

REGULAR MEETING – August 3, 2010

The Common Council of the City of Michigan City, Indiana, met in regular session on Tuesday evening, August 3, 2010, at the hour of 6:30 p.m., local time, in the Common Council Chambers, located in the lower level of the City Hall Building, 100 East Michigan Boulevard, Michigan City, Indiana.

The meeting was called to order at 6:30 p.m. by Council President Marc Espar.

Roll call was authorized and the following were noted present and/or absent:

PRESENT: COUNCIL MEMBERS Patricia Boy, Joseph Doyle, Phillip Jankowski, Marc Espar, Robert McKee, Angie Nelson, Richard Murphy, Ron Meer and Willie Milsap (9).

ABSENT: None (0).

A QUORUM WAS NOTED PRESENT.

ALSO PRESENT: Clerk – Thomas Fedder, Deputy Clerk – Gale Neulieb and Council Attorney – James Meyer.

APPROVAL OF MINUTES

President Espar inquired whether there were any corrections, deletions, or additions to the minutes of the Regular Meeting of July 20, 2010.

Councilwoman Boy made a motion to approve the minutes as printed, second by Councilman Doyle. The minutes were approved as printed.

President Espar inquired whether there were any corrections, deletions, or additions to the minutes of the Special meeting held on July 29, 2010.

Councilwoman Boy made a motion to approve the minutes as printed, second by Councilman Doyle. The Special meeting minutes were approved as printed.

President Espar inquired whether there were any corrections, deletions, or additions to the Executive Session held on July 19, 2010.

Councilwoman Boy made a motion to approve the minutes as printed, second by Councilman Meer. The Executive Session minutes were approved as printed.

REPORTS OF STANDING COMMITTEES

There were no reports of standing committees.

REPORTS OF SPECIAL OR SELECT COMMITTEES

Councilman Jankowski reported on the Finance Committee held August 3, 2010 to review the Claim Dockets, and stated this matter would be addressed under “New Business”.

Councilman Jankowski reported on the Sanitary District Board meeting held on July 28, 2010 advising their cash balances. Mr. Jankowski advised that Mr. Walus stated he would have the Financial Plan at the next Sanitary District Board meeting (August 25, 2010).

Councilman Jankowski requested the final IDEM report from July 22, 2010, and that Mr. Walus advised him that the Sanitary District had not received it to date, but would forward a copy to him when they receive the report.

Councilman Jankowski presented the following Utilities Committee report held on July 22, 2010:

The meeting was called to discuss the following:

- ◆ NPDES Facility Notice of Inspection dated June 22, 2010.
- ◆ Sewer services provided to entities located outside of Michigan City.
- ◆ Management and Board of Commissioners of Sanitary District.

The meeting was called to order at approximately 5:00 PM. Utility Committee members Murphy and Jankowski were present. Councilwoman Nelson was unable to attend and was excused. Council President Espar was in attendance and participated in the discussion. A member of the public, John Pavy was in attendance.

The NPDES report was reviewed and discussed by members of the council. The discussion included concerns with severity of the problems identified in the report, and the need for corrective action.

The information provided by the Sanitary District on the sewer service provided to entities located outside of Michigan City was reviewed and discussed. The information will be utilized when reviewing information related to the anticipated user rate increases.

The management and the Board of commissioners of the Sanitary District were discussed. It was recommended that a corrective action plan be drafted. The plan would be utilized when considering future funding requests.

The meeting adjourned at 6:45 PM.

Councilman Jankowski presented the following Utilities Committee report held on July 27, 2010:

The meeting was called to review the following:

“APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE RIVERBOAT FUND FOR THE LAFAYETTE – BARKER TUNNEL PROJECT”

The meeting was called to order at approximately 6:30 PM. All members of the Utility Committee were present (Nelson, Murphy and Jankowski). In addition, Mayor Oberlie, Councilman Espar, Councilwoman Boy, Attorney Meyers, and Al Walus were in attendance.

Discussions included the history, the scope, the anticipated benefits of the project, the anticipated cost, the delays, issues related to the outfall, including the failure to gain access to the Ice House property to conduct soil test borings.

The Committee unanimously recommended approval of the Ordinance.

The meeting adjourned at 7:10 PM.

Councilman Jankowski presented the following Finance Committee report held on July 29, 2010:

The meeting was called to review the following:

‘APPROVING ADDITIONAL APPROPRIATION FOR THE REINSTATEMENT OF THE POSITION OF MICHIGAN CITY TRANSIT DIRECTOR’

The meeting was called to order at approximately 5:00 PM by the chair of the Finance Committee Marc Espar. All members of the Finance Committee were present (Espar, Murphy, and Jankowski).

Due to the committee’s knowledge of the position, there were no questions. The Committee unanimously recommended approval of the Ordinance.

The meeting adjourned at 5:05 PM.

Councilman McKee reported on the Parks and Recreation Committee held on July 29, 2010 to discuss the appropriation for the reinstatement of the full-time Zoo Keepers position.

Mr. McKee stated with little debate the committee’s recommendation was to approve the appropriation request.

Councilwoman Nelson presented the following Public Health and Safety Committee report held on July 29, 2010

On Thursday, July 29, 2010 the Public Health and Safety committee met at 5:00 PM in the Mayor’s conference Room to discuss and make a recommendation on the following:

Approving Additional Appropriation for the reinstatement of the position of Deputy Fire Chief of Administrative Services.

Members of the Committee (Nelson, Espar and Milsap), other Council members, Mayor Oberlie, Chief Lamb and Deputy Chief Novak were in attendance.

Chief Lamb provided a job description along with duties and responsibilities. He also provided reduction numbers from 1998 through 2011 through attrition. He believes this position is necessary.

The committee recommends filling the position by a 2 – 1 vote. Nelson and Milsap for and Espar against.

REPORTS of OTHER CITY OFFICERS and DEPARTMENTS

John Schaefer, City Controller requested to schedule a Workshop with the Council to present the Mayor’s 2011 Budget.

PETITIONS

There were no petitions.

COMMUNICATIONS

There were no communications.

RESOLUTIONS

There were no resolutions.

ORDINANCES

The Clerk read on second reading by title only, **APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE RIVERBOAT FUND FOR THE LAFAYETTE-BARKER TUNNEL PROJECT**

Introduced by: Marc Espar
Phil Jankowski

(**DECREASE:** Fund #9000, Riverboat Fund Unappropriated - **\$2,500,000.00**.
INCREASE: Account #9000 443 0000 04.002, Sewer Construction-Lafayette Barker Tunnel Project - **\$2,500,000.00**.)

Councilman Jankowski advised the Utilities committee recommended approval of this ordinance.

President Espar asked if there were any questions or comments by the general public or Council and hearing none, President Espar opened the formal public hearing, repeating three times "Any questions or comments by the general public at this time?" There was no response and the public hearing was closed.

President Espar asked if there were any questions or comments by the general public or Council on the proposed ordinance and hearing none, the ordinance was laid over for third reading.

The Clerk read on second reading by title only, **APPROVING ADDITIONAL APPROPRIATION FOR THE REINSTATEMENT OF THE POSITION OF MICHIGAN CITY TRANSIT DIRECTOR**

Introduced by: Marc Espar

(**DECREASE:** Fund #0101 unappropriated **\$20,006.00**. **INCREASE:** Account #0101-0304-411.001 – Salaries & Wages **\$13,620.00**, Account #0101-0304-413.004 – Health Insurance **\$3,777.00**, Account #0101-0304-413.001 – FICA **\$1,042.00**, Account #0101-0304-413.002 – PERF **\$1,567.00**).

Council President Espar stated the Finance Committee recommended approval of the proposed ordinance.

President Espar asked if there were any questions or comments by the general public or Council and hearing none, President Espar opened the formal public hearing, repeating three times "Any questions or comments by the general public at this time?" There was no response and the public hearing was closed.

Mayor Oberlie addressed Councilman Meer's question regarding the extended hour grant and that it would expire on October 1, 2010, and as a result the Assistant Director and secretary's full time positions would be eliminated.

Mayor Oberlie addressed Councilman Milsap's question regarding the timeframe/ transition period of filling the position of the Michigan City Transit Director.

President Espar asked if there were any questions or comments by the general public or Council on the proposed ordinance and hearing none, the ordinance was laid over for third reading.

The Clerk read on second reading by title only, **APPROVING ADDITIONAL APPROPRIATION FOR THE REINSTATEMENT OF THE POSITION OF DEPUTY FIRE CHIEF OF ADMINISTRATIVE SERVICES**

Introduced by: Patricia Boy
Angela Nelson

(DECREASE: Fund #0101 unappropriated **\$3,434.09. INCREASE:** Account #0101-0362-411.001, Salaries & Wages - **\$3,434.09).**

President Espar asked if there were any questions or comments by the general public or Council and hearing none, President Espar opened the formal public hearing, repeating three times "Any questions or comments by the general public at this time?" There was no response and the public hearing was closed.

President Espar asked if there were any questions or comments by the general public or Council on the proposed ordinance and hearing none, the ordinance was laid over for third reading.

The Clerk read on second reading by title only, **APPROVING ADDITIONAL APPROPRIATION FOR THE REINSTATEMENT OF THE POSITION OF FULL-TIME ZOO KEEPER**

Introduced by: Joseph Doyle
Robert McKee

(DECREASE: Zoo Fund #1301 unappropriated **\$15,969.00. INCREASE:** Account #1301 0804 01 411.001 Payroll - **\$9,506.00**, Account #1301 0804 01 413.001 FICA – **\$727.00**, Account #1301 0804 01 413.002 PERF- **\$1,069.00**, Account #1301 0804 01 413.004 Insurance - **\$4,667.00).**

Councilman McKee noted that the Park and Recreation Committee voted to approve the Ordinance advising it is a requirement of the USDA. Mr. McKee stated Johnnie Martinez, Zoo Director, was present to answer any questions the Council may have.

President Espar asked if there were any questions or comments by the general public or Council and hearing none, President Espar opened the formal public hearing, repeating three times "Any questions or comments by the general public at this time?"

Dennis Boy, 218 Southwood Drive stated that the Zoo Keeper's position should not be eliminated.

Sally Thomas, 410 Monroe Street addressed the Council regarding the number of minorities employed by the Park and Zoo along with what procedures and qualifications are needed. Ms. Thomas stated that she had applied several times.

John Martinez, Zoo Director, addressed Ms. Thomas's concerns.

President Espar repeating three time "If there were any other questions or comments by the general public at this time?" There was no response and the public hearing was closed.

Councilman Murphy commented that he and his children visited the Zoo and that they had a wonderful time.

President Espar asked if there were any questions or comments by the general public or Council on the proposed ordinance and hearing none, the ordinance was laid over for third reading.

The Clerk read on second reading by title only, **AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA RESCINDING AND DELETING ORDINANCE NO. 4050, AND ALL SUBSEQUENTLY ENACTED AMENDING ORDINANCES THERETO AND SUBSTITUTING AND ADDING PROVISIONS REGARDING THE RULES AND PROCEDURES OF THE MICHIGAN CITY COMMON COUNCIL.**

Introduced by: Marc Espar
 Ron Meer
 Robert McKee

Council President Espar stated the proposed ordinance was to set the agenda of the Council meetings to incorporate the approval of Claims from the Boyd Development and Riverboat Funds.

President Espar asked if there were any questions or comments by the general public or Council on the proposed ordinance and hearing none, the ordinance was laid over for third reading.

The Clerk read on third reading by title only,

**MICHIGAN CITY COMMON COUNCIL
 ORDINANCE NO. 4101
 APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF
 THE
 CEDIT FUND FOR AUTOMATED WEATHER OBSERVATION SYSTEM,
 WILDLIFE ASSESSMENT, AND BEACON**

WHEREAS, based upon the 2010 Annual Budget, \$107,000.00 was appropriated in the CEDIT Fund #0227 for undetermined airport projects; and

WHEREAS, it has been demonstrated to the Council that it is necessary to appropriate more money than was appropriated in the 2010 Annual Budget for the CEDIT Fund for the acquisition of an Automated Weather Observation System (\$180,000), Wildlife Assessment (\$34,000) and Beacon (\$10,000) for the airport; and

WHEREAS, the City Controller has determined that sufficient unappropriated funds are available in the CEDIT Fund #0227 to be appropriated for that purpose.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Michigan City, LaPorte County, Indiana, that for the expenses of the taxing unit the following additional sums of money are hereby appropriated out of the fund named and for the purpose specified, subject to the laws governing the same:

	<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROPRIATED</u>
DECREASE Fund #0227, CEDIT <i>Unappropriated Balance</i>	\$118,000.00	
INCREASE Account #0227 0000 04 443.013 <i>Airport Projects</i>		\$118,000.00
TOTAL FOR FUND	\$118,000.00	

This Ordinance to be effective upon passage by the Council, approval by the Mayor, any necessary publication, and any necessary approval by the Indiana Department of Local Government Finance.

INTRODUCED BY:	/s/	Joseph Doyle, Member
CO-SPONSOR:	/s/	Robert McKee, Member
CO-SPONSOR:	/s/	Marc Espar, Member
CO-SPONSOR:	/s/	Phil Jankowski

Council President Espar stated that a Formal Public Hearing was held on July 20, 2010 and was published in The News Dispatch on July 7, 2010.

Councilman Doyle made a motion to adopt the proposed ordinance, second by Councilman McKee.

President Espar asked if there were any questions or comments by the general public or Council on the proposed ordinance and hearing none, the ordinance was adopted by the following vote: **AYES: Council Members Nelson, Boy, Doyle, Espar, Jankowski, McKee, Meer, Milsap, and Murphy (9). NAYS: None (0).**

The Clerk read on third reading by title only,

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4102

AMENDING THE CODE OF THE CITY OF MICHIGAN CITY ADDING REQUIREMENTS REGARDING THE HIRING OF CITY RESIDENTS, MINORITIES AND WOMEN IN CERTAIN PUBLIC WORKS CONSTRUCTION PROJECTS PAID FOR BY MICHIGAN CITY

WHEREAS, the Common Council has determined that the 2009 and 2010 Michigan City residents' unemployment rates have consistently led the national and state averages; and

WHEREAS, the Common Council has determined that the high rate of unemployment among City residents is a detriment to the economic viability of the City and its residents; and

WHEREAS, the City of Michigan City possesses a powerful competitive advantage versus other communities in that it is able to fund large capital projects through use of its Riverboat and Boyd Development Funds; and

WHEREAS, the Common Council finds that the expenditure of the monies in these funds will provide the most positive economic impact on the City of Michigan City and its residents if they are used to create and maintain jobs for City residents, including minorities and women; and

WHEREAS, the Indiana legislature authorized Michigan City to host a casino because it found the City to be economically depressed and the monies the City derived from the casino would be used to help relieve that economic distress; and

WHEREAS, the City of Michigan City is a diverse and talented community of skilled workers, crafts persons and laborers available for work in the construction trades; and

WHEREAS, THE Common Council finds that residents are more likely to spend their money in the City on rent, groceries, and services thus improving our local economy, and

WHEREAS, due to the multiplier effect resulting from the expenditure of funds in the City, every dollar paid to a City resident has an economic improvement effect of the amount paid compared to very little, if any, economic improvement from monies paid to non-residents; and

WHEREAS, the City of Michigan City annually expends considerable public funds from the Riverboat and Boyd Development Funds on capital projects which regularly exceed several million dollars in cost and the expenditure of those funds as wages to City residents would benefit the local workforce of Michigan City residents, minorities and women and, as a result, improve the economic conditions in the City as was intended by the Indiana legislature; and

WHEREAS, the purpose of this Ordinance is to encourage the hiring of City residents, including minorities and women of City funded construction projects for which more than two hundred thousand dollars (\$200,000.00) of public funds are expended; and

WHEREAS, this Ordinance is further intended to establish a quota for the hiring of City residents on City funded construction projects for which more than two hundred thousand dollars (\$200,000.00) of public funds are expended; and

WHEREAS, the purpose of this Ordinance is further intended to provide the means by which the City may enforce and monitor compliance with the requirements of this Ordinance and monitor and report the degree to which residents, minorities, and women are hired into such construction projects of the City of Michigan City.

NOW, THEREFORE BE IT ORDAINED by the Common Council of the city of Michigan City that, for all of the aforesaid reasons, the following is to be substituted for Chapter 22, Section 5 of the Michigan City Code:

A. Short Title. This Chapter shall be known as the “Michigan City Local Hiring program”.

B. Purpose. The purpose of this Chapter shall be to increase employment opportunities for qualified residents, minorities and women; to encourage the hiring of such qualified persons; to require the hiring of a certain percentage of City residents; to enforce compliance with this Ordinance; and to monitor, record, and report compliance herewith and the rate of employment of such persons on qualified construction projects of the City of Michigan City.

C. Definitions:

1. “City” means the Civil City of Michigan City and all of its agencies, districts, and departments.
2. “City Construction Agreement” means any written contract between a contractor and the City for a Construction Project.
3. “Construction Project” means any City public works project for which the estimated cost is more than two hundred thousand dollars (\$200,000.00).
3. “Non-Qualifying Construction Project” means any public works project with the City which does not meet the definition of a Construction Project as herein above defined.
4. “Contractor” means a person, association, partnership, corporation, limited liability company or other legal entity that proposes to undertake a Construction Project.
5. “Construction Site” means the primary geographic location of construction activity for a Construction Project.
6. “Local Hiring Agreement” means an agreement entered into between a Contractor and the City that implements the Local Hiring Program provisions set forth in this Chapter.
7. “Local Hiring Program” means the provisions of this Chapter and any guidelines or policies adopted by the City to implement this chapter.

8. "Local Hiring Registry" means the list of City residents and their trade qualifications that have responded to the City of Michigan City local Hiring Program Notice for City Residents.
9. "Local Hiring Oversight Committee" means a committee of the Michigan City Common Council appointed by the Council President to review Contractor compliance with the requirements of this Chapter. Proof of residency must be secured with
 - (a) Indiana driver's License
 - (b) Indiana State ID
 - (c) Utility bill of Michigan City residence with the name of Michigan City resident
10. "City Resident" means any person whose primary residence is within the incorporated municipal boundaries of the City of Michigan City at the time of commencement of work on the Construction Project.
11. "Minority" means a member of a minority group as specified in Indiana Code 4-13-16.5-1.
12. "Minority Business Enterprise" shall have the meaning set forth in Indiana Code 4-13-16.5-1.
13. "Minority Business Enterprise/Woman Business Enterprise Goal" means five percent (5%) of the Construction Project costs paid by the City are paid to a Minority Business Enterprise and/or a Woman Business Enterprise.
14. "Proof of Compliance" means
 - (a) Documentation, including names and addresses of City residents demonstrating that the requirements of this Chapter have been met.
 - (b) If the Resident Hiring Quota is not met, a letter addressed to Michigan City Human Rights Department from a union business agent or contractor stating that Michigan City residents were not available to fulfill the resident hiring quota.
 - (c) A letter from the Michigan City Human Rights Department confirming that there are no City residents available to fulfill the hiring quota or goal.
15. "Resident Hiring Quota" means fifty percent (50%) of the total hourly wages paid for a Construction Project for labor performed at the Construction Site by City Residents.
16. "Woman Business Enterprise" shall have the meaning set forth in Indiana Code 4-13-16.5-1.3.

D. Applicability to City Construction Projects.

1. Mandatory Participation. All Contractors entering into a City Construction Agreement for a Construction Project are required to participate in the Local Hiring Program and enter into a Local Hiring Agreement as developed by the Mayor of the City of Michigan City.
2. Contractor Non-Compliance. The failure of a Contractor to comply with any of the requirements of the Local Hiring Program or the Local Hiring Agreement may be considered as the Contractor not being responsible and used as a factor against granting the offending Contractor any future Construction Project.
3. Penalty for Non-compliance. The failure of a Contractor to comply with any of the requirements of the Local Hiring Program or the Local Hiring Agreement will result in the following:
 - (a) Upon the first offense, Contractor will be prohibited from bidding on Construction Projects and from participating as a subcontractor on awarded City Construction Agreements for six months from the date in which the Contractor was deemed non-compliant.
 - (b) Upon the second offense, Contractor is prohibited from bidding Construction Projects and from participating as subcontractor on awarded City Construction Agreement for one year from the date in which Contractor was deemed non-compliant.

- (c) Contractor cannot be penalized due to non-compliance with any of the requirements of this ordinance caused by the termination, resignation, illness, or injury of any employee. If such incident does occur that forces contractor to be non-compliant to this ordinance, contractor must act to hire to replace Michigan City resident with another Michigan City resident if available until the local hiring quota is met.
4. **Requirements.** All requirements for compliance with the Local Hiring Program for Construction Projects shall be set forth in a Local Hiring Agreement between the Contractor and the City. These requirements shall include the following:
- (a). The Resident Hiring Quota;
 - (b). The Minority Business Enterprise/Woman Business Enterprise Goal;
 - (c). The procedures which the Contractor must follow in order to comply with the Local Hiring Program;
 - (d). The schedule within which above referenced procedures must be completed.
 - (e). The required record-keeping and documentation for demonstrating a Contractor's proof of compliance with the Local Hiring Agreement including:
 - (1). Documentation including names and addresses of Michigan City residents showing resident hiring quota is met.
 - (2). If the Resident Hiring Quota or the Minority/women hiring goal is not met, a letter addressed to Michigan City Human Right Department from a union business agent or Contractor stating that City Residents were not available to fulfill hiring goal.
 - (3). A letter from the Michigan City Human Rights Department confirming that there are no City residents available to fulfill he hiring quota.
 - (f). Any other matters that the Mayor deems appropriate to include the Local Hiring Agreement.
 - (g). Michigan City Local Hiring Program Notice Contractor is responsible for the funding and placement of a Michigan City Local hiring Program Notice advertisement in our local newspaper requesting that City residents respond to contractor and to the Michigan City Human Rights office with their union and trade qualifications and availability to work on the City project. Advertisement must be published in the classified section of the local newspaper per rules and requirements of Michigan City Local Hiring Program Notice template. See attached Exhibit "A".
 - (h). **Solicitation for Bids.** All solicitations for bids by the City for Construction Project shall include in the Notice to Bidders and its specifications that any successful bidder shall be subject to the provisions of the Local Hiring Program.
 - (i). **Bid Package.** A copy of this Chapter and a copy of the "Local Hiring Registry will be included in the bid package give to prospective bidders.
 - (j). **Pre-bid conference.** At least seven (7) business days before a bid for a Construction Project is due, the City will hold a mandatory pre-bid conference that all prospective bidders must attend to be considered eligible to be awarded the bid. The Local Hiring Program and the necessary proof of compliance with its requirements and penalties for non-compliance are explained in detail to the prospective bidders.

E. Applicability to Non-Qualifying Construction Projects

1. **Voluntary Participation.** The Local Hiring Program may be made applicable to Non-Qualifying Construction Projects on a voluntary basis. The City encourages all construction contractors to participate in the Local Hiring Program.
2. **Requirements for Voluntary Participation.** At the time of entering into a construction contract with the City, a contractor who wished to voluntarily

participate in the Local Hiring Program shall enter into the prescribed Local Hiring Agreement for the non-qualifying project.

F. City Assistance in Local Hiring Program.

- A.** The City shall assist Contractors in complying with the Local Hiring Program by:
- (1) Providing referral information for Contractors and Resident Employees, including the Local Hiring Registry which is the list of Michigan City residents and their union/trade qualifications that the City's Human Rights Department will maintain and make available as a resource to contractors;
 - (2) Monitoring the progress of Resident Employees, Minority Business Enterprise and/or a Woman Business Enterprise in the Local Hiring Program;
 - (3) Developing effective outreach and education for, and recognition of, contractors who participate in the Local Hiring Program; and
 - (4) Promoting the Local Hiring Program throughout the City.
- B.** Failure of the City to implement any of the activities described in this Section shall not excuse the performance by a Contractor of obligations set forth in the applicable Local Hiring Agreement.

G. Administration.

1. Generally. The Mayor, through the Department of Human Rights or such other designated department chosen or established by the Mayor for purposes stated herein, is hereby authorized and assigned the duty to implement and monitor all aspects of the Local Hiring Program.
2. Contract Specific Administration. The Board, Department District, or political subdivision of the City which awards any qualified or non-qualified Construction project shall designate the human Rights Department as being responsible for monitoring compliance with the provisions of the Local hiring Program. The Human Rights Department shall have the following responsibilities:
 - (a). Gathering the all relevant data and preparing monthly statistical reports documenting proof of Contractor Compliance with the Local Hiring Agreement;
 - (b). Review of documented measures taken by Contractors to comply with the provisions of the Local Hiring Agreement;
 - (c). The Human rights Department shall conduct periodic visits to job site of Construction Projects to determine whether the Resident Hiring Quota is being met.
3. Local Hiring Oversight Committee. The President of the Michigan City Common Council will appoint a committee of council members who will be a liaison and provide oversight for compliance with this Chapter. The Committee may meet as necessary with the Mayor and Human Rights Department representatives to review contractor compliance and discuss additional methods for enforcing compliance with this Chapter and increasing City Resident, Minority and Women employment.

H. Exception of Designated Construction Projects.

If the Mayor, in coordination with the City Engineer, project architect and appropriate City Board, Department, District or Commission responsible for an otherwise qualifying Construction Project, determines that special skills not available within the Michigan City workforce are necessary for the efficient completion of the Construction Project, the appropriate City body may declare those parts of the Construction Project for which qualified City Residents are not available exempt from the provisions of this Chapter. The appropriate City body shall provide advance notice

to the Mayor, Common Council, Board of Public Works and Safety and the Department of Human Rights of its desire to declare such a Construction Project exempt.

I. Severability of Provisions

If any section subsection, sentence, clause, portion, or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses, portions, or phrases of this Chapter. The City Council hereby declares that it would have passed this Chapter and each and every section, subsection, sentence, clause, portion, or phrase without regard to whether any other section, subsection, sentence, clause, portion, or phrase of the Chapter would be subsequently declared invalid or unconstitutional.

J. Effective Date

This Ordinance shall be effective upon passage and approval by the Mayor and applicable to all Construction Projects for which the City thereafter solicits for bid.

Introduced by: /s/ Richard Murphy

Co-Sponsor: /s/ Bob McKee

Co-Sponsor: /s/ Ron Meer

Sally Thomas, 410 Monroe Street, addressed the Council regarding employment opportunities throughout the city and minorities not being hired within the City or on City projects.

Councilman Murphy addressed the Council regarding the proposed ordinance.

Councilman McKee agreed with Councilman Murphy's comments stating the proposed ordinance would force all corporations that bid city construction projects to comply with this ordinance. Mr. McKee stated that if the ordinance is adopted it isn't a quick fix, that it will take time and that he looks forward to working with the citizens of Michigan City on future projects.

Councilman McKee made a motion to adopt the proposed ordinance, second by Councilwoman Nelson and Councilman Murphy.

Council President Espar asked if there were any other comments or questions by the general public or council and hearing none, the ordinance was adopted by the following vote: **AYES: Council Members Boy, Doyle, Espar, Jankowski, McKee, Meer, Milsap, Murphy, and Nelson (9). NAYS: None (0).**

The Clerk read on third reading by title only,

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4103

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE CUMULATIVE CAPITAL DEVELOPMENT FUND TO PURCHASE BODY ARMOR FOR THE MICHIGAN CITY POLICE DEPARTMENT

WHEREAS, I.C. 36-8-4-4.5 requires the City to provide an active member of the police department with body armor for the torso; and

WHEREAS, it has been demonstrated to the Council that it is necessary to appropriate more money than was appropriated in the 2010 Annual Budget for the Cumulative Capital Development Fund for the acquisition of ballistic vests for the Police Officers; and

WHEREAS, the City Controller has determined that sufficient unappropriated funds are available in the Cumulative Capital Development Fund #2391 to be appropriated for that purpose.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Michigan City, LaPorte County, Indiana, that for the expenses of the taxing unit the following additional sums of money are hereby appropriated out of the fund named and for the purpose specified, subject to the laws governing the same:

	<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROPRIATED</u>
DECREASE Fund #2391, Cumulative Capital Development Fund <i>Unappropriated Balance</i>	\$56,000.00	
INCREASE Account #2391 0000 04 444.008 <i>Police Equipment</i>		\$56,000.00
TOTAL FOR FUND	\$56,000.00	

This Ordinance to be effective upon passage by the Council, approval by the Mayor, any necessary publication, and any necessary approval by the Indiana Department of Local Government Finance.

INTRODUCED BY: /s/ Marc Espar
CO-SPONSOR: /s/ Robert McKee

Council President Espar stated that a Formal Public Hearing was held on July 20, 2010 and was published in The News Dispatch on July 7, 2010.

Councilman McKee made a motion to adopt the ordinance, second by Councilwoman Nelson.

President Espar asked if there were any other questions or comments by the general public or Council on the proposed ordinance and hearing none, the ordinance was adopted by the following vote: **AYES: Council Members Doyle, Espar, Jankowski, McKee, Meer, Milsap, Murphy, Nelson, and Boy (9). NAYS: None (0).**

The Clerk read on third reading by title only,

**MICHIGAN CITY COMMON COUNCIL
 ORDINANCE NO. 4104**

**APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF
 THE
 CREDIT FUND**

WHEREAS, it has been demonstrated to the Council that it is necessary to appropriate more money than was appropriated in the 2010 Annual Budget for the CREDIT Fund for recording equipment for Clerk's Office; and

WHEREAS, the City Controller has determined that sufficient unappropriated funds are available in the CREDIT Fund #0227 to be appropriated for that purpose.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Michigan City, LaPorte County, Indiana, that for the expenses of the taxing unit the following additional sums of money are hereby appropriated out of the fund named and for the purpose specified, subject to the laws governing the same:

	<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROPRIATED</u>
DECREASE Fund #0227, CEDIT <i>Unappropriated Balance</i>	\$8,898.00	
INCREASE Account #0227 0000 04 444.005 <i>Other Machinery & Equip</i>		\$8,898.00
TOTAL FOR FUND	\$8,898.00	

This Ordinance to be effective upon passage by the Council, approval by the Mayor, any necessary publication, and any necessary approval by the Indiana Department of Local Government Finance.

INTRODUCED BY: /s/ Marc Espar

Council President Espar stated that a Formal Public Hearing was held on July 20, 2010 and was published in The News Dispatch on July 7, 2010.

Councilman McKee made a motion to adopt the ordinance, second by Councilwoman Nelson.

President Espar asked if there were any other questions or comments by the general public or Council on the proposed ordinance and hearing none, the ordinance was adopted by the following vote: **AYES: Council Members Espar, Jankowski, McKee, Meer, Milsap, Murphy, Nelson, Boy, and Doyle (9). NAYS: None (0).**

UNFINISHED BUSINESS

Council President Espar stated Gerry Jones was nominated at the last Council meeting (July 20, 2010) to be re-appointed to the Michigan City Social Status of African-American Males Commission which expired on July 23, 2010.

President Espar asked if there were any comments or questions by the general public or Council on the nomination of Gerry Jones and hearing none, Gerry Jones was re-appointed to the Commission on the Social Status of African-American Males Board by the following vote: **AYES: Council Members Jankowski, McKee, Meer, Milsap, Murphy, Nelson, Boy, Doyle, and Espar (9). NAYS: None (0).**

NEW BUSINESS

Council President Espar advised there were two (2) Claim Dockets to be approved by the Council in the amounts of \$93,928.35 and \$582.70.

Councilman Jankowski stated the Finance Committee met and reviewed the claims associated with these dockets recommending to approve them.

Councilman Jankowski made a motion to approve the Claim Dockets from the Boyd and Riverboat Funds, second by Councilman McKee.

President Espar asked if there were any comments or questions by the Council and hearing none, the Claim Dockets were approved by the following vote: **AYES: Council Members McKee, Meer, Milsap, Murphy, Nelson, Boy, Doyle, Espar, and Jankowski (9). NAYS: None (0).**

President Espar advised that Mayor Oberlie is requesting advice and consent of the members of the Michigan City Common Council regarding his re-appointment of Ms. Kathy Ceperich and Mr. Bill Bolton as members of the Michigan City Tree Board. President Espar stated their terms would begin immediately and expire on 08-01-2013.

Council President Espar stated that he received notification from the Mayor's Office that Mr. Bill Bolton no longer wished to serve on the Tree Board advising the re-appointment of Ms. Ceperich to the Tree Board would be addressed at the next Council meeting (August 17, 2010).

COMMENTS FROM THE PUBLIC

William White, President, United Front Coalition, commented on Councilman Murphy's comments regarding the Local Hiring Ordinance that was adopted.

Danny Brown, 501 Lincoln Ave, addressed the Council regarding Sally Thomas's comments and the hiring of minorities throughout the City.

Leonardo Victory, 304 Grace Street, thanked the Council for adopting the Local Hiring Ordinance stating that the United Front Coalition will be working with the citizens of the City regarding training/apprentices for future City projects.

Wayne Miller, 113 Dole Street, applauded the Council for adopting the Local Hiring Ordinance asking if there will be leaders to enforce the laws, employee minorities and City residents.

Joan Chumley, 832 Pine Street, addressed the Council about the future employment/hiring status and the Michigan Boulevard Project.

COMMENTS FROM THE COUNCIL

Councilwoman Nelson stated that she understood Mr. Brown and Ms. Thomas's comments regarding not being hired because of being a minority. Ms. Nelson encouraged the United Front Coalition to work with the new School Superintendent regarding offering apprenticeships and education for our youth in our Michigan City School system.

Councilman McKee commented on the Local Hiring Ordinance that was adopted.

ADJOURNMENT

A motion by Councilwoman Nelson, supported by Councilman Doyle, and there being no further business to transact, President Espar declared the meeting ADJOURNED (approximately 7:32p.m.).

Thomas F. Fedder, City Clerk