hamilton that provided background checks for the sales of firearms in Indiana; however, that proposal was never heard in committee in the General Assembly; now, therefore:

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

July 12, 2021

SECTION 1. That the City County Council urges the United States Senate to pass, and President Biden to sign, critical public safety legislation to require a background check on all gun sales.

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

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

PROPOSAL NO. 229, 2021. The proposal, sponsored by Councillors Larrison, Annee, Barth, Boots, Brown, McCormick, Potts, and Carlino, recognizes IndyStar's 2021 Pulitzer Prize award in National Reporting for their year-long investigation into police dog bites. Several Councillors read the proposal and presented copies of the document and Council pins to representatives. IndyStar Reporter Ryan Martin thanked the Council for the recognition. Councillor Larrison moved, seconded by Councillor Potts, for adoption. Proposal No. 229, 2021 was adopted by a unanimous voice vote.

Proposal No. 229, 2021 was retitled SPECIAL RESOLUTION NO. 29, 2021, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 29, 2021

A SPECIAL RESOLUTION recognizing IndyStar’s 2021 Pulitzer Prize award in National Reporting for their year-long investigation into police dog bites.

WHEREAS, the Pulitzer Prize was established in 1917 through provisions in the will of Joseph Pulitzer, a renowned newspaper publisher, to recognize achievements in newspaper, magazine, and online journalism; literature; and musical composition within the United States. The award is administered annually by Columbia University and consists of cash prizes in 21 categories, with one category receiving a gold medal; and

WHEREAS, on Friday, June 11, 2021, the 105th class of Pulitzer Prize winners were announced. The staffs of IndyStar (Indianapolis), The Marshall Project, AL.com (Birmingham), and the Invisible Institute (Chicago) were awarded the prestigious honor in the category of National Reporting for their collaborative 2020 year-long investigation into K-9 units and the damage that police dogs inflict on Americans, including innocent citizens and police officers, entitled: “Mauled: When Police Dogs are Weapons;” and

WHEREAS, the reporting, led by IndyStar’s reporter Ryan Martin, photojournalist Mykal McEldowney, graphics reporter Stephen Beard, and news director Alvie Lindsay; has also been recognized by the White House Correspondents’ Association and received the Katharine Graham Award for Courage and Accountability; and

WHEREAS, the series of articles has prompted numerous statewide reforms, including changes in the Indianapolis Metropolitan Police Department’s policy regarding K-9 units. Katrice Hardy, IndyStar executive editor and Midwest Regional Editor for USA Today Network, exclaimed “As honored as we are about this esteemed recognition, it doesn’t come close to the fact that now others in our community might not be hurt or mauled by a K-9 innocently or wrongly because of IndyStar’s investigation;” and

WHEREAS, this is IndyStar's third Pulitzer Prize, with their first Pulitzer in 1975 for a series on corruption in the Indianapolis Police Department, and a subsequent win in 1991 for an investigation on medical malpractice; now, therefore:

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

SECTION 1. The Indianapolis City-County Council proudly recognizes IndyStar on winning the 2021 Pulitzer Prize award in National Reporting for their investigative series: “Mauled: When Police Dogs are Weapons.

SECTION 2. The Council further congratulates those staff members directly involved in the investigation and reporting, which has led to statewide K-9 reforms, insuring increased public safety for citizens and police officers alike.

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

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

PROPOSAL NO. 230, 2021. The proposal, sponsored by All Councillors, recognizing former Marion County Prosecutor Terry Curry. Councillor Adamson read the proposal and presented copies of the document and Council pins to family members, who thanked the Council for the recognition. Councillor Adamson moved, seconded by Councillor Lewis, for adoption. Proposal No. 230, 2021 was adopted by a unanimous voice vote.

Proposal No. 230, 2021 was retitled SPECIAL RESOLUTION NO. 30, 2021, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 30, 2021

A SPECIAL RESOLUTION recognizing former Marion County Prosecutor Terry Curry.

WHEREAS, Prosecutor Curry graduated from Butler University in 1971 and Indiana University's law school in 1978 after two years of service in the U.S. Army; and

WHEREAS, Curry, whose career spanned over 30 years, began his career with Marion County in 2004 as Deputy Prosecutor under then-prosecutor Stephen Goldsmith, where he was primarily responsible for the prosecution of white-collar crime and political corruption matters. He assisted on cases outside of his area of primary responsibility, and as a deputy prosecutor, prosecuted hundreds of cases, including murder, robbery, burglary, forgery, theft, and drug offenses; and

WHEREAS, Curry was elected Marion County Prosecutor in 2010, re-elected in 2014 and 2018, and is believed to be the only three-term Democrat prosecutor in Marion County; and

WHEREAS, during his tenure as prosecutor, Curry was committed to rebuilding the integrity and trust of the prosecutor's office. He took steps to establish a culture of bi-partisan professionalism and integrity that endeared him to the staff and to the public; and

WHEREAS, as Marion County Prosecutor, Curry established a significant policy legacy, not only in criminal justice reform, but also as an outspoken and respected advocate for marriage equality, Indiana's Second Chance law, a comprehensive state hate crimes law, and responsible gun ownership laws; and

WHEREAS, Terry Curry passed from this life on Tuesday, June 29, 2021; and

WHEREAS, the death of Terry Curry does not diminish the profound body of work that he leaves as an example, nor our admiration of and affection for him as a dedicated public servant; and

WHEREAS, the family and acquaintances of Terry are deeply saddened at his departure, as are all who were touched by his courageous spirit and kindnesses; and

WHEREAS, Terry's legacy of faith and service will continue to inspire his loved ones and all who knew him; now, therefore:

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

SECTION 1. The Indianapolis City County Council recognizes the service and accomplishments of Terry Curry, former Marion County Prosecutor.

SECTION 2. The Council offers the family of Terry Curry our heartfelt thoughts and prayers and our sincerest condolences.

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

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

July 12, 2021

Councillor Adamson reported that the Public Works Committee heard Proposal Nos. 212-214, 2021 on June 10, 2021. He asked for consent to vote on Proposal Nos. 212 and 213, 2021 together. Consent was given.

PROPOSAL NO. 212, 2021. The proposal, sponsored by Councillor Adamson, appoints Dan Haake to the Board of Public Works. PROPOSAL NO. 213, 2021. The proposal, sponsored by Councillor Osili, appoints Sibeko Jywanza to the Board of Public Works. By an 11-0 and 10-0 vote, respectively, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Adamson moved, seconded by Councillor Lewis, for adoption. Proposal Nos. 212 and 213, 2021 were adopted on the following roll call vote; viz:

25 YEAS: Adamson, Annee, 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:

Proposal No. 212, 2021 was retitled COUNCIL RESOLUTION NO. 77, 2021, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 77, 2021

A COUNCIL RESOLUTION appointing Dan Haake to the Board of Public Works.

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

SECTION 1. As a member of the Board of Public Works, the Council appoints:

Dan Haake

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2021. The person appointed by this resolution shall serve at the pleasure of the Council. Upon expiration of the term, the appointee may serve until his or her successor is appointed and qualifies, for a period not to exceed the holdover duration set by statute.

Proposal No. 213, 2021 was retitled COUNCIL RESOLUTION NO. 78, 2021, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 78, 2021

A COUNCIL RESOLUTION appointing Sibeko Jywanza to the Board of Public Works.

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

SECTION 1. As a member of the Board of Public Works, the Council appoints:

Sibeko Jywanza

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2021. The person appointed by this resolution shall serve at the pleasure of the Council. Upon expiration of the term, the appointee may serve until his or her successor is appointed and qualifies, for a period not to exceed the holdover duration set by statute.

PROPOSAL NO. 214, 2021. The proposal, sponsored by Councillor Osili, reappoints Henry Fernandez to the Board of Public Works. By an 11-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Brown asked for consent to abstain from voting on this proposal to avoid the appearance of a conflict of interest. Consent was given.

Councillor Adamson moved, seconded by Councillor Lewis, for adoption. Proposal No. 214, 2021 was adopted on the following roll call vote; viz:

24 YEAS: Adamson, Annee, Bain, Barth, Boots, 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: Brown

Proposal No. 214, 2021 was retitled COUNCIL RESOLUTION NO. 79, 2021, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 79, 2021

A COUNCIL RESOLUTION reappointing Henry Fernandez to the Board of Public Works.

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

SECTION 1. As a member of the Board of Public Works, the Council reappoints:

Henry Fernandez

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2021. The person appointed by this resolution shall serve at the pleasure of the Council. Upon expiration of the term, the appointee may serve until his or her successor is appointed and qualifies, for a period not to exceed the holdover duration set by statute.

PROPOSAL NO. 215, 2021. Councillor Mascari reported that the Administration and Finance Committee heard Proposal No. 215, 2021 on June 8, 2021. The proposal, sponsored by Councillor Osili, appoints Abel Contreras to the Indianapolis-Marion County Building Authority Board of Trustees. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Mascari moved, seconded by Councillor Adamson, for adoption. Proposal No. 215, 2021 was adopted on the following roll call vote; viz:

25 YEAS: Adamson, Annee, 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:

Proposal No. 215, 2021 was retitled COUNCIL RESOLUTION NO. , 2021, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 80, 2021

A COUNCIL RESOLUTION appointing Abel Contreras to the Indianapolis-Marion County Building Authority Board of Trustees.

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

SECTION 1. As a member of the Indianapolis-Marion County Building Authority Board of Trustees, the Council appoints:

Abel Contreras

SECTION 2. The appointment made by this resolution is for a term ending June 30, 2023. The person appointed by this resolution shall serve at the pleasure of the Council. Upon expiration of the term, the appointee may serve until his or her successor is appointed and qualifies, for a period not to exceed the holdover duration set by statute.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 216, 2021. Introduced by Councillor Mascari. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Joe Glass as the Director of the Office of Audit and Performance"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 217, 2021. Introduced by Councillor Jackson. The Clerk read the proposal entitled: "A Proposal for a General Resolution which 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"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 218, 2021. Introduced by Councillor Carlino. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to increase the sales disclosure fee in compliance with IC 6-1.1-5.5-4"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 219, 2021. Introduced by Councillor Jones. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the statement of benefits of BWI, LLC and 1202, LP, an applicant for tax abatement for property located in an economic revitalization area"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 220, 2021. Introduced by Councillor Evans. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the statement of benefits of Micronutrients USA, LLC, an applicant for tax abatement for property located in an economic revitalization area"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 221, 2021. Introduced by Councillor Adamson. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which 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)"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 222, 2021. Introduced by Councillor Jones. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which 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)"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 223, 2021. Introduced by Councillor Potts. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls and parking restrictions near 64th Street and Broadway Street (District 2)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 224, 2021. Introduced by Councillor Mowery. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which 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)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 225, 2021. Introduced by Councillor Carlino. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which 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)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 226, 2021. Introduced by Councillor Jackson. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which 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)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 245, 2021. Introduced by Councillors Barth, Potts, Jones, Boots and Lewis. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an additional appropriation of \$133,542 in the 2021 Budget of the Indianapolis Metropolitan Police Department (IMPD General Fund) for the purposes of preventing excessive speed and reckless driving in target areas through active traffic enforcement"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 246, 2021. Introduced by Councillor Jackson. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Kate Howe to the Indianapolis Community Food Access Advisory Commission"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 247, 2021. Introduced by Councillor Jackson. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Julie Burns to the Indianapolis Community Food Access Advisory Commission"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 248, 2021. Introduced by Councillor Jackson. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Sharrona Moore to the Indianapolis Community Food Access Advisory Commission"; and the President referred it to the Community Affairs Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NOS. 231-235, 2021 and PROPOSAL NOS. 236-244, 2021. Introduced by Councillor Lewis. Proposal Nos. 231-235, 2021 and Proposal Nos. 236-244, 2021 are proposals for Rezoning Ordinances certified for approval by the Metropolitan Development Commission on June 30 and June 29, 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. 62-75, 2021, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

July 12, 2021

REZONING ORDINANCE NO. 62, 2021.
2021-ZON-022
2153 NORTH CAPITOL AVENUE (*APPROXIMATE ADDRESS*)
CENTER TOWNSHIP, COUNCIL DISTRICT #11
HOOT ENTERPRISES INC., by David Kingen and Schyler Sullivan
Rezoning of 0.14 acre from the HD-2 (W-5) district to the D-8 (W-5) district.

REZONING ORDINANCE NO. 63, 2021.
2021-ZON-029
6016 SOUTH BELMONT AVENUE (*APPROXIMATE ADDRESS*)
PERRY TOWNSHIP, COUNCIL DISTRICT #20
EARL E. WHITE, by Schyler Sullivan and David Kingen
Rezoning of 0.94 acre from the D-A (FF) district to the C-7 (FF) district.

REZONING ORDINANCE NO. 64, 2021.
2021-ZON-031
2366 AND 2372 WINTHROP AVENUE; 919 EAST 24TH STREET (*APPROXIMATE ADDRESSES*)
CENTER TOWNSHIP, COUNCIL DISTRICT #17
ANGELA AND KENDRICK DAVIS, by Sharmin Frye
Rezoning of 0.22 acre from the I-2 district to the D-8 district.

REZONING ORDINANCE NO. 65, 2021.
2021-ZON-035
1815 STOP 10 ROAD (*APPROXIMATE ADDRESS*)
PERRY TOWNSHIP, COUNCIL DISTRICT #24
WILLIAM G. JONES, SHIRLEY M. JONES AND DONALD R. JONES, by David Kingen
Rezoning of two acres from the D-A district to the D-6 district.

REZONING ORDINANCE NO. 66, 2021.
2021-ZON-038
3325 LOWRY ROAD (*APPROXIMATE ADDRESS*)
WAYNE TOWNSHIP, COUNCIL DISTRICT #10
LITTLE SCHOLARS CHILDCARE LLC, by Shuntel Robinson
Rezoning of one acre from the SU-37 (FF) district to the C-1 (FF) district.

REZONING ORDINANCE NO. 67, 2021.
2020-ZON-101
2102, 2130 AND 2140 CENTRAL AVENUE (*APPROXIMATE ADDRESSES*)
CENTER TOWNSHIP, COUNCIL DISTRICT #11
BIRGE AND HELD LLC, by J. Murray Clark
Rezoning of 2.19 acres from the C-3 and SU-1 districts to the MU-2 district.

REZONING ORDINANCE NO. 68, 2021.
2021-ZON-016
3553 FOUNDERS ROAD (*APPROXIMATE ADDRESS*)
PIKE TOWNSHIP, COUNCIL DISTRICT #1
PEG COMPANIES, by Andrew Perkinson
Rezoning of 2.92 acres from the C-4 district to the D-P district to provide for 88 multifamily units at a density of 30 units per acre.

REZONING ORDINANCE NO. 69, 2021.
2021-ZON-040 (AMENDED)
8401 EAST WASHINGTON STREET (*APPROXIMATE ADDRESS*)
WARREN TOWNSHIP, COUNCIL DISTRICT #18
LFC PROPERTIES, by Schyler Sullivan and David Kingen
Rezoning of 10.71 acres from the C-S district to the C-S district to provide for C-4 uses, with exceptions, and I-3 uses.

REZONING ORDINANCE NO. 70, 2021.
2021-ZON-04
3601 MITTHOEFER ROAD (*APPROXIMATE ADDRESS*)
WARREN TOWNSHIP, COUNCIL DISTRICT #14

VESTON HUDSON, by Schyler Sullivan and David Kingen
Rezoning of 4.81 acres from the D-6II district to the MU-2 district.

REZONING ORDINANCE NO. 71, 2021.
2021-ZON-043
6102 CARVEL AVENUE (*APPROXIMATE ADDRESS*)
WASHINGTON TOWNSHIP, COUNCIL DISTRICT #2
CHRIS MULLOY, CARVEL HOUSING PARTNERS, LLC, by Brian J. Tuohy
Rezoning of 1.4 acres from the C-1 district to the D-P district to provide for a four-story, 200-unit, multifamily building at a density of 142 units per acre.

REZONING ORDINANCE NO. 72, 2021.
2021-CZN-808
2352 WINTHROP AVENUE (*APPROXIMATE ADDRESS*)
CENTER TOWNSHIP, COUNCIL DISTRICT #17
SARAH WALTERS
Rezoning of 0.09 acre from the I-2 district to the D-8 district.

REZONING ORDINANCE NO. 73, 2021.
2021-CZN-819
2008 YANDES STREET (*APPROXIMATE ADDRESS*)
CENTER TOWNSHIP, COUNCIL DISTRICT #17
LP 3, LLC by Luke Burrow
Rezoning of 0.6 acre from the I-3 district to the D-8 district.

REZONING ORDINANCE NO. 74, 2021.
2021-CZN-823
115 WEST SUMNER AVENUE (*APPROXIMATE ADDRESS*)
PERRY TOWNSHIP, COUNCIL DISTRICT #16
DOUGLAS AND BRADLEY THACKER, by David Gilman
Rezoning of 1.49 acres from the D-A district to the D-2 district.

REZONING ORDINANCE NO. 75, 2021.
2021-CZN-826
1329 SOUTH BELMONT AVENUE (*APPROXIMATE ADDRESS*)
CENTER TOWNSHIP, COUNCIL DISTRICT #16
MARIA DEL ROSARIO LAMA AND RICARDO GABINO MONTIEL, by Sarah Walters
Rezoning of 0.10 acre from the C-1 district to the D-5 district.

Councillor Boots said that he needs to abstain on Proposal No. 236, 2021 due to a conflict of interest. General Counsel Toae Kim stated that there is no actual vote to approve or deny any of these proposals, and it is just a request to call any of them out for a public hearing. She said that an abstention is therefore not needed.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 179, 2021. Councillor Mascari reported that the Administration and Finance Committee heard Proposal No. 179, 2021 on June 8, 2021. The proposal, sponsored by Councillor Osili, approves an additional appropriation totalling \$33,522,259 in the 2021 City Non-Departmental Budget (Coronavirus Relief Federal Grant Fund) to help address the demand for residential rental assistance from Marion County residents who have been impacted by the pandemic. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Adamson said that this makes \$100 million spent altogether and the City should be proud of this effort. Taylor Schaffer, Chief of Staff, said that they have spent more than \$50 million so far, and hope to be near \$100 million by the end of the program. She said that they are still working diligently to work through the allocations and utilize dollars correctly.

The President called for public testimony at 8:02 p.m.

Larry Vaughn, citizen, said that it is a shame to rejoice in a rental program initiated in order to get federal money when so many businesses have had to close down in this pandemic.

Ashley Gurvitz, citizen, said that this is a critical need for those areas that do not have a community center, and this is a way to get people the assistance they need to continue to provide hope.

Councillor Jackson agreed and said that people are still hurting and she is thankful for these organizations and this assistance for citizens.

Councillor Mowery asked if these dollars can be spent outside of rental assistances, such as toward helping small businesses affected by COVID. Jeff Bennett, Deputy Mayor, said that these are rental assistance-specific funds and cannot be used for small businesses.

Councillor Hart asked if the source of the funds is federal. Mr. Bennett responded in the affirmative and said that it is part of the American Rescue Plan, Emergency Rental Assistance II program.

There being no further testimony, Councillor Mascari moved, seconded by Councillor Adamson, for adoption. Proposal No. 179, 2021 was adopted on the following roll call vote; viz:

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

Proposal No. 179, 2021 was retitled FISCAL ORDINANCE NO. 14, 2021, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 14, 2021

A FISCAL ORDINANCE amending the City-County Annual Budget for 2021 (City-County Fiscal Ordinance No. 20, 2020) by additional appropriations of thirty-three million five hundred twenty-two thousand two hundred fifty-nine dollars (\$33,522,259) 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, 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

WHEREAS, the Federal Government American Rescue Plan Act, 2021 allocated funds to the City of Indianapolis specifically for residential rental relief; and

WHEREAS, City-County government previously established a significant residential rental assistance fund that is already preventing thousands of Marion County residents impacted by the COVID-19 pandemic from losing their homes; and

WHEREAS, demand for rental assistance continues to require further investment to avoid a wave of evictions in Marion County; 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 its adoption, 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 thirty-three million five hundred twenty-two thousand two hundred fifty-nine dollars (\$33,522,259) in the Coronavirus Relief Federal Grant Fund.

| FUND | CHAR 1 | CHAR 2 | CHAR 3 | CHAR 4 | CHAR 5 | TOTAL |
|---------------------------------------|---------------|---------------|---------------|---------------|---------------|--------------|
| Coronavirus Relief Federal Grant Fund | | | 33,522,259 | | | 33,522,259 |

SECTION 3. Upon approval of this and other pending proposals, the following unappropriated fund balances are projected to remain at the end of 2021:

| Fund | 2020 Year-End Balance | Projected 2021 Year-End Balance |
|---------------------------------------|-----------------------|---------------------------------|
| Coronavirus Relief Federal Grant 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. 182, 2021. Councillor Robinson reported that the Public Safety and Criminal Justice Committee heard Proposal No. 182, 2021 on June 9, 2021. The proposal, sponsored by Councillor Robinson, approves an additional appropriation totalling \$3,311,371 in the 2021 Budgets of the Information Services Agency, Indianapolis Metropolitan Police Department and Office of Public Health and Safety (ISA, IMPD General and Consolidated County General Funds) to support a collective community approach to public safety. By an 11-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Annee made the following motion:

Mr. President:

I move to amend Sections 2 of Proposal No. 182, 2021, by deleting the language that is stricken-through and adding the underlined language, to read as follows:

SECTION 2. The Information Services Agency requests additional appropriations totaling Seven Hundred Thirty Thousand dollars (\$730,000) in the Information Services Agency Fund in character three for the purpose of funding public safety technology infrastructure and hardware investments such as a gunshot detection system and mobile and static license plate readers.

Councillor Mowery seconded the motion.

Councillor Robinson said that he does not support the amendment, and he asked Deputy Chief Kendale Adams to speak to the proposal. Chief Adams said that they have been strategically working on this proposal for some time; and technology without enhancement around becomes a very expensive product to implement today. He said that they specifically looked at emerging technology that could be mobile. Councillor Robinson asked if the Chief supports the proposal in its current form. Chief Adams said that he does.

Councillor Annee asked what the official stance of IMPD is. He said that \$7 million has already been spent, with another \$3 million in this appropriation. He said that they have thrown money at

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this problem before and it has not seemed to work. He said these dollars have not been providing the relief citizens need, while new technologies would. He asked his colleagues to support the amendment.

Deputy Chief Adams said that this appropriation is based on research regarding shots fired, and while they are not afraid to spend money, it would be wise to hold back on such an investment at this time; as there is emerging technology that would do a better job at a lesser cost for citizens. Councillor Robinson asked his colleagues to oppose the amendment.

The President called for public testimony on the proposed amendment at 8:20 p.m.

Minister Dave Rozzell, Veterans Association of African Descendants, said that as a veteran he does not disagree with spending these funds, but he is concerned about the distribution and the challenge that this will build on violence reduction programming. He said that he is concerned that \$1.5 million is going to IMPD for investment, while only \$390,000 is going toward community investment.

Larry Vaughn said that they have already created the Office of Public Health and Safety, which has essentially already defunded IMPD, as their budget does not exist, but instead has been added to the Mayor's general fund.

Connie Thompson, Party for Socialism, said that this amendment does not change the bill in any way. The people have not said to defund the police "except for technology;" but have been clear and concise about the abortion of democracy. The people are not being represented. This amendment is just about how surveillance money is going to be spent. However, the peoples' message is clear: Defund the Police.

Belinda Celia, citizen, said that she marched to defund IMPD and thinks it should be abolished. She said that she is surprised they do not want the amendment, because if they do not get this money, it goes back to the department.

Jonathan Howe, WINC, asked why they are pushing this specific technology and if Councillor Annee has ever served in the military. President Osili stated that public testimony is for comments and suggestions, not a grilling about Councillors' personal information.

Sinclair Williams, Holy Cross neighborhood resident, said that she supports the proposed amendment, because a tag reader can generate revenue. They can spend it to generate more revenue.

Dejean Reed, citizen, said that surveillance is not going to help them, and this is more money given to IMPD to cause even more abuse for black people, and he asked them not to give away his money that way.

Kari Hall, citizen, said that violent crime is a public health concern, but instead of using the City's resources to find a cure, they need to find a vaccine to prevent more deaths. She said that they need to strengthen their offense instead of their defense. The system as it is now is built for black and brown people to fail. She said that this is a vote against the community, and they need to stop criminalizing everyone. If they truly cared, she said they would stop wasting money on cameras and spend it instead on things that prevent crime, like housing and mental health resources.

The motion to amend Proposal No. 182, 2021 failed on the following roll call vote; viz:

5 YEAS: Annee, Bain, Dilk, Hart, Mowery

20 NAYS: Adamson, Barth, Boots, Brown, Carlino, Evans-E, Evans-J, Graves, Gray, Jackson, Jones, Larrison, Lewis, Mascari, McCormick, Oliver, Osili, Potts, Ray, Robinson

Councillor Hart said that he will support this initiative, but said that the way they are spending these dollars is not getting the results that are needed.

Councillor Mowery said that he supports that IMPD has expressed the need for this funding. While this is an investment in the long-term, he hopes that as a Council body, they can look at more immediate measures to combat violent crime right now by diverting some dollars into a more immediate solution.

Councillor Annee said that looking at what is going on in the city right now is a sad situation, with regard to crime and violence; and they must bring a coalition of stakeholders to the table to address the problem. It is important to provide long-term solutions, but he does not see this providing any immediate relieve, and other measures should be considered.

Councillor Bain said that this does not come close to scratching the surface of the public safety crisis; and he hopes this is just the beginning of the plan and hopes to see some new, bold, fresh ideas.

Councillor E. Evans stated that he thinks the community point of view needs to be included in that coalition of stakeholders.

Councillor Jackson said that the Weed N Seed federal program has been used in the past, but it seems there is a lot of weeding being done, but not much seeding. She said that \$17 million for a city this size is not a lot of money and they have not done enough in crime prevention with community and human investment to fight crime. She said that they need to take a hard look at what to do for the city both long and short term to stop the crime and violence, but they are simply not spending enough money for a city this size.

Councillor Robinson said that \$17 million divides out to \$4 million a year, which is three-tenths of one percent of the budget, which shows that crime prevention is not a priority, when it should be.

Councillor Hart said that these are not even the entire expenditures, but just this one agency; and the real problem seems to be that they are not getting enough value for the dollars they are spending.

The President called for public testimony at 8:46 p.m.

John Boggs, citizen, said that in 2020, residents made 150 calls every hour to 9-1-1. He said that defunding IMPD is not the answer, but 416,962 of those calls were non-emergency calls. Citizens deserve someone to answer their concerns about danger, and he asked who they would call if IMPD was defunded.

Mr. Rozzell said that this is about investment and balance. The people expect returns on their investment, but this proposal does not say what the returns will be. IMPD is getting 46% of this money, with only 11% going to community-based organizations. He said that his neighbors are not dying for lack of committee meetings; they are dying due to untreated trauma, mental health issues, addiction, and easy access to guns. He said that the city needs to face the true root causes of crime and violence and should reconsider reallocating some of this money to youth programs.

Mr. Vaughn said that it is an embarrassment for his people to be used by white liberals to destroy their own community.

Ashley Gurvitz, community member and volunteer, said that she hopes the Council sees this proposal as an intersection to help more community members join in the fight and get resources to the people that need them. This city is resource rich, but systems poor. She said that \$1.11 million is going to the Office of Public Health and Safety (OPHS), but there are so many good community program initiatives that are failing due to lack of funding. She said that as investments come in, it is their responsibility to give back.

Ms. Thompson said that there is not a single poor person who has ever been truly helped by police, but many of them have personally been targeted by police and other transphobic people. She said that this funding does not decrease violent crime, but instead exponentially increases police violence against depressed and poor citizens. If they want to tackle violence, they instead need to house the homeless, provide mental health to those denied, provide housing to gay residents kicked out of their homes, and help find decent-paying jobs for those without.

Andrea Sernant, citizen, said that she appreciates hearing all the perspectives shared tonight, as every voice is important. She thanked IMPD for the times when they have responded quickly to dangerous situations, as she has worked to combat domestic violence in this city. She said that she hopes these funds can fix the response time with 9-1-1, because Officer Breana Leath's death did not have to happen. She encouraged the Council to pass the proposal, even though it may not be an easy decision.

Ms. Hall said that there have been clear demands and violence looks like a lot of different things. Food deserts and homelessness is violence, and the answer to those who cannot feed themselves or their families is to lock them up. This is not acceptable.

Sam James, citizen, said that he has lived here for 30 years, and every year, they say crime is the worst it has ever been. He asked why they continue to do the same thing they have always done, when it does not work.

President Osili reminded speakers that they are free to express their opinions, but need to keep their comments germane to the proposal and to please do so without cursing or defaming others.

Lea Herr, citizen, said that big emotion makes people uncomfortable, but this Council is spending money all the time on IMPD, but crime continues to escalate. She said that AI technology is not needed in the hands of the police, and they need to defund the police and spend those resources on addressing mental health.

Mr. Howe said that he is hearing passion from both sides, which means that everyone wants to prevent crime and heal this community. He said that they all want to impact this city in a positive way, but for some, it is all about funding. However, every time IMPD gets more money, more people die. They are not finding a solution that works, and they need to find a way to heal as a community. The public was not allowed a chance to speak on tax abatements and TIF funding earlier, but yet, that is where the money is going. Meanwhile, the parks are deteriorating, and pools are closing. He said that the Council is giving money to profitable corporations, while defunding communities.

Amanda Shepherd, environmental activist, said that they cannot win without defeating white supremacy. She said that they need true liberation for all and need to shift priorities away from a punitive system, and instead invest in communities, mental health, parks, and safe and healthy communities. She asked the Council to oppose Proposal No. 182, 2021.

Evan Wells, Liberation Center, said that there is violence in the city because of a lack of resources. They need to provide food, education, and shelter to individuals and families to prevent violence. There are too many food deserts in the community, as well as litter and trash surrounding unsafe living conditions. He said that if this Council wants the public to be calm in expressing their views, he would beg them to consider the things the public really needs. He said that funding the police only increases the problem, when individuals like himself are targeted.

Ms. Williams said that they need to be spending more money toward labor than computer programs. Spending more on data analysis, when the programs they are using are sub-par, does not solve anything. She said that they invested over \$600,000 in downtown Indianapolis, yet cannot find funding to combat expired license plates.

Marta Alberson, citizen, said that these women have every right to feel anger and disillusionment with this process. Yet, they showed up because they are dedicated and passionate. This funding will not provide any immediate relief to the violence. The police already have too much on their plate and are not handling it well. She said that defunding IMPD is a sketchy slogan, but it is really not that simplistic. She asked the Council to oppose this funding.

Councillor Mowery said that funding for the police is crucial, made even more evident by the fact that three people have been shot in the last hour they have been debating this proposal. He said that the time is for immediate solutions.

Councillor J. Evans said that the votes tonight may not reflect the current atmosphere in the room, but he assured the public that Councillors talk to constituents regularly and there might be a lot more input to consider in their deliberations.

Councillor J. Evans moved, seconded by Councillor Gray, to call the question and end debate. The motion carried on the following roll call vote; viz:

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

Councillor Robinson moved, seconded by Councillor Adamson, for adoption. Proposal No. 182, 2021 was adopted on the following roll call vote; viz:

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

Proposal No. 182, 2021 was retitled FISCAL ORDINANCE NO. 15, 2021, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 15, 2021

PROPOSAL FOR A FISCAL ORDINANCE amending the City-County Annual Budget for 2021 (City-County Fiscal Ordinance No. 20, 2020) by the addition of appropriations totaling Three Million Three Hundred Eleven Thousand Three Hundred Seventy-One dollars (\$3,311,371) to support a collective community approach to public safety.

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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 to reflect additional appropriations hereinafter stated for purposes of the Information Services Agency, Indianapolis Metropolitan Police Department and the Office of Public Health and Safety.

SECTION 2. The Information Services Agency requests additional appropriations totaling Seven Hundred Thirty Thousand dollars (\$730,000) in the Information Services Agency Fund in character three for the purpose of funding public safety technology infrastructure and hardware investments.

| FUND | CHAR 1 | CHAR 2 | CHAR 3 | CHAR 4 | CHAR 5 | TOTAL |
|----------------------------------|---------------|---------------|---------------|---------------|---------------|--------------|
| Information Services Agency Fund | | | 730,000 | | | 730,000 |

SECTION 3. The Indianapolis Metropolitan Police Department (IMPD) requests additional appropriations totaling Two Hundred Twenty Thousand dollars (\$220,000) in character one, Five Hundred Seventy Thousand (\$570,000) in character three of the IMPD General Fund to support the integration of data analytics and software that will automate situational awareness, provide a reporting platform to the community, and enhance officer accountability.

| FUND | CHAR 1 | CHAR 2 | CHAR 3 | CHAR 4 | CHAR 5 | TOTAL |
|-------------------|---------------|---------------|---------------|---------------|---------------|--------------|
| IMPD General Fund | 220,000 | | 570,000 | | | 790,000 |

SECTION 4. The Office of Public Health and Safety requests additional appropriations totaling One Million One Hundred Ten Thousand dollars (\$1,110,000) in the Consolidated County General Fund in character three for the purpose of funding community programming initiatives related to domestic violence reduction, mental health and juvenile intervention and rehabilitation.

| FUND | CHAR 1 | CHAR 2 | CHAR 3 | CHAR 4 | CHAR 5 | TOTAL |
|-----------------------------|---------------|---------------|---------------|---------------|---------------|--------------|
| Consolidated County General | | | 1,110,000 | | | 1,110,000 |

SECTION 5. The Office of Public Health and Safety requests additional appropriations totaling Six Hundred Eighty-One Thousand Three Hundred Seventy-One dollars (\$681,371) in the Consolidated County General Fund in character three for the purpose of funding additional staff at the Assessment & Intervention Center at the Community Justice Campus

| FUND | CHAR 1 | CHAR 2 | CHAR 3 | CHAR 4 | CHAR 5 | TOTAL |
|-----------------------------|---------------|---------------|---------------|---------------|---------------|--------------|
| Consolidated County General | | | 681,371 | | | 681,371 |

SECTION 6. In support of the additional appropriation provided in Section 2, funds totaling seven hundred thirty thousand dollars (\$730,000) are to be transferred from the County General Fund to the Information Services Agency Fund.

SECTION 7. In support of the additional appropriation provided in Section 3, funds totaling seven hundred ninety thousand dollars (\$790,000) are to be transferred from the Public Safety Income Tax Fund to the IMPD General Fund.

SECTION 8. Upon approval of this, and other pending approvals, the projected 2020 year-end and projected 2021 year-end fund balances are as follows:

| Fund | Projected 2020 Year-End Balance | Projected 2021 Year-End Balance |
|----------------------------------|--|--|
| IMPD General Fund | \$3,821,923 | \$4,373,781 |
| Consolidated County General Fund | \$240,499,227 | \$183,377,473 |
| Information Services Agency Fund | 3,539,738 | 2,484,597 |

| | | |
|-------------------------------|------------|------------|
| Public Safety Income Tax Fund | 0 | 2,941,870 |
| County General | 33,793,662 | 24,963,982 |

SECTION 9. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 183, 2021. Councillor Robinson reported that the Public Safety and Criminal Justice Committee heard Proposal No. 183, 2021 on June 9, 2021. The proposal, sponsored by Councillor Robinson, approves an additional appropriation totalling \$1,117,500 in the 2021 Budget of the Marion County Sheriff's Office (Federal Grants Fund) for the purposes of additional grant awards for combatting the spread of Coronavirus, law enforcement mental health resources, and to support the needs of inmates. By an 11-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 9:29 p.m.

Mr. Howe said that once again they are spending money to respond to the results of crime, instead of spending money to prevent crime. He said that they are not even allowing for public input and discussion on \$135 million on the agenda for private corporation tax breaks, but only allowing the public to speak to merely \$1.1 million on Coronavirus response after restrictions have been lifted, again after the fact, not prevention. He said that these are federal dollars, yet he does not get any say on how they are spending his local tax dollars he pays.

Councillor Adamson stated for clarification that Mr. Howe was allowed to speak at great length at the Metropolitan and Economic Development Committee hearing regarding the proposals he is claiming he is not being allowed to provide input on.

Ms. Williams said that this is a ploy at doing something while maintaining the status quo. She said that she is all in with her residency in Indianapolis, she bought land, and built a house. However, it is frustrating seeing how this body goes about allocating funds with an arrogance that disregards the public interest. She said that she actually supports this expenditure, but she wants the Council to understand the feeling she is getting from them in response to public input.

Councillor Robinson moved, seconded by Councillor Lewis, for adoption. Proposal No. 183, 2021 was adopted on the following roll call vote; viz:

25 YEAS: Adamson, Annee, 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:

Proposal No. 183, 2021 was retitled FISCAL ORDINANCE NO. 16, 2021, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 16, 2021

A FISCAL ORDINANCE amending the City-County Annual Budget for 2021 (City-County Fiscal Ordinance No. 20, 2020) by appropriating a total of One Million One Hundred Seventeen Thousand Five Hundred dollars (\$1,117,500) for the purposes of the Marion County Sheriff's Office.

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

July 12, 2021

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 character increase hereinafter stated for purposes of the Marion County Sheriff's Office.

SECTION 2. The Marion County Sheriff's Office, requests an additional appropriation in the amount of Two Hundred Eighty-Five Thousand dollars (\$285,000) in character one, Three Hundred Twenty-Two Thousand Five Hundred dollars (\$322,500) in character two, Three Hundred Ninety-Five Thousand dollars (\$395,000) in character three, and One Hundred Fifteen Thousand dollars (\$115,000) in character four in the Federal Grants Fund for the purposes of additional grant awards for Coronavirus supplemental funding, law enforcement mental health resources, and to support the needs of inmates:

| FUND | CHAR 1 | CHAR 2 | CHAR 3 | CHAR 4 | TOTAL |
|---------------------|---------------|---------------|---------------|---------------|--------------|
| Federal Grants Fund | 285,000 | 322,500 | 395,000 | 115,000 | 1,117,500 |

SECTION 3. Upon approval of this and other pending proposals, the following unappropriated fund balances are projected to remain at the end of 2021:

| Fund | Projected 2020 Year-End Balance | Projected 2021 Year-End Balance |
|---------------------|--|--|
| 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. 184, 2021. Councillor Robinson reported that the Public Safety and Criminal Justice Committee heard Proposal No. 184, 2021 on June 9, 2021. The proposal, sponsored by Councillor Robinson, approves an additional appropriation totalling \$1,086,600 in the 2021 Budget of the Marion Superior Courts (Federal, State and Local Grants Funds) for the purposes of additional grant awards to cover additional expenses associated with the coronavirus pandemic, providing additional services to juvenile offenders, and funding positions associated with pre-trial Probation. By an 11-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Hart asked what percentage of funds are local. Abigail Hanson, budget director, said that two-thirds of the funds are federal and not even 1% is local at \$1,000. The rest is a state grant.

Councillor E. Evans asked what the additional services are for juvenile offenders. Ms. Hanson said that she does not have that information with her, but can get that to Councillor Evans.

The President called for public testimony at 9:37 p.m.

Mr. Howe said that it is telling that they have such a large need that they have to rely on the federal government for fulfilling that need. However, 10% of the budget is set aside for TIFs, so that the City is left relying on federal funds for actual needs. President Osili asked Mr. Howe to keep his comments germane to Proposal No. 184, 2021. Mr. Howe said that he did speak on that other TIF proposal in Committee but should be allowed to speak to the whole Council. Councillor Adamson said that all the meetings are televised and minutes distributed to Councillors before the full Council meeting, and Mr. Howe's comments are on record.

Councillor Robinson moved, seconded by Councillor Adamson, for adoption. Proposal No. 184, 2021 was adopted on the following roll call vote; viz:

25 YEAS: Adamson, Annee, 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:

Proposal No. 184, 2021 was retitled FISCAL ORDINANCE NO. 17, 2021, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 17, 2021

A FISCAL ORDINANCE amending the City-County Annual Budget for 2021 (City-County Fiscal Ordinance No. 20, 2020) by appropriating a total of Nine Hundred Ninety-Five Thousand Six Hundred dollars (\$995,600) for the purposes of the Marion Superior Courts.

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 character increase hereinafter stated for purposes of the Marion Superior Courts.

SECTION 2. The Marion Superior Courts, requests an additional appropriation in the amount of Fifty-Two Thousand Nine Hundred Ninety Thousand dollars (\$52,990) in character one, Three Hundred Thirty-Two Thousand Seven Hundred Twenty-Five dollars (\$332,725) in character two, One Hundred Eighty-Eight Thousand Six Hundred Fifty Thousand dollars (\$188,650) in character three, and One Hundred One Thousand One Hundred Fifty-Five dollars (\$101,155) in character four in the Federal Grants Fund for the purposes of additional grant awards:

| FUND | CHAR 1 | CHAR 2 | CHAR 3 | CHAR 4 | TOTAL |
|---------------------|---------------|---------------|---------------|---------------|--------------|
| Federal Grants Fund | 52,990 | 332,725 | 188,650 | 101,155 | 675,520 |

SECTION 3. The Marion Superior Courts, requests an additional appropriation in the amount of Nine Hundred dollars (\$900) in character two and Four Hundred Seven Thousand One Hundred Eighty dollars (\$407,180) in character three in the State Grants Fund for the purposes of additional grant awards:

| FUND | CHAR 1 | CHAR 2 | CHAR 3 | CHAR 4 | TOTAL |
|-------------------|---------------|---------------|---------------|---------------|--------------|
| State Grants Fund | | 900 | 407,180 | | 408,080 |

SECTION 4. The Marion Superior Courts, requests an additional appropriation in the amount of Three Thousand dollars (\$3,000) in character two in the Local Grants Fund for the purposes of additional grant awards:

| FUND | CHAR 1 | CHAR 2 | CHAR 3 | CHAR 4 | TOTAL |
|-------------------|---------------|---------------|---------------|---------------|--------------|
| Local Grants Fund | | 3,000 | | | 3,000 |

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

| Fund | Projected 2020 Year-End Balance | Projected 2021 Year-End Balance |
|---------------------|--|--|
| Federal Grants Fund | \$0 | \$0 |
| State Grants Fund | \$0 | \$0 |
| Local Grants Fund | \$0 | \$0 |

SECTION 6. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

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

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 149, 2021. Councillor Lewis reported that the Metropolitan and Economic Development Committee heard Proposal No. 149, 2021 on May 24, 2021, and it was returned to Committee by the full Council on June 7, 2021, where the committee again heard it on June 14, 2021. The proposal, sponsored by Councillors Osili and Adamson, amends Chapter 341 of the Code, adding a new Article III regarding waterway activities in and on the Downtown Canal. By a 10-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Annee stated that he was going to propose an amendment that any fines on citizens go toward the downtown district IMPD’s fund; but he was assured that it is not necessary to put that in writing, but most of the funds can be directed there. Therefore, he will not offer the amendment and looks forward to supporting this proposal.

Councillor Adamson said that he asked to be added as a co-sponsor after the concerns he raised were addressed.

Councillor Hart asked what problem they are trying to solve with this action. Rusty Carr, Deputy Director, Department of Metropolitan Development (DMD), stated that this will provide liability protection for the city regarding individuals who jump into the canal, throw a scooter into the canal, or use their own vehicles along the canal.

Councillor E. Evans asked if the proper entrance for watercrafts use has gone into effect. Mr. Carr said that they are working through the application process now with attorneys, but cannot put an application process in effect without this amendment to the code.

Councillor Lewis moved, seconded by Councillor Adamson, for adoption. Proposal No. 149, 2021 was adopted on the following roll call vote; viz:

25 YEAS: Adamson, Annee, 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:

Proposal No. 149, 2021 was retitled GENERAL ORDINANCE NO. 20, 2021, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 20, 2021

A PROPOSAL FOR A GENERAL ORDINANCE amending Chapter 341 of the Code, adding a new Article III regarding waterway activities in and on the Downtown Canal.

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

SECTION 1. Chapter 341 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by adding a new Article III, Downtown Canal, as follows:

ARTICLE III. – DOWNTOWN CANAL

Sec. 341-301. - Definitions.

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

Downtown Canal shall mean that portion of the waterway known as the Central Canal located in downtown Indianapolis, south of 11th Street and east of West Street, and under the care, custody, control, and management of the City of Indianapolis Department of Metropolitan Development (DMD).

Watercraft shall mean any and every instrumentality or device in or by means of which any person(s) or property may be transported on or in the Downtown Canal including, but not limited to, boats, paddleboards, remote control boats, canoes, kayaks, inner tubes or other inflatable devices, motorboats, ice skates, jet skis, water skis, etc. whether propelled by human muscular power, by motor, or by any other means or method. The definition of Watercraft shall also include the definition set out in IC 14-8-2-202.5.

Sec. 341-302. - Unauthorized Activities In or On the Downtown Canal.

- (a) It shall be unlawful for any person, without authority from the city, to do the following:
- 1) To operate Watercraft within the Downtown Canal at any time;
 - 2) To fish, swim, bathe, wash, scuba dive, wade, dive, fish, or ice skate within the Downtown Canal;
 - 3) To send, drive, or ride any animal into the Downtown Canal;
 - 4) To litter or to throw, drop, place or deposit any object into the Downtown Canal or into the bottom thereof, on the surrounding ground or on any other surface adjoining canal. This includes, but is not limited to, any paper, plastic or glass bottles, broken glass, nails, tacks, wire, crockery, cans or any other sharp or cutting substances, chemicals or things dangerous or otherwise harmful or disruptive to the operation of the Downtown Canal or any of its infrastructure; or
 - 5) To place or cause to be placed in the Downtown Canal any post, pile, dam, masonry or structure, or dump therein anything whatever causing a material obstruction of such stream, waterway, or its pumping system.

(b) The first violation in any calendar year shall be subject to admission of violation and payment of the designated civil penalty through the ordinance violations bureau in accordance with chapter 103 of this Code. All second and subsequent violations in the calendar year are subject to the enforcement procedures and penalties provided in section 103-3 of this Code.

Sec. 341-303. - Authorized Activities In or On the Downtown Canal.

(a) Watercraft launching – When authorized by the Metropolitan Development Commission (the MDC), DMD or a designee may allow boats or other Watercraft in the Downtown Canal under the following conditions:

- 1) All Watercraft being launched shall be launched from the location designated.
- 2) DMD, on behalf of the MDC, is authorized to establish applications and launch fees for Watercraft entering and using the Downtown Canal.
- 3) No Watercraft shall be launched unless an application has been submitted and the launch fee, established by the MDC, has been paid.

(b) DMD, or its designee, may set aside certain times and places and designate the rules for swimming, wading, boating or otherwise entering the Downtown Canal.

(c) The MDC may authorize DMD to provide and allow pre-approved vendors and vendor activities on the Downtown Canal.

(d) DMD may establish rules and regulations pertaining to any other authorized activities or uses of the Downtown Canal.

Sec. 341-304. - Disclaimer of city liability.

Notice is hereby given to all persons, whether authorized by the city or not, who operate any kind of Watercraft upon the portion of the Downtown Canal within the jurisdiction of the city that all Watercraft shall be used and operated solely at the risk of the owner, operator or the persons therein, and that neither the city nor its Department of Metropolitan Development, Metropolitan Development Commission or any other board or city official assumes any responsibility or liability therefor. The city also hereby gives notice to all persons who may use the Downtown Canal that the city and its various boards and officials do not represent that any portion has sufficient depth and is otherwise safe for boating or other purposes, or that it is free and clear of obstructions upon or beneath the surface thereof.

SECTION 2. Section 103-52 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana is hereby amended by adding the language underlined below, to read as follows:

| Code Section | Subject Matter | Civil Penalty |
|----------------|--|---------------|
| <u>341-302</u> | <u>Unauthorized Activities In or Around the Downtown Canal – First violation in a twelve-month period</u> | <u>25.00</u> |
| <u>341-302</u> | <u>Unauthorized Activities In or Around the Downtown Canal – Second violation in a twelve-month period</u> | <u>50.00</u> |

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

SECTION 4. Should any provision (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 5. This ordinance shall be in effect as of July 1, 2021, and after its passage by the Council and compliance with Indiana Code section 36-3-4-14.

PROPOSAL NO. 175, 2021. Councillor Lewis reported that the Metropolitan and Economic Development Committee heard Proposal No. 175, 2021 on June 14, 2021. The proposal, sponsored by Councillor Adamson, approves an amendment to the declaratory resolution and redevelopment plan for the Consolidated/Harding Street Redevelopment Area with respect to the Elevator Hill Expansion Area. By a 10-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Lewis moved, seconded by Councillor Adamson, for adoption. Proposal No. 175, 2021 was adopted on the following roll call vote; viz:

25 YEAS: Adamson, Annee, 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:

Proposal No. 175, 2021 was retitled GENERAL RESOLUTION NO. 5, 2021, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 5, 2021

A GENERAL RESOLUTION approving an amendment to the declaratory resolution and redevelopment plan for the Consolidated/Harding Street Redevelopment Area in the City of Indianapolis, Indiana.

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana (the "Commission"), serves as the Redevelopment Commission of the City of Indianapolis, Indiana (the "City") under Indiana Code 36-7-15.1, *et seq.* (the "Act"), and, in that capacity, the Commission serves as the governing body of the City of Indianapolis Redevelopment District; and

WHEREAS, the Commission previously adopted and confirmed resolutions (as amended from time to time, collectively, the “Near Eastside Declaratory Resolution”) establishing a redevelopment area known as the “Near Eastside Redevelopment Project Area” (the “Near Eastside Redevelopment Area”) and adopting the redevelopment plan for the Near Eastside Redevelopment Area (the “Near Eastside Redevelopment Area Plan”); and

WHEREAS, the Commission previously adopted and confirmed resolutions (as amended from time to time, collectively, the “Declaratory Resolution”) establishing a redevelopment area known as the “Consolidated/Harding Street Redevelopment Area” (the “Consolidated Redevelopment Area”), designating a portion of the Consolidated Redevelopment Area as an “allocation area” under Section 26 of the Act (the “Consolidated Allocation Area”), and adopting the redevelopment plan for the Consolidated Redevelopment Area (the “Consolidated Redevelopment Area Plan”); and

WHEREAS, the Commission, pursuant to the Act, adopted Resolution No. _2021-E-008 on June 2, 2021 (the “Amending Resolution”), (a) amending the Near Eastside Redevelopment Area Plan to extract the “Elevator Hill Area” from the Near Eastside Redevelopment Area, and (b) amending the Declaratory Resolution and the Consolidated Redevelopment Area Plan to: (i) incorporate the Elevator Hill Area into the Consolidated Redevelopment Area; and (ii) designate the Elevator Hill Area (the “Elevator Hill Expansion Area”) as part of the Consolidated Allocation Area, all as more fully described in the Amending Resolution; now, therefore:

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

SECTION 1. Pursuant to Section 9 of the Act, the City-County Council of the City of Indianapolis and Marion County, Indiana (the “City-County Council”) hereby approves the Amending Resolution amending the Near Eastside Redevelopment Plan, the Consolidated Redevelopment Area Plan, and the Consolidated Allocation Area.

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

PROPOSAL NO. 176, 2021. Councillor Lewis reported that the Metropolitan and Economic Development Committee heard Proposal No. 176, 2021 on June 14, 2021. The proposal, sponsored by Councillor Jones, approves an amendment to the declaratory resolution and redevelopment plan for the Consolidated/Harding Street Redevelopment Area with respect to the GM Expansion Area II Allocation Area. By a 10-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor E. Evans asked about the timeline. Councillor Lewis said that the allocation area is for a maximum of 25 years, and therefore extends the current resolution for four more years.

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

Councillor Lewis moved, seconded by Councillor Adamson, for adoption. Proposal No. 176, 2021 was adopted on the following roll call vote; viz:

24 YEAS: Adamson, Annee, 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

Proposal No. 176, 2021 was retitled GENERAL RESOLUTION NO. 6, 2021, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 6, 2021

A GENERAL RESOLUTION approving an amendment to the declaratory resolution and redevelopment plan for the Consolidated/Harding Street Redevelopment Area in the City of Indianapolis, Indiana.

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana (the "Commission"), serves as the Redevelopment Commission of the City of Indianapolis, Indiana (the "City") under Indiana Code 36-7-15.1, *et seq.* (the "Act"), and, in that capacity, the Commission serves as the governing body of the City of Indianapolis Redevelopment District; and

WHEREAS, the Commission previously adopted and confirmed resolutions (as amended from time to time, collectively, the "Declaratory Resolution") establishing a redevelopment area known as the "Consolidated/Harding Street Redevelopment Area" (the "Consolidated Redevelopment Area"), designating a portion of the Consolidated Redevelopment Area as an "allocation area" under Section 26 of the Act (the "Consolidated Allocation Area"), and adopting the redevelopment plan for the Consolidated Redevelopment Area (the "Consolidated Redevelopment Area Plan"); and

WHEREAS, the Commission, pursuant to the Act, adopted Resolution No. 2021-E-007 on June 2, 2021 (the "Amending Resolution"), amending the Declaratory Resolution and the Consolidated Redevelopment Area Plan to: (i) extract the "2016 Expansion Area-GM Area" from the Consolidated Allocation Area; and (ii) designate the GM Expansion Area II Allocation Area as part of the Consolidated Allocation Area, all as more fully described in the Amending Resolution; now, therefore:

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

SECTION 1. Pursuant to Section 9 of the Act, the City-County Council of the City of Indianapolis and Marion County, Indiana (the "City-County Council") hereby approves the Amending Resolution amending the Consolidated Redevelopment Area Plan and the Consolidated Allocation Area.

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

PROPOSAL NO. 177, 2021. Councillor Lewis reported that the Metropolitan and Economic Development Committee heard Proposal No. 177, 2021 on June 14, 2021. The proposal, sponsored by Councillors Jones, Potts, Adamson and J. Evans, authorizes the issuance of Economic Development Tax Increment Revenue Bonds in a maximum aggregate principal amount not to exceed \$135,145,000 for Elanco US, Inc. for the Elanco Project on the former GM Stamping Plant site (District 16). By a 10-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Hart asked about the source of funds. Scarlett Martin, Director, DMD, said that with TIF revenue bonds, the TIF revenues back that debt. She broke down the amounts for the project with \$64 million for Elanco buildouts, \$51 million to public infrastructure improvements, and \$20 million toward debt coverage and the cost of borrowing the money. Councillor Hart asked if the City will then write a check to them for \$64 million. Ms. Martin said that they will invoice them for eligible expenses. Councillor Hart asked if they will be required to meet XBE requirements for the construction process via the project agreement. Ms. Martin responded in the affirmative.

Councillor Jones said that she is thrilled to see this day finally arrive and the project has support from countless neighborhood groups and residents. The infrastructure improvements will benefit the entire community and the project will transform this vibrant historic community, as well as provide numerous jobs.

Councillors Adamson and J. Evans thanked Councillor Jones for her work on reconnecting this neighborhood back to downtown and asked to be added as co-sponsors.

Councillor Gray asked if Elanco will be moving from Greenfield into Indianapolis. Ms. Martin said that they will probably keep a presence in Greenfield, but are relocating their headquarters from Greenfield with this project.

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

Councillor Lewis moved, seconded by Councillor Larrison, for adoption. Proposal No. 177, 2021 was adopted on the following roll call vote; viz:

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

Proposal No. 177, 2021 was retitled SPECIAL ORDINANCE NO. 6, 2021, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 6, 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 (Elanco 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), in a maximum aggregate principal amount not to exceed One Hundred Thirty-Five Million One Hundred Forty-Five Thousand Dollars (\$135,145,000.00), 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, Elanco US, Inc., one or more subsidiaries or affiliates thereof, and/or one or more entities in which any of the foregoing entities controls or is controlled by, directly or indirectly, whether such entity is currently in existence or is to be created following the date hereof (collectively, the “Company”), in cooperation with the City, desires to finance certain projects, additions or improvements on all or a portion of a 91 acre tract formerly known as the “GM Stamping Plant Site” (the “Project Site”) including (a) the construction, installation and equipping by the Company of certain infrastructure and other improvements at the Project Site, including, without limitation: (i) roads, streets, bridges, surface parking and related infrastructure projects and improvements, (ii) sidewalks and pedestrian connector projects and improvements, streetscapes, landscaping and lighting projects and improvements, (iii) sitework, utility location or relocation, stormwater control, drainage improvements and remediation activities, (iv) below ground building infrastructure including the excavation and construction of foundations, footers and geotechnical supporting structures, (v) aboveground building improvements including parking facilities, structural steel, exterior building sheathing and similar “hard construction” exterior building improvements, and (vi) improvements directly related to the foregoing; and (b) the acquisition, planning, design, construction, inspection and equipping by the City of drainage improvements, storm water control, utilities, roads, streets, bridges, streetscapes, landscaping and any projects related to the improvements described in this clause (b) and any and all costs related thereto (clauses (a) and (b), collectively, the “Project”); and

WHEREAS, the Project Site will be located in the City’s downtown area on the west bank of the White River, commonly referred to as the GM Stamping Plant which is in City-County Council District 16, and is, or will be, located in or physically connected to an allocation area, to be known as the “GM Expansion Area II Allocation Area,” which constitutes a portion of the Consolidated Redevelopment Allocation Area (collectively the “Allocation Area”), previously

July 12, 2021

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 Company has advised the Indianapolis Economic Development Commission (the "Economic Development Commission") and the City concerning the Project, and has requested that the City issue, pursuant to the Act, one or more series of its taxable or tax-exempt Economic Development Tax Increment Revenue Bonds, Series 2021 (Elanco 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 One Hundred Thirty-Five Million One Hundred Forty-Five Thousand Dollars (\$135,145,000.00), for the purpose of providing funds to (a) pay all or a portion of the costs of the Project by making a portion of the proceeds of such Bonds available to the Company and a portion of the proceeds available to the City, (b) fund a debt service reserve fund or pay the cost of a premium for a debt service reserve fund surety policy (if necessary), (c) pay capitalized interest on the Bonds (if necessary), and (d) pay costs incurred in connection with the issuance of the Bonds and all incidental expenses therewith, including the cost of any credit enhancement with respect thereto; and

WHEREAS, the Economic Development Commission has rendered a report concerning the proposed financing of economic development facilities for the Company, which facilities consist of the Project, and the Metropolitan Development Commission has been given the opportunity to comment thereon; and

WHEREAS, pursuant to Section 24 of the Act, the Economic Development Commission held a public hearing, following publication of a notice duly given (the "Public Hearing"), for the purpose of receiving evidence and testimony on the Project and matters related to the proposed financing thereof and heard all persons interested in the proceedings and considered written remonstrances and objections, if any; and

WHEREAS, following such Public Hearing, the Economic Development Commission approved a report (the "EDC Report") and adopted a resolution (the "EDC Resolution") making findings 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 that the Project will not have an adverse competitive effect or impact on any similar facility 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 one or more trust indentures, each 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) (each, an "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 one or more financing agreements, each to be dated as of 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) (each, a "Financing Agreement"), by and between the City and the Company with respect to the Project and the use of the proceeds of the Bonds; and

WHEREAS, pursuant to the Financing Agreement, the Company will make representations, warranties and commitments with respect to the Project and the use of the proceeds of the Bonds to be provided to the Company 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, there has been submitted to the Economic Development Commission for its approval the forms of the Bonds, the Indenture and the Financing Agreement (collectively, the "Financing Documents"), and a form of this proposed Ordinance (the "Ordinance") authorizing the Bonds and the form of Financing Documents, which are by this reference incorporated herein; and

WHEREAS, the City expects to pay for certain costs of the Bonds or costs related to the Project (collectively, the "Expenditures") prior to the issuance of the Bonds, and to reimburse the Expenditures with proceeds received by the City upon the issuance of the Bonds; and

WHEREAS, the City-County Council desires to declare its intent to reimburse the Expenditures pursuant to Treas. Reg. §1.150-2 and Indiana Code §5-1-14-6(c); and

WHEREAS, based upon the EDC Report and the EDC Resolution, 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 principal amount not to exceed One Hundred Thirty-Five Million One Hundred Forty-Five Thousand Dollars (\$135,145,000.00); and

WHEREAS, the Bonds will be payable from the incremental real and/or personal property tax revenues derived from the Allocation Area; now, therefore:

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

SECTION 1. After considering the evidence presented in the EDC Report and the EDC Resolution, 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 use of the net proceeds thereof by the Company and/or the City 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 Marion County, Indiana.

SECTION 2. The forms of the Financing Documents presented herewith are hereby approved, with any and all such changes as may be deemed necessary, desirable or appropriate by the Mayor and the Clerk of the City-County Council (the "Clerk"), and all such documents shall be kept on file by 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 or tax-exempt for federal income tax purposes, in the maximum aggregate principal amount not to exceed One Hundred Thirty-Five Million One Hundred Forty-Five Thousand Dollars (\$135,145,000.00), with a maximum term not to exceed twenty-five (25) years from the date of the issuance of any series of the Bonds and with a maximum interest rate not to exceed six and one-half percent (6.5%) per annum (if issued on a tax-exempt basis for purposes of federal income taxes) or a maximum interest rate not to exceed eight percent (8.0%) per annum (if issued on a taxable basis for purposes of federal income taxes), all for the purpose of procuring funds to (a) pay all or a portion of the costs of the Project by making a portion of the proceeds of the Bonds available to the Company and a portion of the proceeds available to the City, (b) fund a debt service reserve fund or pay the cost of a premium for a debt service reserve fund surety policy (if necessary), (c) pay capitalized interest on the Bonds (if necessary), and (d) pay all incidental expenses incurred on account of the issuance of the Bonds and acquiring any credit enhancement with respect thereto (if any). The Bonds shall be payable as to principal and interest solely from incremental real and/or personal property taxes derived from the Allocation Area, upon such terms and conditions as otherwise provided in the Financing Documents and this Ordinance. Pending the issuance of the Bonds, the City may issue, if necessary, one or more series of bond anticipation notes (the "BANs"), with a maximum aggregate principal amount not to exceed One Hundred Thirty-Five Million One Hundred Forty-Five Thousand Dollars (\$135,145,000.00), with a maximum term of any series of BANs not to exceed five (5) years after the date of delivery thereof, and with a maximum interest rate not to exceed five percent (5.0%) per annum (if issued on a tax-exempt basis for purposes of federal income taxes) or a maximum interest rate not to exceed six percent (6.0%) per annum (if issued on a taxable basis for purposes of federal income taxes), all for the purpose of procuring interim financing to pay all or a portion of the costs of the Project, capitalized interest on the BANs, if necessary, together with any incidental expenses related thereto or incurred on account of the issuance of the BANs, which BANs shall be payable as to principal and interest solely from the proceeds of the Bonds, upon such terms and conditions as otherwise provided in the Financing Documents and this Ordinance. Neither the Bonds nor the BANs shall ever constitute a general obligation of, an indebtedness of, or charge against the general credit of the City.

SECTION 4. The Mayor and the Controller are authorized and directed to sell the Bonds to the purchaser or purchasers thereof at a price not less than ninety-eight and one-half percent (98.5%) of the aggregate principal amount thereof plus accrued interest, if any, at a rate of interest not to exceed six and one-half percent (6.5%) per annum (if issued on a tax-exempt basis for purposes of federal income taxes) or a maximum interest rate not to exceed eight percent (8.0%) per annum (if issued on a taxable basis for purposes of federal income taxes), and with a final maturity date no later than twenty-five (25) years from the date of the issuance of any series of the Bonds. One or more bond purchase agreements and/or one or more qualified entity purchase agreements, each in form and substance acceptable to the Mayor and the Controller (collectively, the "Purchase Agreements"), are hereby authorized and approved, and the Mayor and the Controller are hereby authorized and directed to execute and deliver the Purchase Agreements in form and substance acceptable to them and consistent with the terms and conditions set forth in this Ordinance. If necessary or desirable in connection with the sale of the Bonds, the Mayor, the Controller and any other officer of the City are authorized to enter into one or more continuing disclosure undertaking agreements, in compliance with Rule 15c2-12 of the Securities and Exchange Commission, which will be in such a form as may be deemed necessary, appropriate or desirable by the Mayor, the Controller and any other officer of the City, with such to be conclusively evidenced by their execution thereof.

SECTION 5. 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 which may be necessary or desirable to consummate the transaction, 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 6. 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 7. Subject to the provisions of Sections 5 and 13 of this Ordinance, if necessary or desirable, a Preliminary Official Statement of the City relating to the Bonds (the "Preliminary Official Statement"), in a form acceptable to the Mayor, is hereby (a) authorized and approved, together with such changes in form and substance as may be deemed necessary or appropriate by the Mayor pursuant to Sections 5 and 13 of this Ordinance, (b) authorized and approved, as the same may be appropriately confirmed, modified and amended pursuant hereto, for distribution as the Preliminary Official Statement of the City, (c) authorized to be deemed and determined by the Mayor on behalf of the City, as of its date, to constitute the "final" official statement of the City with respect to the Bonds to be offered thereby, subject to completion as permitted by and otherwise pursuant to the provisions of Rule 15c2-12 of the Securities and Exchange Commission (the "SEC Rule"), and (d) authorized and approved, consistent with the provisions of any Purchase Agreement and the SEC Rule, to be placed into final form and distributed and delivered to purchasers and potential purchasers of the Bonds offered thereby as the final official statement of the City, as of the date thereof, with respect to the Bonds (the "Official Statement").

SECTION 8. Subject to the obligations of the Company set forth in the respective Financing Documents and/or the certificates or agreements of the Company to be executed upon the issuance of the Bonds, if any of the Bonds are issued on a tax-exempt basis for purposes of federal income taxation, the City will use its best efforts to restrict the use of the proceeds of the Bonds in such a manner and to expectations at the time the Bonds are delivered to the purchasers thereof, so that they will not constitute "arbitrage bonds" under Section 148 of the Code and the regulations promulgated thereunder, or to preserve any other desired tax status under the Code. 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 9. 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 Documents,

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 of them, shall be expressly waived and released as a condition of and consideration for the execution and delivery of the Financing Documents and the issuance, sale and delivery of the Bonds.

SECTION 10. 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 11. 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 12. 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 City-County 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 13. 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 to fully 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 Company, on terms and conditions acceptable to the Mayor, together with any and all changes as may be necessary, desirable or appropriate, which shall be evidenced by his execution thereof.

SECTION 14. The City-County Council does hereby acknowledge that the Bonds may be purchased with the proceeds of one or more series of bonds to be issued by The Indianapolis Local Public Improvement Bond Bank (collectively, the "Bond Bank Bonds"), [and that the Bond Bank Bonds may be supported by one or more debt service reserve funds that will be subject to the provisions of IC 5-1.4-5-4 and Special Ordinance 67, 85 of this City-County Council].

SECTION 15. The City-County Council hereby declares its official intent, to the extent permitted by law, to issue the Bonds in one or more series or issues, not to exceed the maximum aggregate principal amount authorized herein, and to reimburse costs of the Project consisting of the Expenditures from proceeds of the sale of the Bonds.

SECTION 16. This Ordinance shall be in full force and effect upon adoption and compliance with Indiana Code 36-3-4-14.

PROPOSAL NO. 194, 2021. Councillor Lewis reported that the Metropolitan and Economic Development Committee heard Proposal No. 194, 2021 on June 14, 2021. The proposal, sponsored by Councillors Osili and McCormick, authorizes the issuance of Indiana Multifamily Note bonds in an aggregate principal amount not to exceed \$15,100,000 to finance a portion of the costs of acquisition, construction and equipping of a multifamily housing facility consisting of 156 apartment units, together with functionally related and subordinate facilities for low and moderate income individuals and families (Central Greens Apartments), to be located at 3355 Kirkbride Way (District 15). By a 10-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Hart asked if these bonds are backed in the same way as a TIF. Ms. Martin said that multi-family bonds are not the same and there is no city revenue source backing these bonds, it simply allows the project to happen. Councillor Hart asked how the bonds are backed. Ms. Martin said that it is a State program that allows these tax credit bonds, which are utilized to finance these

projects. Councillor Hart asked if these dollars are limited annually. Ms. Martin said that the State issues these credits to individual developers who apply for them, and the city simply locally authorizes the issuance.

Councillor Gray asked if the project fails, who would be responsible. Ms. Martin said the City would not be liable and the developer would be in default with the state.

Councillor Lewis moved, seconded by Councillor Adamson, for adoption. Proposal No. 194, 2021 was adopted on the following roll call vote; viz:

25 YEAS: Adamson, Annee, 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:

Proposal No. 194, 2021 was retitled SPECIAL ORDINANCE NO. 7, 2021, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 7, 2021

A SPECIAL ORDINANCE of the City-County Council of the City of Indianapolis and of Marion County, Indiana, authorizing the issuance of one or more series of its City of Indianapolis, Indiana Multifamily Note, Series 2021 (Central Greens Apartments) (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 Governmental Note is issued) in the maximum aggregate principal amount not to exceed Fifteen Million One Hundred Thousand Dollars (\$15,100,000), and approving and authorizing other actions in respect thereto.

WHEREAS, Indiana Code Title 36, Article 7, Chapters 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 notes 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 and the provision of affordable housing in or near the City; and

WHEREAS, a representative of MHL 1 Central Greens LP, an Indiana limited partnership (the “Borrower”), has advised the Indianapolis Economic Development Commission (the “Commission”) and the City that it proposes that the City issue, pursuant to the Act, one or more series of its taxable or tax-exempt Multifamily Note (Central Greens Apartments) (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 notes are issued) (the “Governmental Note”), in an aggregate principal amount not to exceed Fifteen Million One Hundred Thousand Dollars (\$15,100,000) and lend proceeds of the Governmental Note to the Borrower to provide funds to pay a portion of the costs of the acquisition, design, construction, improvement and/or equipping of a multifamily housing facility to be located in the City in Council District 15 consisting of 156 rental units, together with functionally related and subordinate facilities, including parking and recreational facilities to be located at 3355 Kirkbride Way (the “Development”) to be owned by Borrower; and

WHEREAS, the Commission has studied the Development and the proposed financing of the Development and its effects on the health and general welfare of the City and its citizens and has rendered its report (the “EDC Report”) relating thereto, which the Metropolitan Development Commission of Marion County, Indiana, has been given the opportunity to comment thereon; and

WHEREAS, pursuant to Indiana Code 36-7-12-24, as amended, and Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”) and Treas. Reg. 1.147(f)-1, the Commission published notice of a public hearing (the “Public Hearing”) on the proposed issuance of the Governmental Note to finance the Development, and on June 9, 2021, the Commission held the Public Hearing for the purpose of receiving evidence and testimony on the Development and matters related to the proposed financing thereof and heard all persons interested in the proceedings and considered written remonstrances and objections, if any; and

WHEREAS, following such Public Hearing, the Commission adopted a resolution (the “EDC Resolution”) making findings that the financing of the Development 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 its citizens through the requirement that the Development provide affordable housing that serves persons and families of low and moderate income, that the financing of the Development will not have an adverse competitive effect or impact on any similar facility already constructed or operating in the same market area or in or about the City, and that the amount of tax credits to be allocated to the Development under Section 42 of the Code does not exceed the amount necessary for the financial feasibility of the Development and its viability as a qualified housing project throughout the credit period for the Development and that the Development satisfies the requirements for the allocation of a housing credit dollar amount under the IHCD's qualified allocation plan; and

WHEREAS, pursuant to and in accordance with the Act, the City desires to provide funds necessary to finance a portion of the Development by issuing the Governmental Note in an aggregate principal amount not to exceed Fifteen Million One Hundred Thousand Dollars (\$15,100,000); and

WHEREAS, the Act provides that such notes may be secured by and issued pursuant to the terms of a trust indenture between the City and a corporate trustee; and

WHEREAS, the City intends to issue the Governmental Note consistent with the terms of this Resolution and pursuant to a Funding Loan Agreement – TEL (Forward), to be dated the first day of the month in which the Governmental Note is sold or delivered (or such other date as the officers of the City may hereafter approve) (the "Funding Loan Agreement"), by and among the City, as Governmental Lender, Bank of America, N.A., as Initial Funding Lender, and U.S. Bank National Association, as Fiscal Agent, in order to obtain funds to lend to Borrower for the purpose of providing a portion of the funding for the costs of the Development in accordance with the terms of a Project Loan Agreement – TEL (Forward) (the "Project Loan Agreement") by and among the City, the Fiscal Agent and the Borrower to be dated as of the first day of the month in which the Governmental Note is sold or delivered (or such other date as the officers of the City may hereafter approve); and

WHEREAS, the Project Loan Agreement provides for the repayment by the Borrower of the loan of the proceeds of the Governmental Note pursuant to which the Borrower will agree to make payments sufficient to pay the principal and interest on the Governmental Note as the same become due and payable and to pay administrative expenses in connection with the Governmental Note; and

WHEREAS, no member of this City-County Council (the "Council") has any pecuniary interest in the Funding Loan Agreement, the Project Loan Agreement or any employment or other contract made under the provisions of the Act and related to the Governmental Note authorized herein, which pecuniary interest has not been fully disclosed to the Commission 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, there have previously been submitted to the Commission for its approval the forms of the Governmental Note, the Funding Loan Agreement, the Project Loan Agreement, the Regulatory Agreement by and among the City, the Fiscal Agent and the Borrower (the "Regulatory Agreement") and the Interlocal Cooperation Agreement between the Indiana Housing and Community Development Authority ("IHCD") and the City (collectively, the "Financing Documents"), and a form of a proposed ordinance of the City (the "Ordinance") authorizing the Governmental Note and forms of Financing Documents, which are by this reference incorporated herein; and

WHEREAS, based upon the EDC Resolution, this Council hereby finds and determines that the funding approved by the Commission for the acquisition, construction and equipping of the Development 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 a portion of the costs of the Development, will require the issuance, sale and delivery of one or more series of revenue notes in an aggregate principal amount not to exceed Fifteen Million One Hundred Thousand Dollars (\$15,100,000); now, therefore:

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

SECTION 1. After considering the evidence presented in the EDC Report and EDC Resolution, 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 Development, the issuance and sale of the Governmental Note, and the loan of the net proceeds thereof to the Borrower for the purposes of financing a portion of the Development, and repayment of said loan by Borrower will: (i) promote a substantial likelihood of 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 the provision of quality, affordable, multifamily rental housing 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 and the provision of quality, affordable multifamily rental housing 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, with any and all such changes as may be deemed necessary, desirable or appropriate by the Mayor and the Clerk of the Council (the "Clerk") and all such documents shall be kept on file by the Clerk of the City 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 Governmental Note in one or more series, any series of which may be taxable or tax-exempt for federal income tax purposes, in the maximum aggregate principal amount not to exceed Fifteen Million One Hundred Thousand (\$15,100,000), with a maximum term not to exceed forty (40) years from the date of the issuance of any series of the Governmental Note and with a maximum interest rate not to exceed twelve percent (12%) per annum, for the purpose of loaning the proceeds thereof to the Borrower to pay a portion of the costs of the Development as set forth in the Financing Documents. The Governmental Note shall be payable as to principal and interest upon such terms and conditions as otherwise provided in the Financing Documents and this Ordinance. The Governmental Note may be subject to mandatory tender or optional redemption at one or more times prior to maturity. The Governmental Note shall never constitute a general obligation of, moral obligation of, an indebtedness of, or charge against the general credit of the City or a pledge of the full faith or credit of the City within the purview of any constitutional or statutory limitation or provision.

SECTION 4. The Mayor and the Controller are authorized and directed to sell the Governmental Note to the purchaser or purchasers thereof at a price not less than ninety-eight percent (98%) of the aggregate principal amount thereof plus accrued interest, if any, at a rate of interest not to exceed twelve percent (12%) per annum, and with a final maturity date no later than forty (40) years from the date of the issuance of any series of the Governmental Note. A Governmental Note Purchase Agreement, in the form and substance acceptable to the Mayor and the Clerk, is hereby authorized and approved, and the Mayor and the Clerk are hereby authorized and directed to execute and deliver the Governmental Note Purchase Agreement in form and substance acceptable to them and consistent with the terms and conditions set forth in this Ordinance, with such to be conclusively evidenced by their execution thereof.

SECTION 5. 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 Governmental Note which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the City. The signatures of the Mayor and the Clerk on the Governmental Note 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 Governmental Note 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 Council or the Commission if such changes do not affect terms set forth in Sections 27(a)(1) through (a)(10) of the Act.

SECTION 6. The provisions of this Ordinance and the Financing Documents shall constitute a contract binding between the City and the holder or holders of the Governmental Note and after the issuance of said Governmental Note, 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 Governmental Note or the interest thereon remains unpaid.

SECTION 7. Subject to the obligations of the Borrower set forth in the respective Financing Documents and/or the certificates or agreements of such Borrower to be executed upon the issuance of the Governmental Note, if any of the Governmental Note are issued on a tax-exempt basis for purposes of federal income taxation, the City will use its best efforts to restrict the use of the proceeds of the Governmental Note in such a manner and to expectations at the time the Governmental Note are delivered to the purchasers thereof, so that they will not constitute "arbitrage bonds" under Section 148 of the Code and the regulations promulgated thereunder, or to preserve any other desired tax status under the Code. The Mayor, the Controller and the Clerk, or any other officer having responsibility with respect to the issuance of the Governmental Note, 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 Governmental Note, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to said Section 148 of the Code and the regulations thereunder.

SECTION 8. 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 the 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 Documents, shall be had against any member, director, or officer or attorney, as such, past, present, or future, of the City, including without limitation the 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 Governmental Note secured thereby, or otherwise, of any sum that may remain due and unpaid by the City upon any of the Governmental Note. 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 Governmental Note, or otherwise, of any sum that may remain due and unpaid upon the Governmental Note hereby secured or any of them, shall be expressly waived and released as a condition of and consideration for the execution and delivery of the Financing Documents and the issuance, sale and delivery of the Governmental Note.

SECTION 9. 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 10. 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 11. It is hereby determined that all formal actions of the Council relating to the adoption of this Ordinance were taken in one or more open meetings of the Council, that all deliberations of the 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 12. 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 to fully 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.

SECTION 13. This Council hereby finds and determines that the amount of tax credits to be allocated to the Development under Section 42 of the Code, does not exceed the amount necessary for the financial feasibility of the Development and its viability as a qualified housing project throughout the credit period for the Development. In making the foregoing determination, this Council has relied upon representations of the Borrower. The foregoing determination shall not be construed to be a representation or warranty by this Council or the City as to the feasibility or viability of the Development. In reliance upon the representations of the Borrower, it is hereby found and determined that the Development satisfies the requirements for the allocation of a housing credit dollar amount under the IHEDA's qualified allocation plan.

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

PROPOSAL NO. 185, 2021. Councillor Adamson reported that the Public Works Committee heard Proposal No. 185, 2021 on June 10, 2021. The proposal, sponsored by Councillors Adamson, Barth, McCormick and Larrison, amends the Code to add a new Chapter 710, Energy Benchmarking and Transparency, to Title III, Public Health and Welfare, as an energy and water benchmarking, reporting and transparency requirement to foster energy conservation, reduced operating costs, economic investment in efficient building stock, with corresponding increased valuation of assets and affordability, and a cleaner and healthier environment. By a 7-3 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Hart said that he has a background in information technology (IT) and there has to be a better, more technological way to obtain this data. He said that he supports the notion of reducing the city's carbon footprint, but he does not think this proposal is the way to do it. He said that he

was going to offer an amendment because he wanted to see the penalties removed, but he would rather just return the proposal to committee for further review. He moved, seconded by Councillor Bain, to return Proposal No. 185, 2021 to committee.

Councillor Barth stated that Councillor McCormick has a very carefully crafted amendment that they have worked on diligently with stakeholders and he would like to see that offered first. Councillor Hart said that this is even more of a reason to send it back to committee for more opportunity to review the amendment closely. Councillor Adamson said that he would prefer to vote on this matter today.

Councillor Gray asked what kind of burden or effect this will have on small businesses. Morgan Mickelson, director, Office of Sustainability, said that it will only affect building owners, and there is a long timeline for implementation and remediation to alleviate these burdens.

General Counsel Toae Kim stated that the debate at this time cannot touch on the merit of the proposal, but only on the motion to return it to committee.

Councillor Bain said that this confusion is all the more reason to return the proposal to committee.

The motion to return Proposal No. 185, 2021 to committee failed on the following roll call vote; viz:

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

Councillor McCormick made the following motion:

Mr. President,

I move to amend Sections 710-106, 710-107 and 710-109 in SECTION 1 of Proposal No. 185, 2021 by deleting the language that is stricken-through and adding the underlined language in the highlighted portions, to read as follows:

SECTION 1. Title III of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, Public Health and Welfare, is hereby amended by adding a new chapter, Chapter 710, Energy Benchmarking and Transparency, to read as follows:

Sec. 710-106. – Benchmarking Implementation Schedule.

- (a) The benchmarking submissions required by Sec. 710-104 shall be initially filed in accordance with the following schedule:

| | 2021 | 2022 | 2023 | 2024 | 2025 |
|---------------------------|---|---|--|---|---|
| Impacted Buildings | Voluntary benchmarking for all <u>building types covered properties</u> | <p><u>Municipal Buildings Covered city properties</u> greater than 50,000 sq. ft.</p> <p>Voluntary for all other <u>building types covered properties</u></p> | <p><u>Municipal Buildings Covered city properties</u> greater than 25,000 sq. ft.</p> <p><u>All Marion County Buildings Covered non-city properties</u> greater than 100,000 sq. ft.</p> | <p><u>Municipal Buildings Covered city properties</u> greater than 25,000 sq. ft.</p> <p><u>All Marion County Buildings Covered non-city properties</u> greater than 50,000 sq. ft.</p> | <p><u>Municipal Buildings Covered city properties</u> greater than 25,000 sq. ft.</p> <p><u>All Marion County Buildings Covered non-city properties</u> greater than 50,000 sq. ft.</p> |

| | | | | | |
|----------------------|-----|-----|--|---|--|
| Data Transparency | N/A | N/A | Municipal Buildings Scores for covered city properties | Municipal Buildings Scores for covered city properties Marion County Building Scores from Phases 1 & 2 | Municipal Buildings Scores for covered city properties Marion County Building Scores from Phase 3 Phase 4 Scores Scores for all covered properties will be published in 2026 |
|----------------------|-----|-----|--|---|--|

- (b) By December 1 of each year prior to a year in which benchmarking submissions are due, the administrator may publicly post a list of all covered properties that must provide a benchmarking submission to the administrator during the following year.
- (c) Between January 1 and March 1 of each year, for at least the first three (3) years during which an owner is required to provide a benchmarking submission, the administrator shall attempt to notify those owners of their obligation to benchmark via direct mail, electronically via email, or through a public posting on a web site.
- (d) Failure of the administrator to publicly post a list of all covered properties that must provide a benchmarking submission to the administrator during the following year or to notify any owner in accordance with this section shall not relieve such owner of its obligation to comply with this chapter.
- (e) The administrator shall provide no less than four (4) outreach and educational opportunities per calendar year throughout the implementation schedule set forth in subsection (a) for owners of covered properties. Such opportunities may include, by way of example:

- (1) In-person and virtual data submission training and assistance;
- (2) “Train the trainer” sessions led by EPA Energy Star;
- (3) Mailers and annual reports;
- (4) Online resources;
- (5) Community office hours; and
- (6) Trade association meetings.

The administrator shall maintain some level of educational and outreach opportunities for owners of covered properties following full benchmarking implementation.

Sec. 710-107. – Benchmarking Transparency.

- (a) The administrator shall, beginning with covered city properties in accordance with the schedule set forth in section 710-106(a) and annually thereafter, make shared benchmarking information available on a publicly accessible website.
- (b) Beginning December 1, 2025 and on or before the first business day of December of each calendar year thereafter, the administrator shall make available on a publicly accessible website an annual report on the benchmarking of all covered properties.
 - (1) The report shall include a summary of energy and water consumption statistics, an assessment of compliance rates, accuracy and issues affecting accuracy, changes across the covered properties portfolio over time, and trends observed.
 - (2) All data included in the annual benchmarking report shall be anonymized data.
 - (3) The administrator may include the information required in the annual benchmarking report as a standalone report or in a combined annual energy and water efficiency report covering the progress of all of the city’s energy efficiency ordinances and programs, at the administrator’s discretion.

- (c) The administrator may provide non-anonymized data from benchmarking submissions to any utility serving a covered property or to any federal, state, county, or city-managed energy efficiency or management program, provided that the data will be used only for purposes of offering programs, services and incentives related to energy and water efficiency and management, and provided that the administrator has first obtained the written consent of the owner of a covered property to share the data with the utility or energy efficiency and/or management program. Where the owner's permission can be granted electronically through acceptance of a default option, the city shall provide a clearly delineated option for owners of covered properties to choose to opt out of granting such consent automatically. The administrator may provide anonymized data to a utility without the prior consent of an owner.
- (d) The administrator may disclose non-anonymized data from benchmarking submissions to a third party for academic or other non-commercial research purposes.

Sec. 710-109. – Enforcement.

- (a) The failure by owner to make a benchmarking submission as required by this chapter shall constitute a violation of the Code. An owner's first and second violations shall be subject to an admission of violation and payment of the designated civil penalty through the ordinance violations bureau in accordance with sections 103-51 and 103-52 of the Code. All subsequent violations shall be subject to the enforcement procedures provided for in section 103-3 and 103-5 of the Code.
- (b) The penalties allowed under subsection (a) may not be imposed until after:
 - (1) The administrator has issued a written notice of violation to the owner or the owner's designee by personal service or by first class United States Mail, postage prepaid;
 - (2) Passage of thirty (30) days, which must be stated in the notice, for the violation to be cured; and
 - (3) Failure of the violation to be cured within the time stated in the notice.
- (c) In addition to civil penalties, the administrator may seek injunctive relief to enforce the provisions of this chapter.
- (d) All penalties collected for violation of this chapter shall be deposited in the Energy and Water Efficiency Fund created under section 710-111.
- (e) This section 710-109 shall not take effect until January 1, 2026.

Councillor Adamson seconded the motion, and Councillors Barth and Boots both thanked Councillor McCormick for working on this amendment.

Proposal No. 185, 2021 was amended on the following roll call vote; viz:

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

Councillor Hart said that building owners could raise rents on businesses because of this, and he believes there are many repercussions they have not considered, and some businesses will move out of the county and go elsewhere. He said that there is a better way to do this and this will impact a lot of businesses.

Councillor Barth read a letter of support from Cummins into the record and said that they have had similar support from many local businesses.

Councillor J. Evans asked about the penalties related to this. Councillor Barth said that the penalties are modest and they have been very generous. Ms. Mickleson said that they were drafted in line with other penalties in the City Code, but will not kick in until 2026, with no fines issued until 30

days after the deadline of compliance, ranging from the first offense at \$100 up to \$250. Councillor J. Evans said that this is a small fee, and is a common sense in the first step to try and reduce the city's carbon footprint.

Councillor Hart said that the fines may not be large in value, but will still have an impact. He read from a letter the Councillors received from three major stakeholders who do not support the proposal: IndyChamber, MIBOR and FOMA.

Councillor Adamson asked if the Office of Sustainability could help businesses with the grant process to help with this. Ms. Mickleson responded in the affirmative.

Councillor McCormick said that the letter Councillor Hart read from was sent prior to the amendment she offered, and they have had discussions with these stakeholders. She said that they cannot set goals for achievement if they do not start somewhere, and this is just a baseline to challenge businesses to be better. She said that AES is on board with the city setting a gold standard for benchmark transparency.

Councillor Bain asked if apartments are excluded from this. Ms. Mickleson said that if a building is at least 50% multi-family housing, they can apply for exemption. Councillor Bain said that Washington D.C. and Chicago had problems with this issue. Ms. Mickleson said that she comes from a multi-family background, and this is why they offered that exemption out of the gate, but they are still working with building owners to build this into their operations. Councillor Bain said that a lot of passion and work has gone into this, but he still has concerns that this will negatively affect building owners from finding tenants, and there are things they have not even considered. He said that he supports a clean energy environment, but cannot support this proposal.

Councillor Hart asked how many employees are in the Office of Sustainability. Ms. Mickleson said that they have two full-time positions, with one full-time being back-filled, and three interns. Councillor Hart asked how they can fulfill managing such a program and educating building owners with such a small staff. He asked if their whole job will be entering business data. Ms. Mickleson said that the energy footprint will be a strong priority.

Councillor Larrison said that they are providing property owners the means to make improvements without shaming them, and they cannot model the program without knowing all the challenges, and this is a great first step.

Councillor Adamson said that they do not have to look far to see the effects of climate change, with such a wet June and floodings here in the Midwest, with droughts on the other end of the country. He said that this step is monumentally important.

Councillor Barth said that this is a market-based situation, because consumers want more informed decisions and solutions. Councillor Bain said that even if this was the first government market-based solution ever, it does not create such an environment.

Councillor Boots said that entering new territory is always scary, but anxiety should not prevent them from doing the right thing. This is not permanent and can still be tweaked.

Councillor Adamson moved, seconded by Councillor Carlino, for adoption. Proposal No. 185, 2021, as amended, was adopted on the following roll call vote; viz:

July 12, 2021

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

Proposal No. 185, 2021 was retitled GENERAL ORDINANCE NO. 25, 2021, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 25, 2021

PROPOSAL FOR A GENERAL ORDINANCE amending the Revised Code to add a new chapter to Title III, Public Health and Welfare, to wit: Chapter 710, Energy Benchmarking and Transparency.

WHEREAS, the Consolidated City of Indianapolis and Marion County is committed to taking steps to mitigate and adapt our community to climate change to ensure a healthy and prosperous community for all our residents now and in the future; and

WHEREAS, in 2018, the city launched Thrive Indianapolis, the first sustainability and resilience action plan in our city's history, which was developed through an extensive community engagement process and sets out the goals for our city in the coming decades to address the effects of climate change; and

WHEREAS, in furtherance of the Thrive Indianapolis action plan, the City desires to establish an energy and water benchmarking, reporting and transparency requirement for certain buildings within its jurisdiction to incentivize the city, the county and other property owners to improve the use of energy and water in buildings to reduce costs and to foster a cleaner and healthier environment; and

WHEREAS, improvements to energy efficiency will serve to spur economic investment through reduced operating costs, increased asset values and improved worker productivity; and

WHEREAS, energy efficient buildings will consume less power, resulting in fewer greenhouse gas emissions and improved air quality; and

WHEREAS, reduced energy costs will create an efficient building stock and maintain affordability for tenants and businesses; now, therefore:

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

SECTION 1. Title III of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, Public Health and Welfare, is hereby amended by adding a new chapter, Chapter 710, Energy Benchmarking and Transparency, to read as follows:

Chapter 710 - ENERGY BENCHMARKING AND TRANSPARENCY

Sec. 710-101. – Purpose and Policy.

The purpose and intent of this chapter is to establish an energy and water benchmarking, reporting and transparency requirement for certain buildings to incentivize the city, the county and other property owners to improve the use of energy and water in buildings to reduce costs and to foster a cleaner and healthier environment, to spur economic investments and to create an efficient and affordable building stock.

Sec. 710-102. – Definitions.

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

Administrator means the director of the city's office of sustainability, or his/her designee.

Aggregated whole-building data means energy or water data that has been summed for an entire property, which may include a single occupant or a group of separately metered tenants.

Anonymized data means energy or water data that does not reveal names, addresses or any other information that would identify an individual or business.

Benchmarking (or benchmark) means to input and submit the total energy and water consumed for a property for a calendar year and other descriptive information for such property as required by the benchmarking tool. Total energy and water consumption shall not include separately metered uses that are not integral to building operations, as determined by the administrator.

Benchmarking submission means a subset of:

- (a) information input into the benchmarking tool; and
- (b) benchmarking information generated by the benchmarking tool, as determined by the administrator.

Benchmarking tool means the U.S. Environmental Protection Agency's ENERGY STAR® Portfolio Manager, or any additional or alternative tool adopted by the administrator, used to track and assess the energy and water use of certain properties relative to similar properties.

Building management system means a computer-based system that monitors and controls a property's mechanical and electrical equipment, such as HVAC, lighting, power, water, fire suppression and security systems.

City-owned property means a property owned, leased, or managed by the city, any agency thereof, or the Marion County Building Authority, such that the city or the authority regularly pays all or part of the annual energy and water bills for the property.

Compliance means that the owner of a covered property has carried out all applicable duties outlined in this chapter, which includes entering data into the benchmarking tool and reporting it to the administrator.

Condominium means a property that combines separate ownership of individual units with common ownership of other elements, such as common areas.

Covered city property means a property that:

- (a) is city-owned property over fifty thousand square feet 50,000 square feet of gross floor area, beginning with 2022 data and thereafter; and
- (b) is city-owned property over twenty-five thousand square feet 25,000 square feet of gross floor area, beginning with 2023 data and thereafter.

Covered non-city property means a property, other than a covered city property, that:

- (a) has a gross floor area of over 100,000 square feet beginning in 2023-and thereafter; and
- (b) has a gross floor area of over 50,000 square feet beginning in 2024 and thereafter.

Covered property means any covered city property or covered non-city property; provided, however, the following properties shall be excluded from the definition and are not subject to this chapter:

- (a) single family, duplex, triplex and fourplex residential homes and related accessory structures, or any other residential building with less than four (4) units; and
- (b) properties classified as industrial per designated Standard Industrial Classification (SIC) codes 20 through 39;

Data Quality Checker means the function in the ENERGY STAR Portfolio Manager that runs a set of basic data checks on properties to help identify possible data entry error and to determine whether a building differs from typical operational patterns.

Energy means electricity, natural gas, steam, or other product sold by a utility to a customer which is the owner or occupant of a property, or renewable electricity generation on the property, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses of a property, as recorded in the benchmarking tool.

ENERGY STAR Portfolio Manager means the tool developed and maintained by the U.S. Environmental Protection Agency to track and assess the relative energy performance of buildings.

ENERGY STAR score means the 1-100 numeric rating generated by the ENERGY STAR Portfolio Manager tool as a measurement of a building's energy efficiency.

EPA means the U.S. Environmental Protection Agency.

Financial hardship means:

- (a) a covered property with property taxes and/or special assessments due and owing in arrears resulting in the property's inclusion on the Marion County tax lien sale list within the prior two (2) years;
- (b) a covered property under the control of a court-appointed receiver;
- (c) a covered property owned by a financial institution or other lender which took title to the property due to default of a mortgage, lien, or other security interest against the property through a deed in lieu of foreclosure or court judgment; or
- (d) a covered property subject to one (1) or more mortgages or other security interests, the holder of the most senior of which has given written notice to the owner that it is in default.

Gross floor area means the total property area, measured between the outside surface of the exterior walls of the building(s). This includes all areas inside the building(s), including but not limited to lobbies, tenant areas, common areas, meeting rooms, break rooms, atriums (count the base level only), restrooms, elevator shafts, stairwells, mechanical equipment areas, basements, and storage rooms.

Non-compliance means that the owner of a covered property has not carried out all applicable duties outlined in this chapter, which includes entering data into the benchmarking tool and reporting it to the administrator or has not otherwise obtained an exemption from compliance pursuant to this chapter.

Owner means any of the following:

- (a) one (1) or more individuals or entities in whose name title to a property is held;
- (b) the board of the owners' association, in the case of a condominium;
- (c) the master association, in the case of a condominium where the powers of an owners' association are exercised by or delegated to a master association;
- (d) the board of directors, in the case of a cooperative apartment corporation; or
- (e) an agent authorized to act on behalf of any of the above.

Property means any of the following:

- (a) a single building;
- (b) one (1) or more buildings held in the condominium form of ownership and governed by a single board of managers or a master association; or
- (c) a campus of two (2) or more contiguous buildings which are owned and operated by the same party, have a single shared primary function, and are:
 - (1) behind a common utility meter or served by common mechanical/electrical systems (such as, by way of illustration and not of limitation, a chilled water loop) which would prevent the owner from being able to easily determine the energy use attributable to each of the individual buildings; or
 - (2) used primarily for one of the following functions:
 - (i) K-12 school;
 - (ii) hospital;

- (iii) hotel;
- (iv) multifamily housing; or
- (v) senior care community.

Shared benchmarking information means information generated by the benchmarking tool and descriptive information about a covered property, including its physical and operational characteristics, which is shared with the public. Shared benchmarking information, as defined by the ENERGY STAR Portfolio Manager glossary, shall include, but need not be limited to:

- (a) Descriptive information, including:
 - (1) property address;
 - (2) primary use;
 - (3) gross floor area;
 - (4) number of years the property has been ENERGY STAR® Certified and the last approval date, if applicable; and
 - (5) individual or entity responsible for the benchmarking submission.
- (b) Output information, including:
 - (1) site and source energy use intensity;
 - (2) weather normalized site and source energy use intensity;
 - (3) the ENERGY STAR score, where available;
 - (4) total annual greenhouse gas emissions;
 - (5) indoor water use and water use intensity (consumption per gross square foot);
 - (6) total water use;
 - (7) the ENERGY STAR water score, where available; and
 - (8) general comments section, if needed, to explain the building's ENERGY STAR scores.
- (c) Whether the owner is in compliance or non-compliance.

Space means an area within a building enclosed by floor to ceiling walls, partitions, windows and doors.

Tenant means a person or entity occupying or holding possession of a property, or a part thereof, with the consent of the owner.

Utility means an entity that distributes and/or sells natural gas, electricity, water, or thermal energy services for covered property.

Sec. 710-103. – Applicability.

- (a) This chapter is applicable to the owner of each covered property, as well as the tenants thereof, subject to any exceptions set forth in this chapter.
- (b) This chapter is applicable to each utility to the extent that each utility is highly encouraged to:
 - (1) develop and maintain the capability to determine aggregated whole-building data for each covered property that it serves in an electronic format capable of being uploaded into the benchmarking tool for at minimum the most recent 24 months; and

- (2) cooperate with the owners of covered properties in providing such data and information as is possible for purposes of benchmarking under this chapter.

Sec. 710-104. – Collecting and Entering Benchmarking Data; Recordkeeping.

(a) On or before June 1 of each calendar year the owner of each covered property shall collect and enter all data needed to benchmark the entire property for the previous calendar year into the benchmarking tool in a manner that conforms to latest EPA guidance for use of the tool, based on aggregated whole-building data for the covered property's energy and water use.

(b) Aggregated whole-building data shall be compiled using one or more of the following methods:

- (1) Obtaining aggregated whole-building data from a utility.
- (2) Collecting data from all tenants.
- (3) Reading a master meter.

(c) If the owner does not have access to aggregated whole-building data for energy and water usage, the owner shall request aggregated whole-building data from each utility that provides energy or water service to the property. If a utility does not provide aggregated whole-building data for energy or water usage, the owner shall request energy and water data from tenants of the covered property.

- (1) Each nonresidential tenant of a covered property shall, within 30 days of a request by the owner and in a form to be determined by the administrator, provide all information that cannot otherwise be acquired by the owner and that is needed by the owner to comply with the requirements of this ordinance.
- (2) When the owner receives notice that a nonresidential tenant intends to vacate a space within the covered property, the owner shall request data relating to such tenant's energy and water use for any period of occupancy relevant to the owner's obligation to benchmark pursuant to this chapter. Such tenant shall report such information to the owner, in a form to be determined by the administrator, within 30 days of a request by the owner.
- (3) If a tenant fails or refuses to provide energy and water data requested by the owner, the owner must submit documentation to the administrator of the reasons why the owner is not able to acquire aggregated whole-building data and may apply for an exemption under section 710-107 of this chapter.
- (4) Nothing in this chapter shall be construed to permit an owner to use tenant energy usage data for purposes other than compliance with this chapter.
- (5) Nothing in this chapter shall be construed to excuse an owner from complying with federal or state laws governing direct access to tenant utility data from the responsible utility.

(d) When a covered property changes ownership, the previous owner shall provide the new owner with all energy and water usage data and covered property descriptive information for the period during which the previous owner was in possession of the property needed for the new owner to comply with this chapter.

(e) The owner shall run all data quality checker functions available within the benchmarking tool and shall verify that all data has been accurately entered into the tool. The owner shall correct all missing or incorrect information as identified by the data quality checker prior to submitting a benchmarking report to the administrator.

(f) Owners shall maintain records as the administrator determines is necessary for carrying out the purposes of this ordinance, including but not limited to the energy and water bills and reports or forms received from tenants and/or utilities. Such records shall be preserved for a period of five (5) years. At the request of the administrator, such records shall be made available for inspection and audit by the administrator, at no cost to the city.

Sec. 710-105. – Benchmarking Submissions.

(a) On or before June 1 of each calendar year, the owner of each covered property shall make a benchmarking submission in an electronic format to the administrator, which shall consist of an energy and water benchmarking report including, at minimum, shared benchmarking information generated by the benchmarking tool based upon the data entered pursuant to section 710-104 of this chapter.

(b) If an owner learns that any information reported as part of a benchmarking submission is inaccurate or incomplete, within 30 days of learning of the inaccuracy or incompleteness, the owner shall amend the information reported within the benchmarking tool and shall provide the administrator with an updated benchmarking submission.

(c) An owner may make a written request to the administrator, in such form and with such supporting documentation as may be requested by the administrator, at least 30 days prior to the date on which a benchmarking submission is due for an extension of time to make a benchmarking submission if, despite good faith efforts, the owner is unable to complete the submission on time due to the failure of either a utility provider or a tenant (or both) to provide the owner with information needed to complete the submission. The administrator may grant no more than two (2) extensions of no more than 30 days each to the owner of a covered property in a calendar year.

Sec. 710-106. – Benchmarking Implementation Schedule.

(f) The benchmarking submissions required by Sec. 710-104 shall be initially filed in accordance with the following schedule:

| | 2021 | 2022 | 2023 | 2024 | 2025 |
|--------------------|---|---|---|--|--|
| Impacted Buildings | Voluntary benchmarking for all covered properties | Covered city properties greater than 50,000 sq. ft. Voluntary for all other covered properties | Covered city properties greater than 25,000 sq. ft. Covered non-city properties greater than 100,000 sq. ft. | Covered city properties greater than 25,000 sq. ft. Covered non-city properties greater than 50,000 sq. ft. | Covered city properties greater than 25,000 sq. ft. Covered non-city properties greater than 50,000 sq. ft. |
| Data Transparency | N/A | N/A | Scores for covered city properties | Scores for covered city properties | Scores for covered city properties Scores for all covered properties will be published in 2026 |

(g) By December 1 of each year prior to a year in which benchmarking submissions are due, the administrator may publicly post a list of all covered properties that must provide a benchmarking submission to the administrator during the following year.

(h) Between January 1 and March 1 of each year, for at least the first three (3) years during which an owner is required to provide a benchmarking submission, the administrator shall attempt to notify those owners of their obligation to benchmark via direct mail, electronically via email, or through a public posting on a web site.

(i) Failure of the administrator to publicly post a list of all covered properties that must provide a benchmarking submission to the administrator during the following year or to notify any owner in accordance with this section shall not relieve such owner of its obligation to comply with this chapter.

(j) The administrator shall provide no less than four (4) outreach and educational opportunities per calendar year throughout the implementation schedule set forth in subsection (a) for owners of covered properties. Such opportunities may include, by way of example:

- (7) In-person and virtual data submission training and assistance;
- (8) “Train the trainer” sessions led by EPA Energy Star;
- (9) Mailers and annual reports;
- (10) Online resources;
- (11) Community office hours; and

(12) Trade association meetings.

Sec. 710-107. – Benchmarking Transparency.

(e) The administrator shall, beginning with covered city properties in accordance with the schedule set forth in section 710-106(a) and annually thereafter, make shared benchmarking information available on a publicly accessible website.

(f) Beginning December 1, 2025 and on or before the first business day of December of each calendar year thereafter, the administrator shall make available on a publicly accessible website an annual report on the benchmarking of all covered properties.

- (1) The report shall include a summary of energy and water consumption statistics, an assessment of compliance rates, accuracy and issues affecting accuracy, changes across the covered properties portfolio over time, and trends observed.
- (2) All data included in the annual benchmarking report shall be anonymized data.
- (3) The administrator may include the information required in the annual benchmarking report as a standalone report or in a combined annual energy and water efficiency report covering the progress of all of the city's energy efficiency ordinances and programs, at the administrator's discretion.

(g) The administrator may provide non-anonymized data from benchmarking submissions to any utility serving a covered property or to any federal, state, county, or city-managed energy efficiency or management program, provided that the data will be used only for purposes of offering programs, services and incentives related to energy and water efficiency and management, and provided that the administrator has first obtained the written consent of the owner of a covered property to share the data with the utility or energy efficiency and/or management program. Where the owner's permission can be granted electronically through acceptance of a default option, the city shall provide a clearly delineated option for owners of covered properties to choose to opt out of granting such consent automatically. The administrator may provide anonymized data to a utility without the prior consent of an owner.

(h) The administrator may disclose non-anonymized data from benchmarking submissions to a third party for academic or other non-commercial research purposes.

Sec. 710-108. – Benchmarking Exemptions.

(a) The owner of a covered city property may request an exemption from making a benchmarking submission for any given calendar year if the owner submits a written request to the administrator, in such form and with such supporting documentation as may be requested by the administrator, at least 60 days prior to the date on which a benchmarking submission is due for that year establishing that the covered city property met one (1) or more of the following conditions during the calendar year for which an exemption is being requested:

- (1) A wrecking permit for the entire building was issued, demolition work has begun, and legal occupancy of the building was no longer possible prior to end of that year;
- (2) The covered city property did not receive energy or water utility services for at least 30 days during that year;
- (3) The covered city property had an average physical occupancy rate of less than 50 percent over the course of that year; or
- (4) Due to special circumstances unique to the covered city property, strict compliance with provisions of this chapter would not be in the public interest.

The administrator shall grant an exemption if the owner provides documentation to demonstrate the conditions set forth in subsections (1), (2) and (3). The administrator shall have the discretion whether to grant an exemption under subsection (4).

(b) The owner of a covered non-city property may request an exemption from making a benchmarking submission for any given calendar year if the owner submits a written request to the administrator, in such form and with such

supporting documentation as may be requested by the administrator, at least 60 days prior to the date on which a benchmarking submission is due establishing that the covered non-city property has met one (1) or more of the following conditions during the calendar year for which an exemption is being requested:

- (1) Any of the conditions set forth in section 710-107(a)(1) – (3) apply to the covered non-city property.
- (2) The owner of the covered non-city property is unable to obtain the data as provided for in section 710-104(c)(3);
- (3) The covered non-city property is under financial hardship;
- (4) The covered non-city property has a gross floor area more than 50% of which is used for residential purposes, has more than four (4) energy/water meters, the owner is not able to obtain aggregated whole-building data, and the utilities serving the property does not provide access to aggregated whole-building data; or
- (5) Special conditions unique to the covered non-city property which were not caused by the actions of the owner exist such that strict compliance with this chapter would cause the owner undue hardship.

The administrator shall grant an exemption if the owner provides documentation to demonstrate the conditions set forth in subsections (1), (2), (3) and (4). The administrator shall have the discretion whether to grant an exemption under subsection (5).

Sec. 710-109. – Enforcement.

(f) The failure by owner to make a benchmarking submission as required by this chapter shall constitute a violation of the Code. An owner's first and second violations shall be subject to an admission of violation and payment of the designated civil penalty through the ordinance violations bureau in accordance with sections 103-51 and 103-52 of the Code. All subsequent violations shall be subject to the enforcement procedures provided for in section 103-3 and 103-5 of the Code.

(g) The penalties allowed under subsection (a) may not be imposed until after:

- (4) The administrator has issued a written notice of violation to the owner or the owner's designee by personal service or by first class United States Mail, postage prepaid;
- (5) Passage of thirty (30) days, which must be stated in the notice, for the violation to be cured; and
- (6) Failure of the violation to be cured within the time stated in the notice.

(h) In addition to civil penalties, the administrator may seek injunctive relief to enforce the provisions of this chapter.

(i) All penalties collected for violation of this chapter shall be deposited in the Energy and Water Efficiency Fund created under section 710-111.

(j) This section 710-109 shall not take effect until January 1, 2026.

Sec. 710-110. – Rules.

The board of public works is empowered to adopt and enforce rules and regulations supplementing this chapter which are reasonably necessary to make effective the provisions thereof and to supply further details, not inconsistent therewith, in the administration and enforcement of this chapter.

Sec. 710-111. – Energy and Water Efficiency Fund.

(a) There is hereby created a special fund, to be designated as the Energy and Water Efficiency Fund, which shall be a continuing, non-reverting fund, with all balances remaining therein at the end of the year, and such balances shall not revert to the city or county general funds. The controller shall deposit in this fund any fees, penalties, grants or other monies collected in relation to benchmarking under this chapter or received in connection with energy and water efficiency efforts and programs.

(b) Funds from the Energy and Water Efficiency Fund may be appropriated to carry out the purpose and intent of this chapter, including the operations of the administrator, the education of owners and the public about benchmarking and energy efficiency, and to assist with the implementation of energy and water efficiency programs.

SECTION 2. Section 103-52 of the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, Schedule of Code provisions and penalties, is hereby amended by adding the language that is underlined, to read as follows:

Sec.103-52. - Schedule of Code Provisions and Penalties.

| Code Section | Subject Matter | Civil Penalty |
|----------------|---|-----------------|
| <u>710-109</u> | <u>Failure to make benchmarking submission – first offense</u> | <u>\$100.00</u> |
| <u>710-109</u> | <u>Failure to make benchmarking submission – second offense</u> | <u>\$250.00</u> |

SECTION 3. 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 4. 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 adopting this ordinance. To this end, the provisions of this ordinance are severable.

SECTION 5. This ordinance shall be in effect from and after its passage by the Council and compliance with Indiana Code § 36-3-4-14.

Councillor Adamson reported that the Public Works Committee heard Proposal No. 186-189, 2021 on June 10, 2021. He asked for consent to vote on Proposal Nos. 186-188, 2021 together. Consent was given.

PROPOSAL NO. 186, 2021. The proposal, sponsored by Councillor Boots, authorizes a speed limit reduction to 25 miles per hour in the Tanglewood Estates and Mayflower Meadows. PROPOSAL NO. 187, 2021. The proposal, sponsored by Councillor Jones, authorizes parking restrictions on the south side of Prospect Street near Morris Street (District 16). PROPOSAL NO. 188, 2021. The proposal, sponsored by Councillor Dilk, authorizes a speed limit reduction to 25 miles per hour in the Whitaker Valley subdivision (District 24). By 11-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Adamson moved, seconded by Councillor Carlino, for adoption. Proposal No. 186-188, 2021 were adopted on the following roll call vote; viz:

25 YEAS: Adamson, Annee, 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:

Proposal No. 186, 2021 was retitled GENERAL ORDINANCE NO. 21, 2021, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 21, 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 *Tanglewood Estates Corrected* platted subdivision, 25 mph.
All local streets within *Mayflower Meadows* 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. 187, 2021 was retitled GENERAL ORDINANCE NO. 22, 2021, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 22, 2021

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to make various changes to Chapter 621, Parking, standing and stopping restricted.

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. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets, be, and the same is hereby amended by the deletion of the following, to wit:

Prospect Street, on the south side, from Morris Street to a point 600 feet northwest;

SECTION 2. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 621-125, Stopping, standing and parking prohibited at designated locations on certain days and hours., be, and the same is hereby amended by the addition of the following, to wit:

**ON ANY DAY EXCEPT SATURDAY
AND SUNDAY**
From 6:00 a.m. to 9:00 a.m.

Prospect Street, on the south side, from Morris Street to a point 600 feet northwest;

SECTION 3. 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 4. 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 5. 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. 188, 2021 was retitled GENERAL ORDINANCE NO. 23, 2021, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 23, 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 *Whitaker Valley* 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. 189, 2021. The proposal, sponsored by Councillor Adamson, authorizes the installation of parking meters on the south side of 10th Street, between College Avenue and Bellefontaine Street and on the east side of Pennsylvania Street, from 11th to 10th Street (District 17). By an 8-3 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Annee asked the reason for the three nay votes in committee. Councillor Carlino said that it was with regard to regulating parking that is currently free, but they have found that businesses in that area want more turnover to increase their business. Councillor Adamson agreed and added that a lot of traffic is driven down to the Bottleworks and Massachusetts Avenue, and that little segment does not have meters, so employees park there all day long and take up the customer parking spaces. This just helps this area mimic the other business parking in that area.

Councillor E. Evans asked what would be the difference if they just posted a sign with a time limit for parking. Councillor Adamson said that there is no enforcement for that and they would have to allocate IMPD officers to monitor, which would be a poor use of resources. He said that such signage is often abused near his downtown business.

Councillor Adamson moved, seconded by Councillor Carlino, for adoption. Proposal No. 189, 2021 was adopted on the following roll call vote; viz:

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

Proposal No. 189, 2021 was retitled GENERAL ORDINANCE NO. 24, 2021, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 24, 2021

PROPOSAL FOR A GENERAL RESOLUTION approving the installation of parking meters in Parking Meter Zone 3.

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

SECTION 1. Pursuant to Rev. Code Sec. 621-201 (a), four parking meter zones are established in the city of Indianapolis, designated as Parking Meter Zone 1, Parking Meter Zone 2, Parking Meter Zone 3 and Parking Meter Zone 4. Pursuant to Rev. Code Sec. 621-201 (b) parking meters may be installed in Parking Meter Zone 3 only if the City-County Council approves the installation.

SECTION 2. The Council hereby approves the installation of parking meters on the following streets, portions of streets and public rights-of-way in Parking Meter Zone 3:

10th Street, on the south side, from College Avenue to Bellefontaine Street

Pennsylvania Street, on the east side, from 11th Street to 10th Street

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 resolution 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) All Councillors in memory of Janet Litke, Terry Curry, and Dion McKissick; and
- (2) Councillor Lewis in memory of Steven L. Wilson; and
- (3) Councillor J. Evans in memory of Josh Spencer; and
- (4) Councillor Osili in memory of Robert Lopez; and
- (5) Councillor Mascari in memory of Luis Diaz, Betty Ciriello, Rory Swartz, Rose Mascari, Timothy Hughes and Max Brenton; and
- (6) Councillor Jones in memory of Frances Waddell; and
- (7) Councillor Annee in memory of Nicholas Anthony Iaria, Rita Margaret Eads, and Anna Strykowski.

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 Janet Litke, Terry Curry, Dion McKissick, Steven L. Wilson, Josh Spencer, Robert Lopez, Luis Diaz, Betty Ciriello, Rory Swartz, Max Brenton, Rose Mascari, Timothy Hughes, Frances Waddell, Nicholas Anthony Iaria, Rita Margaret Eads, and Anna Strykowski,. 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.

July 12, 2021

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 10:48 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 12th day of June, 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)