A G E N D A

COMMON COUNCIL - REGULAR MEETING
Tuesday, October 20, 2020
Meeting to be held at **6:30 p.m.**, local time,
at **Krueger Memorial Park, 801 Liberty Trail**
Michigan City, Indiana

FILED
OCT 15 20
GALE A. NEULIEB
CITY CLERK
CITY OF MICHIGAN CITY

CALL TO ORDER BY COUNCIL PRESIDENT

PLEDGE OF ALLEGIANCE TO THE FLAG and PRAYER

ROLL CALL

APPROVAL OF MINUTES

Regular Meeting October 6, 2020

REPORTS of STANDING COMMITTEES

FINANCE COMMITTEE REPORT

CLAIMS DOCKET

October 20, 2020 Riverboat/Boyd Claim Docket

Fund #2042 – Riverboat – Claims-	**$**	**3,715.24**
EFT	**$**	**50,561.70**
Fund #2031 – Boyd – Claims-	**$**	**0.00**
TOTAL CLAIMS	**$**	**54,276.94**

REPORTS of SPECIAL or SELECT COMMITTEES

REPORTS of OTHER CITY OFFICERS and DEPARTMENTS

Chief Dion Campbell, Michigan City Police Department to present leadership awards for various officers that exhibited extraordinary heroism during the May 31st 2020 protest

Clarence Hulse, Economic Development Corporation – to present the Michigan City Economic Development Corporation Mid-Year report

PETITIONS

PETITION P-101-20 FOR REZONING – R1B AND B3 TO M2, OEHMSTEAD CO. LLC; GREEN ACRES, LLC; PIONEER LUMBER INC. APPROX 293 ACRE PARCEL BTWN MENKE RD, I-94, HWY 20/35, MICHIGAN CITY, INDIANA

COMMUNICATIONS

Correspondence was received in the Clerk's Office on October 7, 2020 from Ed Shinn, Park Superintendent regarding the proposed reopening plan for Washington Park

Correspondence was received in the Clerk's Office on October 7, 2020 from Yvonne Hoffmaster, City Controller regarding a fraudulent incident within the City

Correspondence was received in the Clerk's Office on October 7, 2020 from Joan Ganschow regarding the Social Status of African American Males Commission
(Ms. Ganschow asked this be read in its entirety into the minutes)

Correspondence was received in the Clerk's Office on October 8, 2020 from Mayor Duane Parry regarding the Common Councils appointment to the Michigan City Social Status of African American Males

Correspondence was received in the Clerk's Office on October 13, 2020 from Councilman Michael Mack regarding the 27th vs. 26th week of pay for salaried employees

Correspondence was sent out to Mr. Rodney McCormick on October 14, 2020 from Council President Sean Fitzpatrick and Councilwoman Tillman regarding his appointment to the MCSSAAM

RESOLUTION **APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A FIRST AMENDMENT TO THE EQUIPMENT LEASE/PURCHASE AGREEMENT WITH BANC OF AMERICA PUBLIC CAPITAL CORP**

Introduced by: Sean Fitzpatrick
Don Pzybylinski

APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A SECOND AMENDMENT TO THE EQUIPMENT LEASE /PURCHASE AGREEMENT WITH BANC OF AMERICA PUBLIC CAPITAL CORP

Introduced by: Sean Fitzpatrick
Don Pzybylinski

ORDINANCE

ORDINANCE
1ST Reading

AMENDING THE ZONING MAP OF THE CITY OF MICHIGAN CITY, LAPORTE COUNTY, INDIANA TO REZONE PROPERTY OWNED BY OEHMSTEAD COMPANY, LLC; GREEN ACRES, LLC; AND PIONEER LUMBER, INC. FROM R1B and B3 to M2

Introduced by: Bryant Dabney
Gene Simmons

48 hr. notice to media
October 15, 2020
I.C. 36-7-4-608 (f)(1)

News Dispatch
September 12th & 19, 2020

Formal Public
Hearing was held on
September 22, 2020

ORDINANCE
2nd Reading

AMENDING ORDINANCE NO 4546 TO ESTABLISH TIME PERIOD FOR IMPLEMENTATION OF RULES ESTABLISHED THEREIN

Introduced by: Paul Przybylinski

ORDINANCE
2nd Reading

REPEALING ORDINANCE NO 4546 ENTITLED "ESTABLISHING RULES FOR ATTENDANCE AT AND THE USE OF WASHINGTON PARK AND PENALTIES FOR VIOLATING SAME FOR VIOLATING PARK DEPARTMENT RULES CONCERNING THE USE OF WASHINGTON PARK AND THE ZOO"

Introduced by: Bryant Dabney
Dalia Zygas

ORDINANCE
2nd Reading

AMENDING MUNICIPAL CODE SECTION 2-457 COMMISSION ON THE SOCIAL STATUS OF AFRICAN-AMERICAN MALES

Introduced by: Tracie Tillman

ORDINANCE
2nd Reading

AMENDING SECTION 70-101 IN DIVISION 3 OF CHAPTER 70 OF THE MICHIGAN CITY MUNICIPAL CODE REGARDING THE POLICE MERIT COMMISSION

Introduced by: Paul A. Przybylinski

Note: the proposed ordinance was "TABLED" on 2nd reading at the Council meeting on October 6, 2020 and is being brought back on 2nd reading tonight October 20, 2020.

ORDINANCE
2nd Reading

AN ORDINANCE SETTING SALARIES AND WAGES FOR APPOINTED OFFICIALS AND EMPLOYEES OF THE CITY OF MICHIGAN CITY, INDIANA, FOR THE CALENDAR YEAR 2021

Introduced by: Bryant Dabney

Note: the proposed ordinance was "TABLED" at the Council meeting on October 6, 2020 and is being brought back on 2nd reading tonight October 20, 2020

ORDINANCE
2nd Reading

AN ORDINANCE SETTING THE ANNUAL SALARY FOR THE MAYOR

Introduced by: Bryant Dabney

Note: the proposed ordinance was "TABLED" at the Council meeting on October 6, 2020 and is being brought back on 2nd reading tonight October 20, 2020

ORDINANCE
2nd Reading

AN ORDINANCE SETTING THE ANNUAL SALARIES FOR THE COMMON COUNCIL MEMBERS

Introduced by: Bryant Dabney

Note: the proposed ordinance was "TABLED" at the Council meeting on October 6, 2020 and is being brought back on 2nd reading tonight October 20, 2020

ORDINANCE
2nd Reading

AN ORDINANCE SETTING THE ANNUAL SALARY FOR THE CITY CLERK

Introduced by: Bryant Dabney

Note: the proposed ordinance was "TABLED" at the Council meeting on October 6, 2020 and is being brought back on 2nd reading tonight October 20, 2020

ORDINANCE
2nd Reading

ADOPTING POLICY TO ALLOW 5% OF RIVERBOAT FUNDS TO BE USED TO FUND THE CITY'S OPERATING EXPENDITURES FROM THE GENERAL FUND

AND

DEDICATING 50% OF RIVERBOAT REVENUES TO INCREASE THE RAINY DAY FUND BALANCE UP TO A MINUMUM OF $6 MILLION DOLLARS

Introduced by: Sean Fitzpatrick

NOTE: the proposed ordinance was "TABLED" at the Council meeting on 2nd reading pending a Council joint workshop and is being brought back on 2nd reading tonight October 20, 2020

ORDINANCE
2nd Reading

AMENDING SECTION 38-33 AND SECTION 38-34 OF THE MUNICIPAL CODE TO PROVIDE FOR EMERGENCY RELIEF FUNDS TO CITY BUSINESSES

Introduced by: Angie Nelson Deuitch
Co-Sponsored by: Sean Fitzpatrick

Note: the proposed ordinance was "TABLED" indefinitely at the Council meeting on June 3, 2020 and is being brought back on 2nd reading tonight October 20, 2020

ORDINANCE
3rd Reading

APPROVING REDUCTION OF APPROPRIATIONS IN THE CITY'S 2020 ANNUAL BUDGET

Introduced by: Bryant Dabney

News Dispatch
September 16, 2020

Formal Public Hearing was held on October 6, 2020

ORDINANCE
3rd Reading

ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES

Introduced by: Bryant Dabney

Formal Public Hearing was held on October 6, 2020

ORDINANCE
3rd Reading

AN ORDINANCE ESTABLISHING SALARIES FOR THE FIRE DEPARTMENT OF THE CITY OF MICHIGAN CITY FOR THE CALENDAR YEAR 2021

Introduced by: Bryant Dabney

ORDINANCE
3rd Reading

AN ORDINANCE ESTABLISHING SALARIES FOR THE POLICE DEPARTMENT OF THE CITY OF MICHIGAN CITY FOR THE CALENDAR YEAR 2021

Introduced by: Bryant Dabney

UNFINISHED BUSINESS

VOTE: The Council has one (1) appointment to the Revolving Loan Fund Committee; term expires on 10/18/20:

Nominees: Jay Niec
Erica Miller

VOTE: The Common Council has one (1) appointment to the Police Civil Service Commission due to the resignation of Mike Buda

Nominees: Lela Simmons
Dennis Babcock
William Walker

NEW BUSINESS

FYI: The Council has one (1) appointment to the Revolving Loan Fund Committee; term expires on 10/18/20:
Incumbent Pia Parrott

(Note: Ms. Parrott replaced Karri Krum and was never sworn in)

COMMENTS FROM THE PUBLIC

COMMENTS FROM THE MAYOR

COMMENTS FROM THE COUNCIL

ADJOURNMENT

Gale A. Neulieb, City Clerk

Please contact the Clerk's Office at 219-873-1410 if you require information regarding building accessibility or reasonable accommodations. Office hours are Monday-Friday from 8:00 a.m. to 4:30 p.m.

MICHIGAN CITY COMMON COUNCIL
MICHIGAN CITY, INDIANA

RESOLUTION NO. _____

APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A FIRST AMENDMENT TO THE EQUIPMENT LEASE/PURCHASE AGREEMENT WITH BANC OF AMERICA PUBLIC CAPITAL CORP

WHEREAS, City of Michigan City, Indiana (the "Lessee"), by the Michigan City Common Council, entered into a certain Equipment Lease/Purchase Agreement dated March 12, 2019, with Banc of America Public Capital Corp, as Lessor (the "Original Agreement"); and

WHEREAS, City of Michigan City, Indiana and Banc of America Public Capital Corp desire to amend the Original Agreement, particularly, the interest rate being charged thereunder.

NOW THEREFORE, BE IT RESOLVED by the Governing Body as follows:

SECTION 1. The Common Council finds and determines that it is in the City of Michigan City, Indiana's financial interest to execute the First Amendment to Equipment Lease/Purchase Agreement dated March 12, 2019 (the "First Amendment"), in order to reduce the interest rate and to reduce the total payments to be made during the life of the Original Agreement.

SECTION 2. The Governing Body authorizes the Council President and City Clerk to execute the First Amendment and all necessary documents to complete the transaction.

SECTION 3. This Resolution shall be effective upon passage and approval of the Mayor.

Introduced by: _____
Sean Fitzpatrick, President

_____
Don Przybylinski, Member

Adopted by the Common Council of the City of Michigan City, Indiana by a vote of ____ to ____ this _____ day of October, 2020

_____
Sean Fitzpatrick, President
Michigan City Common Council

Approved by me, this ____ day of October, 2020

_____
Duane Parry, Mayor
City of Michigan City, Indiana

Attest:

_____
Gale Neulieb, City Clerk
City of Michigan City, Indiana

FIRST AMENDMENT

TO

EQUIPIVIENT LEASE/PURCHASE AGREEMENT

This First Amendment to Equipment Lease/Purchase Agreement (the "First Amendment ") dated as of November 4, 2020 and entered into between Banc of America Public Capital Corp, a Kansas corporation ("Lessor "), and City of Michigan City, Indiana, a city and municipal corporation existing under the laws of the State of Indiana ("Lessee ").

WITNESSETH:

WHEREAS, Lessor and Lessee entered into an Equipment Lease/Purchase Agreement dated as of March 12, 2019, (the "Original Agreement, " and together with this First Amendment, the "Agreement, „ the terms used herein, unless otherwise defined herein, having the meanings set forth in the Original Ageement) with respect to certain Equipment; and

WHEREAS, Lessor and Lessee have ayeed to refinance the Original Agreement and are entering into this First Amendment to accomplish such refinancing; and

Now, THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, and in consideration of the premises hereinafter contained, the parties hereby agree as follows:

ARTICLE I

Section 1.01. Representations and Covenants of Lessee. Lessee here ratifies, confirms and restates the representations, covenants, warranties and agreements set forth in the Original Agreement.

Section 1.02. Amendment of Exhibit B. Exhibit B to the Original Lease is hereby amended by deleting Exhibit B to the Original Lease and replacing it with Exhibit B attached hereto.

ARTICLE II

Section 2.01 Applicability of Original Agreement and First Amendment. Except as otherwise provided in this First Amendment, the provisions of the Original Agreement are hereby ratified, approved and confirmed and incorporated herein. The rights, duties and obligations under the Agreement of the Lessee and the Lessor shall hereafter be determined, exercised and enforced under the Ageement subject in all respects to this First Amendment. All the terms and conditions of this First Amendment shall be deemed to be part of the terms and conditions of the Ageement for any and all purposes..

Section 2.02. Severability. In the event any provision of this First Amendment shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

Section 2.03. Execution in Counterparts. This First Amendment may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

Section 3.03. Applicable Law. This First Amendment shall be governed by and construed in accordance with the laws of the State.

Section 3.04. Captions. The captions or headings in this First Amendment are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Agreement.

[Remainder ofPage Intentionally Left Blank]

[Signature Pages Follow]

IN WITNESS WHEREOF, Lessor and Lessee have caused this First Amendment to be executed in their names by their duly authorized representatives as of the date first above written.

LESSOR:
Banc of America Public Capital Corp
11333 McCormick Road
Hunt valley 11
WC YDS-032-07-05 Attn: Yvonne Hoffmaster, Controller Hunt Valley, MD 21031 Fax: _____

Attention: Contract Administration
Fax No.: (443) 541-3057

By: _____

Name: _____

Title: _____

LESSEE:
City of Michigan, Indiana
100 E. Michigan Boulevard
Michigan City, 46360

By: _____

Name: Sean Fitzpatrick

Title: Council President

Attest:

By: _____
Name: Gale Neulieb
Title: Michigan City Clerk

Counterpart No. _____ of_____ manually executed and serially numbered counterparts. To the extent that this First Amendment constitutes chattel paper (as defined in the Uniform Commercial Code), no security interest herein may be created through the transfer or possession of any Counterpart other than Counterpart No. 1 .

List of Exhibits

Exhibit B Payment Schedule

EXHIBIT B

PAYMENT SCHEDULE

Rental Payment Date	Rental Payment Amount	Interest Portion	Principal Portion	Outstanding Balance	Purchase Price (including Prepayment Premium)
$899,930.86					
1/4/2022	$ 119,404.65	$ 15,881.14	$ 103,523.51	$ 778,761.65	$794,336.88
1/4/2023	$ 119,404.65	$ 14,017.72	$ 105,386.93	$ 673,374.72	$686,842.21
114/2024	$ 119,404.65	$ 12,120.75	$ 107,283.90	$ 566,090.82	$577,412.64
1/4/2025	$ 119,404.65	$ 10,189.64	$ 109,215.01	$ 456,875.81	$466,013.33
1/4/2026	$ 119,404.65	8,223.77	$ 111,180.88	$ 345,694.93	$352,608.83
1/4/2027	$ 119,404.65	6,222.51	$ 1131182.14	$ 232,512.79	$237,163.05
1/4/2028	$ 119,404.65	4185.23	$ 115,219.42	117,293.37	$119,539.24
1/4/2029	$ 119,404.65		$ 117,293.37	$	
				$	
	$1,074,641.85	$ 75,948.12	$ 998,693.73		

11/4/2020
998,693.73
1/4/2021
$ 119,404.65
$ 2,996.08
$ 116,408.57
$ 882,285.16

Contract Rate. The Contract Rate is 1.80%.

Purchase Option Commencement Date. For purposes of Section 10.01 of the Agreement, the Purchase Option Commencement Date is January 4, 2021.

LESSOR:
Banc of America Public Capital Corp
11333 McCormick Road
Hunt valley 11
WC ND5-032-07-05 Attn: Yvonne Hoffmaster, Controller
Attention: Contract Administration
Fax No.: (443) 541-3057

LESSEE:
City of Michigan, Indiana
100 E. Michigan Boulevard
Michigan City, 46360
Hunt Valley, MD 21031 Fax:

L

By: _____

Name: _____

Title:

By: _____

Name: Sean Fitzpatrick

Title: Council President

INCUMBENCY AND AUTHORIZATION CERTIFICATE

The undersigned, a duly appointed and acting Corporation Counsel of the City of Michigan City, Indiana ("Lessee ") certifies as follows:

A. The following listed persons are duly elected and acting officials of Lessee (the "Officials ") in the capacity set forth opposite their respective names below and that the facsimile signatures are frue and correct as of the date hereof;

B. The Officials are duly authorized, on behalf of Lessee, to negotiate, execute and deliver the Amendment to Equipment Lease/Purchase Agreement dated as of November 4, 2020, by and between Lessee and Banc of America Public Capital Corp, and all documents related thereto and delivered in connection therewith (the "First Amendment") and the First Amendment is binding and authorized Agreement of Lessee, enforceable in all respects in accordance with their terms.

Name of Official	Title	Signature
Sean Fitzpafrick	Council President	_____
Gale Neulieb	City Clerk	_____

Dated: _____

By: _____

Name: Amber Lapaich-Stalbrink

Title: Corporation Council

(The signer of this Certificate cannot be listed above as authorized to execute the Agreements.)

JAMES MEYER & ASSOCIATES, PC.
ATTORNEYS AT LAW
363 S. LAKE STREET
GARY, IN 46403

JAMES B. MEYER

OF COUNSEL
LENORE L. HEAPHEY
LUKAS 1. COHEN

219-938-0800
FAX: 219-939-3070
jma@jimmeyerlaw.com

November 4, 2020

Banc of America Public Capital Corp
1 1333 McCormick Road

Mail Code: MD5-032-07-05
Hunt Valley, MD 21031
Attention: Contract Administration

Re: First Amendment to Equipment Lease/Purchase Agreement, dated as of November 4, 2020, between Banc of America Public Capital Corp, as Lessor, and City of Michigan City, Indiana, as Lessee

Ladies and Gentlemen:

As legal counsel to City of Michigan City, Indiana ("Lessee "), I have examined (a) an executed counterpart of a certain Equipment Lease/Purchase Agreement, dated as of March 12, 2019, and Exhibits thereto by and between Banc of America Public Capital Corp ("Lessor ") and Lessee (the "Original Agreement"), as amended by a First Amendment to Equipment/Lease Purchase Agreement, dated as of November 4, 2020, between the Lessee and the Lessor (the "First Amendment" and together with the Original Agreement, the "Agreement"), which, among other things, provides for the lease of certain property (the "Equipment") (b) an executed counterpart of the ordinances or resolutions of Lessee which with respect to the transaction contemplated by the Agreement, and documents related thereto and (c) such other opinions, documents and matters of law as I have deemed necessary in connection with the following opinions. The Agreement, and the documents relating thereto are referred to collectively as the "Transaction Documents.„

Based on the foregoing, I am of the following opinions:

1. Lessee is a public body corporate and politic duly organized and existing under the laws of the State, and has a substantial amount of the following sovereign powers: (a) the power to tax, (b) the power of eminent domain, and (c) police power and is a political subdivision of a state within the meaning of Section 103(c) of the Internal Revenue Code of 1986, as amended (the "Code") and the obligations of Lessee under the Agreement will constitute an obligation of Lessee within the meaning of Section 103(a) of the Code, notwithstanding Section 103(b) of the Code.

2. Lessee has the requisite power and authority to lease and acquire the Equipment and to execute and deliver the Transaction Documents and to perform its obligations under the Transaction Documents.

2. Lessee has the requisite power and authority to lease and acquire the Equipment and to execute and deliver the Transaction Documents and to perform its obligations under the Transaction Documents.

3. The Transaction Documents have been duly authorized, approved, executed and delivered by and on behalf of Lessee and the Transaction Documents are legal, valid and binding obligations of Lessee enforceable in accordance with their respective terms.

4. The authorization, approval, execution and delivery of the Transaction Documents and all other proceedings of Lessee relating to the transactions contemplated thereby have been performed in accordance with all open meeting laws, public bidding laws and all other applicable state or federal laws.

5. There is no proceeding pending or threatened in any court or before any governmental authority or arbitration board or tribunal that, if adversely determined, would adversely affect the transactions contemplated by the Transaction Documents or the security interest of Lessor or its assigns, as the case may be, in the Equipment or other collateral thereunder.

6. The portion of rental payments designated as and constituting interest paid by Lessee and received by Lessor is excluded from Lessor's gross income for federal income tax purposes under Section 103 of the Code and is exempt from State of Indiana personal income taxes; and such interest is not a specific item of tax preference or other collateral for purposes of the federal individual or corporate alternative minimum taxes.

All capitalized terms herein shall have the same meanings as in the Transaction Documents unless otherwise provided herein. Lessor and its successors and assigns, and any counsel rendering an opinion on the tax-exempt status of the interest components of the Rental Payments, are entitled to rely on this opinion.

Signature_____

Printed Name: James B. Meyer
Firm: James Meyer & Associates, PC
Address: 363 S. Lake Street; Gary, IN 46403
Telephone No.: 219-938-0800

MICHIGAN CITY COMMON COUNCIL
MICHIGAN CITY, INDIANA

RESOLUTION NO. _____

APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A SECOND AMENDMENT TO THE EQUIPMENT LEASE/PURCHASE AGREEMENT WITH BANC OF AMERICA PUBLIC CAPITAL CORP

WHEREAS, City of Michigan City, Indiana (the "Lessee"), by the Michigan City Common Council, entered into a certain Equipment Lease/Purchase Agreement dated December 4, 2018, with Banc of America Public Capital Corp, as Lessor (the "Original Agreement"); and

WHEREAS, City of Michigan City, Indiana and Banc of America Public Capital Corp desire to amend the Original Agreement, particularly, the interest rate being charged thereunder.

NOW THEREFORE, BE IT RESOLVED by the Michigan City Common Council as follows:

SECTION 1. The Common Council finds and determines that it is in the City of Michigan City, Indiana's financial interest to execute the Second Amendment to Equipment Lease/Purchase Agreement dated December 4, 2018 (the "Second Amendment"), in order to reduce the interest rate and to reduce the total payments to be made during the life of the Original Agreement.

SECTION 2. The Governing Body authorizes the Council President and City Clerk to execute the Second Amendment and all necessary documents to complete the transaction.

SECTION 3. This Resolution shall be effective upon passage and approval by the Mayor.

Introduced by: _____
Sean Fitzpatrick, President

_____
Don Przybylinski, Member

Adopted by the Common Council of the City of Michigan City, Indiana by a vote of ___to ___ this ____ day of October, 2020.

_____
Sean Fitzpatrick, President
Michigan City Common Council

Approved by me, this ____ day of October, 2020

_____
Duane Parry, Mayor
City of Michigan City, Indiana

Attest:

_____
Gale Neulieb, City Clerk
City of Michigan City, Indiana

SECOND AMENDMENT

TO

EQUIPMENT LEASE/PURCHASE AGREEMENT

This Second Amendment to Equipment Lease/Purchase Agreement (the "Second Amendment "). dated as of November 4, 2020 and entered into between Banc of America Public Capital Corp, a Kansas corporation ("Lessor and City of Michigan City, Indiana, a city and municipal corporation existing under the laws of the State of Indiana ("Lessee ").

WITNESSETH:

WHEREAS, Lessor and Lessee entered into an Equipment Lease/Purchase Agreement dated as of December 4, 2018, (the "Original Agreement, " and together with First Amendment dated March 12, 2019 and this Second Amendment, the "Agreement, " the terms used herein, unless otherwise defined herein, having the meanings set forth in the Original Agreement) with respect to certain Equipment; and

WHEREAS, Lessor and Lessee have agreed to refinance the Original Agreement and are entering into this Second Amendment to accomplish such refinancing; and

NOW, THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, and in consideration of the premises hereinafter contained, the parties hereby ayee as follows:

ARTICLE I

Section 1.01. Representations and Covenants of Lessee. Lessee here ratifies, confirms and restates the representations, covenants, warranties and agreements set forth in the Original Agreement.

Section 1.02. Amendment of Exhibit B. Exhibit B to the Original Lease is hereby amended by deleting Exhibit B to the Original Lease and replacing it with Exhibit B attached hereto.

ARTICLE II

Section 2.01 Applicability of Original Agreement and Second Amendment. Except as otherwise provided in this Second Amendment, the provisions of the Original Agreement are hereby ratified, approved and confirmed and incorporated herein. The rights, duties and obligations under the Agreement of the Lessee and the Lessor shall hereafter be determined, exercised and enforced under the Ayeement subject in all respects to this Second Amendment. All the terms and conditions of this Second Amendment shall be deemed to be part of the terms and conditions of the Agreement for any and all purposes..

Section 2.02. Severability. In the event any provision of this Second Amendment shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

Section 2.03. Execution in Counterparts. This Second Amendment may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

Section 3.03. Applicable Law. This Second Amendment shall be governed by and construed in accordance with the laws of the State.

Section 3.04. Captions. The captions or headings in this Second Amendment are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Agreement.

[Remainder ofPage Intentionally Left Blank]

[Signature Pages Follow]

IN WITNESS WHEREOF, Lessor and Lessee have caused this Second Amendment to be executed in their names by their duly authorized representatives as of the date first above written.

LESSOR:
Banc of America Public Capital Corp
11333 McCormick Road
Hunt valley 11
WC PvD5-032-07-05 . Attn: Yvonne Hoffmaster, Controller Hunt valley, MD 21031 Fax:

Attention: Confract Administration
Fax No.: (443) 541-3057

By: _____

Name: _____

Title: _____

LESSEE:
City of Michigan, Indiana
100 E. Michigan Boulevard
Michigan City, 46360

By: _____

Name: Sean Fitzpatrick

Title: President, Michigan City Common Council

Attest:

By: _____

Name: Gale Neulieb

Title: Michigan City Clerk

Counterpart _____ _____ No. of manually executed and serially numbered counterparts. To the extent that this Second Amendment constitutes chattel paper (as defined in the Uniform Commercial Code), no security interest herein may be created through the transfer or possession of any Counterpart other than Counterpart No. I .

List of Exhibits

Exhibit B Payment Schedule

EXHIBIT B

PAYMENT SCHEDULE

Rental Payment Date	Rental Payment Amount	Interest Portion	Principal Portion	Outstanding Balance	Purchase Price (including Prepayment Premium)
11/4/2020				$3,077,705.17	
1/4/2021	$ 367,972.97	$ 9,233.12	$ 3581739.85	$2,718,965.12	$2,773,344.63
1/4/2022	$ 367,972.97	$ 48,941.37	$ 319,031.60	$2,399,933.72	$2,447,932.39
1/4/2023	$ 367,972.97	$ 431198.81	$ 324774.16	$2,075,159.56	116,662.75
114/2024	$ 367,972.97	$ 37,352.87	$ 330,620.10	$1 , 744,539.46	$1 , 779,430.25
114/2025	$ 367,972.97	$ 311401.71	$ 336,571.26	$1 ,4071968.20	$11436, 127.56
114/2026	$ 367,972.97	$ 25,343.43	$ 342,629.54	$1,065,338.66	$1,086,645.43
1/4/2027	$ 367,972.97	$ 19,176.10	$ 348,796.87	$ 716,541.79	$ 730,872.63
1/4/2028	$ 367,972.97	$ 121897.75	$ 355,075.22	$ 361,466.57	$ 368,695.90
1/4/2029	$ 367,972.97	$ 61506.40	$ 361,466.57	$ -o-	
	$3,311,756.73	$234,051.56	$3,077,705.17		

Contract Rate. The Contract Rate is 1.80%.

Purchase Option Commencement Date. For purposes of Section 10.01 of the Ageement, the Purchase Option Commencement Date is January 1, 2021.

LESSOR:
Banc of America Public Capital Corp
11333 McCormick Road
Hunt valley 11
WC ND5-032-07-05 Attn: Yvonne Hoffmaster, Controller Hunt Valley, 21031 Fax:

Attention: Contract Administration
Fax No.: (443) 541-3057

LESSEE:
City of Michigan, Indiana
100 E. Michigan Boulevard
Michigan City, 46360

_____ By: _____

Name: _____ Name: Sean Fitzpatrick

Title: _____ Title: President, Michigan City Council

INCUMBENCY AND AUTHORIZATION CERTIFICATE

The undersigned, a duly appointed and acting Corporation Counsel of City of Michigan City, Indiana ("Lessee ") certifies as follows:

A. The following listed persons are duly elected and acting officials of Lessee (the "Officials ") in the capacity set forth opposite their respective names below and that the facsimile signatures are true and correct as of the date hereof;

B. The Officials are duly authorized, on behalf of Lessee, to negotiate, execute and deliver the Second Amendment to Equipment Lease/Purchase Agreement dated as of November 4, 2020, by and between Lessee and Banc of America Public Capital Corp, and all documents related thereto and delivered in connection therewith (the "Second Amendment") and the Second Amendment is binding and authorized Agreement of Lessee, enforceable in all respects in accordance with their terms.

Name of Official	Title	Signature
Sean Fitzpatrick	Council President	_____
Gale Neulieb	City Clerk	_____

Dated: _____

By: _____

Name: Amber Lapaich-Stalbrink

Title: Corporation Counsel

(The signer of this Certificate cannot be listed above as authorized to execute the Agreements.)

JAMES MEYER & ASSOCIATES, PC.
ATTORNEYS AT LAW
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NOVEMBER 4, 2020

Banc of America Public Capital Corp
11333 McCormick Road
Mail Code: MD5-032-07-05
Hunt Valley, MD 21031
Attention: Contract Administration

Re: Second Amendment to Equipment Lease/Purchase Agreement, dated as of November 4, 2020, between Banc of America Public Capital Corp, as Lessor, and City of Michigan City, Indiana, as Lessee

Ladies and Gentlemen:

As legal counsel to City of Michigan City, Indiana ("Lessee "), I have examined (a) an executed counterpart of a certain Equipment Lease/Purchase Agreement, dated as of December 4, 2018, and Exhibits thereto by and between Banc of America Public Capital Corp ("Lessor ") and Lessee (the "Original Agreement as amended by a First Amendment to Equipment/Lease Purchase Agreement, dated as of March 12, 2019, between the Lessee and the Lessor (the "First Amendment") and a Second Amendment to Equipment/Lease Purchase Agreement dated November 4, 2020 between the Lessee and the Lessor (the "Second Amendment") and together with the Original Agreement, the "Agreement"), which, among other things, provides for the lease of certain property (the "Equipment") (b) an executed counterpart of the ordinances or resolutions of Lessee which with respect to the transaction contemplated by the Agreement, and documents related thereto and (c) such other opinions, documents and matters of law as I have deemed necessary in connection with the following opinions. The Agreement, and the documents relating thereto are referred to collectively as the "Transaction Documents. ',

Based on the foregoing, I am of the following opinions:

1. Lessee is a public body corporate and politic duly organized and existing under the laws of the State, and has a substantial amount of the following sovereign powers: (a) the power to tax, (b) the power of eminent domain, and (c) police power and is a political subdivision of a state within the meaning of Section 103(c) of the Internal Revenue Code of 1986, as amended (the "Code") and the obligations of Lessee under the Agreement will constitute an obligation of Lessee within the meaning of Section 103(a) of the Code, notwithstanding Section 103(b) of the Code.

2. Lessee has the requisite power and authority to lease and acquire the Equipment and to execute and deliver the Transaction Documents and to perform its obligations under the Transaction Documents.

3. The Transaction Documents have been duly authorized, approved, executed and delivered by and on behalf of Lessee and the Transaction Documents are legal, valid and binding obligations of Lessee enforceable in accordance with their respective terms.

4. The authorization, approval, execution and delivery of the Transaction Documents and all other proceedings of Lessee relating to the transactions contemplated thereby have been performed in accordance with all open meeting laws, public bidding laws and all other applicable state or federal laws.

5.There is no proceeding pending. or threatened in any court or before any governmental authority or arbitration board or tribunal that, if adversely detennined, would adversely affect the transactions contemplated by the Transaction Documents or the security interest of Lessor or its assigns, as the case may be, in the Equipment or other collateral thereunder.

6. The portion of rental payments designated as and constituting interest paid by Lessee and received by Lessor is excluded from Lessor's gross income for federal income tax purposes under Section 103 of the Code and is exempt from State of Indiana personal income taxes; and such interest is not a specific item of tax preference or other collateral for purposes of the federal individual or corporate alternative minimum taxes.

All capitalized terms herein shall have the same meanings as in the Transaction Documents unless otherwise provided herein. Lessor and its successors and assigns, and any counsel rendering an opinion on the tax-exempt status of the interest components of the Rental Payments, are entitled to rely on this opinion.

Signature_____

Printed Name: James B. Meyer
Firm: James Meyer & Associates, PC
Address: 363 S. Lake Street; Gary, IN 46403
Telephone No.: 219-938-0800

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. _____

AMENDING THE ZONING MAP OF THE CITY OF MICHIGAN CITY, LAPORTE COUNTY, INDIANA TO REZONE PROPERTY OWNED BY OEHMSTEAD COMPANY, LLC; GREEN ACRES, LLC; AND PIONEER LUMBER, INC. FROM R1B and B3 to M2

WHEREAS, Oehmstead Company, LLC; Green Acres, LLC; and Pioneer Lumber, Inc., (Petitioners) filed a Petition with the Michigan City Plan Commission ("Commission") asking that certain property within the boundaries of Michigan City, Indiana be re-zoned from R1B and B3 to M2, said property being commonly known as an approximate 293 acre parcel of land situated generally between Menke Road, Interstate I-94 and Highway 20/35 (Michigan Boulevard) in Michigan City, Indiana, and more particularly described as follows:

(See attached Exhibit "A" consisting of three (3) pages)

PARCEL ID Nos. 46-01-36-301-006.000-022
46-05-01-100-011.000-009
46-05-01-100-012.000-009
46-05-01-100-013.000-009
46-05-01-200-006.000-009
46-05-01-301-003.000-009
46-05-01-326-002.000-009
46-05-02-201-014.000-009
46-05-02-201-015.000-009
46-05-02-226-005.000-009; and

WHEREAS, following the filing of the Petition the Commission scheduled a public hearing on the Petition for September 22, 2020; and

WHEREAS, at that public hearing, the Commission found that the Petitioners properly gave the necessary notice of the filing of the Petition and of the date and time of the public hearing thereon by publication in the manner prescribed by I.C. 5-3-1-1 et seq; and

WHEREAS, the Commission found that the Petitioners properly gave the necessary notice to the persons who own property that abuts the property which the Petitioners requested to be re-zoned and who needed to be given notice of the filing of the Petition and of the date and time of the hearing thereon; and

WHEREAS, the Commission conducted the public hearing on the Petition to re-zone as advertised and noticed on September 22, 2020, and following said hearing, determined that the property described above should be re-zoned from R1B and B3 to M2, all as permitted by the Joint Zoning Ordinance and Indiana law, and on September 22, 2020, certified the Commission's findings and determinations, including those required by IC 36-7-4-603, and this proposed Ordinance to the Common Council with a favorable recommendation for passage, all as shown in the Certification attached hereto

as Exhibit "B" consisting of seven (7) pages ; and

WHEREAS, the City Clerk, on behalf of the Common Council, provided the necessary public notice of the Council's intention to consider the proposed change in the zoning map as required by IC 5-14-1.5-5; and

WHEREAS, the Council has paid reasonable regard, consideration, and attention to the recommendation of the Commission, to the documentation and other evidence presented to the Council regarding the proposed zoning change, and to the legal requirements applicable to the Council's decision, including, as required by IC 36-7-4-603, the City's comprehensive plan; the current conditions and the character of current structures and uses in each district; the most desirable uses for which the land in each district is adapted; the conservation of property values throughout the City; and responsible development and growth.

NOW, THEREFORE, BE IT ORDAINED by the Michigan City Common Council, pursuant to applicable laws, including IC 36-7-4-608, that:

1. The Council finds, based on all of the evidence before it, that:

    A. The requested change in zoning for the property described above from R1B and B3 to M2 is compatible with the City's comprehensive plan, the current conditions and the character of current structures and uses in each district; the most desirable uses for which the land in each district is adapted; the conservation of property values throughout the City; and responsible development and growth; and
    B. The requested change in zoning will provide for the most reasonable use for which the affected property is adapted and the proposed land use will not have an adverse effect on surrounding land; and
    C. The requested change in zoning will not be injurious or detrimental to the surrounding property values and will further the conservation of property values throughout the City; and
    D. The requested change in zoning will promote orderly and responsible community growth and development and will not adversely affect the community; and
    E. The topography, soil condition, and other physical features of the land involved are suitable for the proposed use and zoning change; and
    F. The change in zoning is not "spot zoning" which will confer a special benefit on a relatively small tract without commensurate benefit to the community; and
    G. The change in zoning will not disrupt or destroy any neighborhood plan.

2. The Council finds that it is in the best interests of the City of Michigan City and its citizens that the Council accept and approve the recommendation of the Plan Commission that the requested change in the City's zoning map be approved by the Council.

3. The zoning for the property located in the City of Michigan City, LaPorte County, State of Indiana, commonly known as an approximate 293 acre parcel of land situated generally between Menke Road, Interstate I-94 and Highway 20/35 (Michigan Boulevard) in Michigan City, Indiana, be changed from R1B and B3 to M2; and the zoning map of Michigan City, Indiana shall be

amended to reflect this change; and the amended zoning map shall hereafter be available in the office of the Plan Commission and the City Clerk for review and copying by the public.

4. The Clerk of the Michigan City Common Council, shall furnish a certified copy of this Ordinance to the LaPorte County Recorder in order that the same may be placed of record in the records of the Recorder's Office.

Introduced by: _____
Bryant Dabney, Member
Michigan City Common Council

_____
Gene Simmons, Member
Michigan City Common Council

ADOPTED by a majority vote of the members of Common Council the _____ day of _____, 2020.

_____
Sean Fitzpatrick, President
Michigan City Common Council

Approved by me, this _____ day of _____, 2020

_____
Duane Parry, Mayor
City of Michigan City, Indiana

ATTEST:

_____
Gale A. Neulieb, City Clerk
City of Michigan City, Indiana

EXHIBIT A

DESCRIPTION OF REZONING TO MANUFACTURING FOR:

Oehmstead Company, LLC

The Northeast Quarter of Section 1, Township 37 North, Range 4 West, LaPorte County, Indiana, lying Southwesterly of the Southwesterly right of way line of the Illinois, Indiana Development Co., LLC Railroad, formerly Lake Erie and Western Railroad Company, and lying Northwesterly of the center of the East Branch of Trail Creek.
Containing 27 acres more or less, subject to all legal easements.

Also: The West Half of the Northwest Quarter of Section 1, Township 37 North, Range 4 West, EXCEPT the parcel heretofore conveyed to Swan Lake Cemetery described as follows; Beginning at the Southwest corner of Section 36, Township 38 North, Range 4 West; Thence: N 00°09' W, a distance of 1208.28'; Thence: S 58°38' E, a distance of 1368.21'; Thence:
S 33°32' E, a distance of 275.79'; Thence: S 31°17' W, a distance of 1385.48'; Thence N 89°33' W, a distance of 603.59'; Thence: N 00°21' E, a distance of 913.09' to the place of beginning.

Also: the North one-half of the Northwest Quarter of the Southwest Quarter of Section 1, Township 37 North, Range 4 West.

Also: The Northeast Quarter of the Northwest Quarter and the West Half of the Southeast Quarter of the Northwest Quarter of Section 1, Township 37 North, Range 4 West, lying Southwesterly of the Southwesterly right of way line of the Illinois, Indiana Development Co., LLC Railroad, formerly Lake Erie and Western Railroad Company.

Also: The East one-half of the Southeast Quarter of the Northwest Quarter of Section 1, Township 37 North, Range 4 West.

Also: A triangular piece of land situated in the Northwest corner of the East one-half of the Southwest of Section 1, Township 37 North, Range 4 West, containing 1 ½ acres, more or less, with the rights and privilege of free and unobstructed access to the artificial lake now under construction.

Also: Together with all rights and interests which Mary Alene Oehm may have had at her death in railroad rights-of-way and public highways adjoining the real estate herein conveyed.

Also: All of the part of the Southwest Quarter of Section 36, Township 38 North, Range 4 West, LaPorte County, Indiana, lying Southwesterly of the Illinois Indiana Development Co., LLC Railroad, formerly Lake Erie and Western Railroad Company and lying Southeasterly of U.S. Highway No. 20. Containing 2.61 acres more or less.

Subject to the rights of way of U.S. Highway No. 20;

EXHIBIT A

DESCRIPTION FOR REZONING FOR GREEN ACRES

Parcel 1:
A parcel of land In the Northeast Quarter (NE1/4) of Section Two (2), Township Thirty-seven (37) North, Range Four (4) West, containing Ninety-one and Eight Hundred Eighty-one thousandths (91.881) acres, more or less, more particularly described as follows: Commencing at the North Quarter (N 1/4) comer of said Section Two (2), Township Thirty-seven (37) North, Range Four (4) West, LaPorte County, Indiana, said point being marked with a stone and an iron pipe; thence; South Zero degrees Seven minutes West (S 0° 07' W) on the centerline of Section Two (2) a distance of Six Hundred Seven (607.00) feet to an iron pipe and the place of beginning for the following description; thence South Eighty-nine degrees Fifty-six minutes East (S 89° 56' E) on a line parallel with the North line of Section Two (2), a distance of One Thousand Nine Hundred Seventy-four and Three hundredths (1974.03) feet to an iron pipe; thence North Zero degrees Nine minutes East (N 0° 09' E) a distance of Six Hundred Seven (607.00) feet to an iron pipe on the North line of Section Two (2); thence South Eighty-nine degrees Fifty-six minutes East (S 89° 56' E) on the North line of Section Two (2) a distance of Six Hundred Sixty-five (665.00) feet to an iron pipe and a stone marking the Northeast corner of Section Two (2); thence South Zero degrees Thirteen minutes West (S 0° 13' W) on the East line of Section Two (2) a distance of One Thousand Five Hundred Eleven and Thirty hundredths (1511.30) feet to an iron pipe; thence South Fifty-four degrees Fifty-four minutes West (S 54° 54' W) a distance of Seven Hundred Forty-five and Thirty-seven hundredths (745.37) feet to an iron pipe; thence South Zero degrees Nine minutes West (S 0° 09' W) a distance of One Hundred Ninety-four (194.00) feet to an iron pipe on the North property line of U.S. Highway No. 20; thence South Sixty-three degrees, Forty-two minutes West (S 63° 42' W) on the North property line of U.S. Highway No. 20, a distance of Sixty and Seven hundredths (60.07) feet to an iron pipe; thence North Zero degrees Nine minutes East (N 0° 09' E) a distance of One Hundred Forty-nine and Eighty Hundredths (149.80) feet to an iron pipe; thence South Sixty-six degrees Thirty-three minutes West (S 66° 33' W) a distance of One Hundred Eighty-four and Seventy-four hundredths (184.74) feet to an iron pipe; thence South Zero degrees Fourteen minutes East (S 0° 14' E) a distance of One Hundred Fifty-two and Forty hundredths (152.40) feet to an iron pipe on the North property line of U.S. Highway No 20 ; thence Southwesterly on the North property line of U.S. Highway No. 20, which is a curve to the right, the long chord of which lies South Seventy-two degrees Forty-three minutes West (S 72° 43' W) a distance of Five Hundred Ten and Sixty-two hundredths (510.62) feet to an iron pipe; thence North Zero degrees Eight minutes East (N 0° 08' E) a distance of five Hundred Twenty-four and Nineteen hundredths (524.19) feet to an iron pipe; thence North Eighty Nine degrees Thirty-six minutes West (N 89°36' W) a distance of Six Hundred Forty-nine and Forty-seven hundredths (649.47) feet to an iron pipe; thence South Five degrees Fifty-one minutes West (S 5 ° 51' W) a distance of Two Hundred Eighty-five and Eighty hundredths (285.80) feet to an iron pipe; thence South Eighty-four degrees Forty-nine minutes West (S 84°49' W) a distance of One Hundred Forty-eight and Thirty-two hundredths (148.32) feet to an iron pipe; thence North Fifty-six degrees Twenty-eight minutes West (N 56° 28' W) a distance of Six Hundred Sixty and Eighty-hundredths (660.80) feet to a point on the North and South center line of Section Two (2); thence North

Zero degrees Seven minutes East (N 0° 07' E) a distance of One Thousand One Hundred Eighty-nine and Eighty-two hundredths (1189.82) feet to the place of beginning.

Parcel 2:
A tract of land containing Ten and Nine Hundred Ninety-five thousandths (10.995) acres, more or less, In Section Two (2) Township Thirty-seven (37) North, Range Four (4) West, LaPorte County Indiana, more particularly described as follows:
Beginning at a stone marking the North Quarter (N1/4) comer of Section Two (2) Township Thirty-seven (37) North, Range Four (4) West, LaPorte County, Indiana; Thence South Eighty-nine degrees Fifty-six minutes East (S 89° 56' E) on the North line of Section Two (2), Township Thirty-seven (37) North, Range Four (4) West, a distance of One Hundred Seventy-five (175) feet; thence South Zero degrees Four minutes West (S 0° 04' W) a distance of Two Hundred (200) feet; thence South Eighty nine degrees, Fifty six minutes East (S 89° 56' E) a distance of Three Hundred Eighteen and Fifty nine hundredths (318.59) feet; thence North Zero degrees Four minutes East (N 0° 04' E) a distance of Two Hundred (200) feet; thence South Eighty-nine degrees fifty-six minutes East (S 89° 56' E) a distance of Four Hundred (400) feet thence South Zero degrees Four minutes West (S 0° 04' W) a distance of Six Hundred Seven (607) feet; thence North Eighty-nine degrees Fifty-six minutes West (N 89° 56' W) a distance of Eight Hundred Ninety-four and Twelve Hundredths (894.12) feet to a point on the North-South centerline of Section Two (2) Township Thirty-seven (37) North, Range Four (4) West;, thence North Zero degrees Seven minutes East (N 0° 07' E) a distance of Six Hundred Seven (607) feet to the place of beginning.

Parcel 3:
A tract of land situated in the Northeast Quarter (NE1/4) of Section Two (2), Township Thirty-seven (37) North, Range Four (4) West, LaPorte County, Indiana, containing Four and Eighty three thousandths (4.083) acres, more or less, more particularly described as follows: Commencing at the North Quarter (N 1/4) corner of Section Two (2), Township Thirty-seven (37) North, Range Four (4) West, LaPorte County, Indiana; thence South Eighty-nine degrees Fifty-six minutes East (S 89°56' E) along the North line of said Section Two (2), a distance of Eight Hundred Ninety-three and Fifty-nine hundredths, (893.59) feet; thence South Zero degrees Four minutes West (S 0° 04' W) a distance of Two Hundred Twenty-eight (228.00) feet to the place of beginning for the following description;
thence continue South Zero degrees Four minutes West (S 0° 04' W) a, distance of Three Hundred Seventy-nine (379.00) feet; thence South Eighty-nine degrees Fifty-six minutes East (S 89° 56') E) a distance of One Thousand Eighty-one and Twelve hundredths (1081.12) feet; thence North Zero degrees Four minutes East (N 0° 04' E) a distance of Twenty five and Ninety-one hundredths (25.91) feet; thence North Eighty-nine degrees Fifty-six minutes West (N 89° 56' W) a distance of Six Hundred Fifty-six and Seventy-one hundredths (656.71) feet thence North Zero degrees Four minutes East (N 0° 04' E) a distance of Three Hundred Fifty-three and Nine hundredths (353.09) feet; thence North Eighty-nine degrees Fifty-six minutes West (N 89°56' W) a distance of Four Hundred Twenty-four and Forty-one hundredths (424.41) feet to the place of beginning.

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. _____

AMENDING ORDINANCE NO. 4546 TO ESTABLISH TIME PERIOD FOR IMPLEMENTATION OF RULES ESTABLISHED THEREIN

WHEREAS, on September 1, 2020, the Common Council passed Ordinance No. 4546 entitled *Establishing Rules For Attendance At And Use Of Washington Park and Penalties For Violating Same And For Violating Park Department Rules Concerning The Use Of Washington Park And The Zoo* (Rules) which, in paragraphs numbered 1 through 4, established various rules concerning the use of Washington Park, including its parking lots and the beach due to the COVID-19 pandemic; and

WHEREAS, that Ordinance did not contain any time limitations for the implementation of those Rules and stated the years for which Park parking sticker holders are admitted; and

WHEREAS, the Common Council finds that it is in the best interest of the City, in particular the Park Department, and the citizens of Michigan City that the implementation of the Rules in Ordinance No. 4546 be limited to the period of time each year during which the Park Department allows open access to the Washington Park beach.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, Indiana, that the Rules set forth in paragraphs numbered 1 through 4 of Ordinance No. 4546 only be implemented and enforced each year during the time period of the year when the Park Department allows open access to Washington Park beach and, during those times and special events, access will be limited to only holders of Park parking stickers for that year.

This Ordinance to be effective upon passage by the Council and approval by the Mayor.

INTRODUCED BY: _____,
Paul Przybylinski, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this _____day of _____, 2020 by a vote of _____ to _____.

_____
Sean Fitzpatrick, President
Michigan City Common Council

Approved by me, this _____ day of _____, 2020.

_____
Duane Parry, Mayor
City of Michigan City

ATTEST:

_____
Gale A. Neulieb, Clerk
City of Michigan City

Prepared by Council's Attorney Upon Request

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. _____

REPEALING ORDINANCE NO. 4546 ENTITLED "*ESTABLISHING RULES FOR ATTENDANCE AT AND THE USE OF WASHINGTON PARK AND PENALTIES FOR VIOLATING SAME AND FOR VIOLATING PARK DEPARTMENT RULES CONCERNING THE USE OF WASHINGTON PARK AND THE ZOO*"

WHEREAS, on September 1, 2020, the Michigan City Common Council passed Ordinance No. 4546 entitled "*Establishing Rules for Attendance at and the Use of Washington Park and Penalties for Violating Same and for Violating Park Department Rules Concerning the Use of Washington Park and the Zoo,*" and on September 8, 2020, the Mayor signed said Ordinance; and

WHEREAS, on September 15, 2020, the Michigan City Common Council passed Ordinance No. 4547 entitled "*Creating Section 82-68 in Article III (Park Rules) in Chapter 82 (Parks and Recreation) of the Michigan City Municipal Code to Provide a Mechanism for Enforcement for All Park Rules,*" and on September 16, 2020, the Mayor signed said Ordinance; and

WHEREAS, the need now exists to repeal Ordinance No. 4546 based on the following:

a. Provisions of Ordinance No. 4546, namely the provisions that violation of a Park rule is a violation of Michigan City Municipal Code, is now addressed in Ordinance No. 4547; and
b. Ordinance No. 4546 was essentially enacted to deal with crowd control at Washington Park as a result of the coronavirus (COVID-19), however, because the seasons are now transitioning and summer is coming to an end, large crowds are not being drawn to Washington Park so it is not necessary to incur the cost of screening access to the Park, and normal summer Park seasonal attendant operations conclude after Labor Day.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City that Ordinance No. 4546 entitled "*Establishing Rules for Attendance at and the Use of Washington Park and Penalties for Violating Same and for Violating Park Department Rules Concerning the Use of Washington Park and the Zoo*" is now repealed.

This Ordinance to be effective upon passage by the Common Council, approval of the Mayor, and any necessary publication.

INTRODUCED BY: _____
Bryant Dabney, Member
Michigan City Common Council

_____
Dalia Zygas, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana this _____ day of _____, 2020.

_____
Sean Fitzpatrick, President
Michigan City Common Council

Approved by me, this _____ day of _____, 2020.

_____
Duane Parry, Mayor
Michigan City, Indiana

ATTEST:

_____
Gale A. Neulieb, Clerk
City of Michigan City, Indiana

Prepared by Corporation Council Upon Request

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. _____

AMENDING MUNICIPAL CODE SECTION 2-457-COMMISSION ON THE SOCAIL STATUS OF AFRICAN-AMERICAN MALES

WHEREAS, Common Council has become aware that it is in the best interest of the City of Michigan City and the Commission On The Social Status of African-American Males (Commission) that certain provisions of the Commission's enabling Ordinance be amended and that the Commission should take the necessary steps to amend its By-Laws to incorporate the amendments.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, Indiana, that the provisions of Section 2-457 of the Michigan City Municipal Code referenced below shall be amended to read as follows:

1. 2-457(b)(2) The Commission shall consist of fifteen (15) voting members. Each member shall be a resident of Michigan City and shall be appointed by the group or organization whom he/she represents within Michigan City unless otherwise specified herein below. The appointments shall be made as follows:

.....

(2)(b) Nine (9) appointments shall be made by the Common Council of the City of Michigan City on a yearly basis and shall be members of or participants in the following groups and entities:

(a) One (1) from the Human Rights Commission
(b) One (1) from the Minority Health Coalition
(c) One (1) from the Swanson Center
(d) One (1) from the Ministerial Associations
(e) One (1) from the Welfare to Work Program
(f) Two (2) from the Michigan City Common Council
(g) One (1) from the Michigan H.O.P.E.
(h) One (1) from the NAACP

.....

(2)(c)(4) A member of the Commission may be removed by the appointing authority, after notice and a hearing, if one is requested by the member, for absenteeism of five (5) days or more, or for other good and sufficient cause as determined by the appointing authority, but for no other reason, during her/his term.

.....

(2)(c)(6) At the first meeting in January of each year, the members of the Commission shall elect one member to be the Commission's chairperson, one member to be the Commission's vice-chairperson, and one member to be the Commission's recording secretary. Commissioners may remove the Chairperson or other officer from that office and/or reduce his/her duties should the officer not perform their full duties for the Commission in a professional and timely manner. The Commission members shall fill the vacancy resulting from the removal of the chairperson or a vacancy of any officer position that occurs for any other reason. The appointment to fill a vacancy shall be for the remainder of the calendar year until the first meeting the following January when elections for the Commission's offices are held.

.....

(2)(d) *Powers, Duties, and Responsibilities of the Commission*

(1) The Commissions shall carry out the duties specified herein, including, but not limited to:

(a) Develop annual, short, and long rage goals.

.....

All other provisions of Section 2-457 shall remain in full force and effect.

This Ordinance to be effective upon passage by the Council and approval by the Mayor.

INTRODUCED BY: _____,
Tracie Tillman, Member

Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this _____day of _ _____, 2020 by a vote of _____ to _____.

_____
Sean Fitzpatrick, President
Michigan City Common Council

Approved by me, this _____ day of _____, 2020.

_____
Duane Parry, Mayor
City of Michigan City

ATTEST:

_____
Gale A. Neulieb, Clerk
City of Michigan City

Prepared by Council's Attorney Upon Request

MICHIGAN CITY COMMON COUNCIL

Commented [GN1]:

Commented [GN2]:

ORDINANCE NO. _____

AMENDING SECTION 70-101 IN DIVISION 3 OF CHAPTER 70 OF THE MICHIGAN CITY MUNICIPAL CODE REGARDING THE POLICE MERIT COMMISSION

WHEREAS, on October 19, 1982, the Common Council enacted, and on October 20, 1982, the Mayor signed Ordinance No. 2681, which acknowledged that the City had a Police Merit Commission by virtue of the then existing state law codified at I.C. 19-1-29[1] and the City desired to retain said system; and

WHEREAS, with respect to the Michigan City Police Merit Commission, Sec. 70-101 of the Michigan City Municipal Code currently read as follows:

"(a) The civil service commission (hereinafter referred throughout this chapter as "commission") for the Michigan City Police Department is established as provided by IC 19-1-29, et seq. before the same was repealed and now decodified at IC 36-8-3.5, et seq. The commission for the police department shall consist of three members who shall be known and designated as the civilian members of said commission. One of the civilian members of the commission shall be appointed for a term of one year by the mayor; one of the civilian members shall be appointed for a term of two years by the common council; and one of the civilian members shall be appointed for a term of three years upon nomination by the active membership of the police department and appointment by the mayor. The civilian members shall be resident voters of the city and persons of good moral character.

(b) The nomination to be made by the membership of the police department shall be made at a meeting specifically called for that purpose by the chief. The chief shall give at least one week's notice of the meeting to all active members of the police department by posting the notice of the meeting in at least three prominent places in the police station. The notice shall designate the time, place and purpose of the meeting. No one shall be entitled to be present at the meeting and exercise the right to vote unless he is an active member of the police department. Active members who are unable to attend any such meeting may vote by written proxy, provided that no active member present at any meeting shall be entitled to hold and to vote the proxy of more than one absent member. An active member of the police department shall be selected to act as chairman of the meeting. Voting shall be by secret ballot. The person receiving the highest number of votes, including all proxy votes, shall be named as the nominee of the police department.

(c) A person shall be ineligible to serve as a civilian member of the commission if he receives a remuneration as salary for services from the city, other than the per diem compensation as provided for in this section. Every civilian member appointed to the commission shall take and subscribe to an oath that he will conscientiously and faithfully discharge the duties of his office, which oath shall be filed with the board of public works and safety. The civilian members of such commission shall receive a per diem compensation for service in the amount to be fixed by the common council.

(d) Civilian membership vacancies, for any cause, shall be filled by appointment in the same manner as the appointment of that member of the commission. The board of public works and safety may remove any member of the commission at any time for malfeasance, nonfeasance, lack of residency within the city, or inability to serve, which removal shall be under the same rules of procedure that apply to removal of members of the police department. Two civilian members of the commission shall constitute a quorum for the transaction of business;" and

[1] State law pertaining to police and fire merit systems is now codified at I.C. 36-8-3.5, et seq.

WHEREAS, pursuant to I.C. 36-8-3.5-1(b)[2], because the City had a merit system in place for its police department under former I.C. 19-1-29, the ordinance retaining the system must include a provision "*...under which the commission (or governing body of the merit system) has at least one-third (1/3) of its members elected by the active members of department...*;" and

WHEREAS, I.C. 36-8-3.5-6, I.C. 36-8-3.5-7, and I.C. 36-8-3.5-8 state as follows:

"**IC 36-8-3.5-6 Merit commission; establishment; appointment of members; qualifications; oath**

Sec. 6. (a) A merit commission consisting of five (5) commissioners shall be established for each department of a unit having a merit system. The commissioners are:

(1) two (2) persons, who must be of different political parties, appointed by the unit's executive;

(2) one (1) person appointed by the unit's legislative body; and

(3) two (2) persons, who must be of different political parties, elected by the active members of the department.

Notwithstanding IC 36-1-8-10, political affiliation shall be determined through the voters' registration records of the three (3) most recent primary elections.

(b) Each commissioner must have been a legal resident of the unit for three (3) consecutive years immediately preceding the commissioner's term and must be a person of good moral character. The legislative body may, upon the recommendation of the safety board, determine a per diem to be paid to each commissioner for each day of actual service for the commission. A commissioner must be at least twenty-one (21) years of age. A commissioner may not be an active member of a police or fire department or agency and not more than two (2) of the commissioners may be past members of a police or fire department or agency. In addition, a person may not serve on the commission if the person receives any remuneration as salary from the unit.

(c) Each commissioner shall take an oath of office to conscientiously discharge the commissioner's duties. A signed copy of the oath shall be filed with the safety board.

IC 36-8-3.5-7 Commissioners; terms; tenure

Sec. 7. (a) The term of a commissioner is four (4) years. However, one (1) of the executive's initial selections and one (1) of the department's initial selections are for terms of two (2) years.

(b) A vacancy on the commission shall be filled within thirty (30) days by the appointing or electing authority. The selection is for the remainder of the unexpired term.

(c) A commissioner serves at the pleasure of the appointing or electing authority and may be removed at any time. In the case of a commissioner elected by the department, the safety board shall call a meeting of the active members of the department under the procedures specified in section 4 of this chapter if a recall petition signed by a majority of the active members is submitted to the board.

IC 36-8-3.5 8Elections; meeting; notice

Sec. 8. (a) An election to be made by the active members of the department shall be made at a meeting called specifically for that purpose by the safety board. The board shall give at least three (3) weeks' notice of the meeting to all active members of the department by posting the notice in prominent locations in stations of the department. The notice shall also be read during shift roll calls. The notice must designate the time, place, and purpose of the meeting.

(b) Only active members of the department may attend the meeting, and at the meeting one (1) of them shall be selected as chair. All voting must be by secret written ballot. The other procedures for holding the meeting may be determined by the safety board and shall be posted in accordance with subsection (a);"

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[2] I.C. 36-8-3.5-1(b) states as follows:

"If a city had a merit system for its police or fire department under the former IC 18-4-12, IC 19-1-7, IC 19-1-14, IC 19-1-14.2, IC 19-1-14.3, IC 19-1-14.5, IC 19-1-20, IC 19-1-21, IC 19-1-29, IC 19-1-29.5, IC 19-1-31, IC 19-1-31.5, or IC 19-1-37.5, it may retain that system by ordinance of the city legislative body passed before January 1, 1983. The ordinance must initially incorporate all the provisions of the prior statute but may be amended by the legislative body after December 31, 1984. The ordinance retaining the system must be amended, if necessary, to include a provision under which the commission (or governing board of the merit system) has at least one-third (1/3) of its members elected by the active members of the department as prescribed by section 8 of this chapter. Each elected commission member must:

(1) be a person of good moral character; and

(2) except for a member of a fire department having a merit system established under IC 19-1-37.5, not be an active member of a police or fire department or agency."

WHEREAS, after reviewing the current language of Section 70-101 in the Michigan City Code, the need exists to follow Indiana state law regarding the police merit commission, including, but not limited to, the number of commission members, the composition of the commission members, the tenure of commission members, the qualifications of commission members, the removal of commission members, and the election of commission members by the Police Department.

NOW, THEREFORE, BE IT ORDAINED, by the Michigan City Common Council that Section 70-101 in Division 3 of Chapter 70 of the Michigan City Municipal Code shall now be amended to read as follows:

Section 70-101. Merit Commission; Establishment; Qualifications to Serve; Terms; Oaths, Removal.

(a) Establishment. The civil service commission (hereinafter referred throughout this chapter as "commission") for the Michigan City Police Department is established as provided by IC 19-1-29, et seq. before the same was repealed and now recodified at IC 36-8-3.5, et seq. The commission for the police department shall consist of five (5) members who shall be known and designated as the civilian members of said commission. The commissioners shall be appointed as follows:

1. Two (2) persons, who must be of different political parties, appointed by the Mayor;
2. One (1) person appointed by the Common Council; and
3. Two (2) persons, who must be of different political parties, elected by the active members of the Police Department.

Political affiliation shall be determined through the voter's registration records of the three (3) most recent primary elections.

(b) Qualifications; Oath. Qualifications to serve are as follows:

1. Under reorganization of the commission a nominee` must successfully complete a criminal background check.
2. A commissioner must have been a legal resident of the unit for three (3) consecutive years immediately preceding the commissioner's term and must be a person of good moral character.
3. A commissioner must be at least twenty-one (21) years of age.
4. A commissioner may not be an active member of a police or fire department or agency and not more than two (2) of the commissioners may be past members of a police or fire department or agency.
5. A person may not serve on the commission if the person receives any remuneration as salary from the unit, other than the compensation as provided for in this Section.

Each commissioner shall take an oath of office to conscientiously discharge the commissioner's duties. A signed copy of the oath shall be filed with the City Clerk's Office and the Michigan City Board of Public Works & Safety.

(c) Compensation. A commissioner may be entitled to compensation as set forth in the salary ordinance adopted by the Common Council.

(d) Terms; Tenure; and Removal.

1. The term of a commissioner is four (4) years. However, one (1) of the executive's initial selections and one (1) of the department's initial selections are for terms of two (2) years.
2. A vacancy on the commission shall be filled within thirty (30) days by the appointing or electing authority. The selection is for the remainder of the unexpired term.
3. A commissioner serves at the pleasure of the appointing or electing authority and may be removed at any time. In the case of a commissioner elected by the

Police Department, the Michigan City Board of Public Works & Safety shall call a meeting of the active members of the Police Department under the procedures specified in subsection (e) below if a recall petition signed by a majority of the active members is submitted to the Board.

(e) Police Department Elections: Meetings: and Notice.

1. An election to be made by the active members of the department shall be made at a meeting called specifically for that purpose by the Michigan City Board of Public Works & Safety. The Board shall give at least three (3) weeks' notice of the meeting to all active members of the Police Department by posting the notice in prominent locations in the police station. The notice shall also be read during shift roll calls. The notice must designate the time, place, and purpose of the meeting.
2. Only active members of the department may attend the meeting, and at the meeting one (1) of them shall be selected as chairman. Active members who are unable to attend any such meeting may vote by written proxy, provided that no active member present at any meeting shall be entitled to hold and to vote the proxy of more than one absent member. Any other procedures for holding the meeting may be determined by the Michigan City Board of Public Works & Safety and shall be posted in accordance with this Section. All voting must be by secret written ballot. The person receiving the highest number of votes, including all proxy votes, shall be named as the nominee of the Police Department.

This Ordinance to be effective upon passage and approval by the Mayor.

INTRODUCED BY: _____
Paul Przybylinski, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this _____ day of _____, 2020 by vote of _____ to _____.

_____
Sean Fitzpatrick, President
Michigan City Common Council

Approved by me, this _____ day of _____,2020.

_____
Duane Parry, Mayor
City of Michigan City, Indiana

ATTEST:

_____
Gale A. Neulieb, Clerk
City of Michigan City, Indiana

Prepared by Corporation Counsel Upon Request

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. _____

AMENDING SECTION 70-101 IN DIVISION 3 OF CHAPTER 70 OF THE MICHIGAN CITY MUNICIPAL CODE REGARDING THE POLICE MERIT COMMISSION

WHEREAS, on October 19, 1982, the Common Council enacted, and on October 20, 1982, the Mayor signed Ordinance No. 2681, which acknowledged that the City had a Police Merit Commission by virtue of the then existing state law codified at I.C. 19-1-29[1] and the City desired to retain said system; and

WHEREAS, with respect to the Michigan City Police Merit Commission, Sec. 70-101 of the Michigan City Municipal Code currently read as follows:

> "(a) The civil service commission (hereinafter referred throughout this chapter as "commission") for the Michigan City Police Department is established as provided by IC 19-1-29, et seq. before the same was repealed and now decodified at IC 36-8-3.5, et seq. The commission for the police department shall consist of three members who shall be known and designated as the civilian members of said commission. One of the civilian members of the commission shall be appointed for a term of one year by the mayor; one of the civilian members shall be appointed for a term of two years by the common council; and one of the civilian members shall be appointed for a term of three years upon nomination by the active membership of the police department and appointment by the mayor. The civilian members shall be resident voters of the city and persons of good moral character.
>
> (b) The nomination to be made by the membership of the police department shall be made at a meeting specifically called for that purpose by the chief. The chief shall give at least one week's notice of the meeting to all active members of the police department by posting the notice of the meeting in at least three prominent places in the police station. The notice shall designate the time, place and purpose of the meeting. No one shall be entitled to be present at the meeting and exercise the right to vote unless he is an active member of the police department. Active members who are unable to attend any such meeting may vote by written proxy, provided that no active member present at any meeting shall be entitled to hold and to vote the proxy of more than one absent member. An active member of the police department shall be selected to act as chairman of the meeting. Voting shall be by secret ballot. The person receiving the highest number of votes, including all proxy votes, shall be named as the nominee of the police department.
>
> (c) A person shall be ineligible to serve as a civilian member of the commission if he receives a remuneration as salary for services from the city, other than the per diem compensation as provided for in this section. Every civilian member appointed to the commission shall take and subscribe to an oath that he will conscientiously and faithfully discharge the duties of his office, which oath shall be filed with the board of public works and safety. The civilian members of such commission shall receive a per diem compensation for service in the amount to be fixed by the common council.
>
> (d) Civilian membership vacancies, for any cause, shall be filled by appointment in the same manner as the appointment of that member of the commission. The board of public works and safety may remove any member of the commission at any time for malfeasance, nonfeasance, lack of residency within the city, or inability to serve, which removal shall be under the same rules of procedure that apply to removal of members of the police department. Two civilian members of the commission shall constitute a quorum for the transaction of business;" and

[1] State law pertaining to police and fire merit systems is now codified at I.C. 36-8-3.5, et seq.

WHEREAS, pursuant to I.C. 36-8-3.5-1(b)[2], because the City had a merit system in place for its police department under former I.C. 19-1-29, the ordinance retaining the system must include a provision "*...under which the commission (or governing body of the merit system) has at least one-third (1/3) of its members elected by the active members of department...*;" and

WHEREAS, I.C. 36-8-3.5-6, I.C. 36-8-3.5-7, and I.C. 36-8-3.5-8 state as follows:

"**IC 36-8-3.5-6 Merit commission; establishment; appointment of members; qualifications; oath**

Sec. 6. (a) A merit commission consisting of five (5) commissioners shall be established for each department of a unit having a merit system. The commissioners are:

(1) two (2) persons, who must be of different political parties, appointed by the unit's executive;

(2) one (1) person appointed by the unit's legislative body; and

(3) two (2) persons, who must be of different political parties, elected by the active members of the department.

Notwithstanding IC 36-1-8-10, political affiliation shall be determined through the voters' registration records of the three (3) most recent primary elections.

(b) Each commissioner must have been a legal resident of the unit for three (3) consecutive years immediately preceding the commissioner's term and must be a person of good moral character. The legislative body may, upon the recommendation of the safety board, determine a per diem to be paid to each commissioner for each day of actual service for the commission. A commissioner must be at least twenty-one (21) years of age. A commissioner may not be an active member of a police or fire department or agency and not more than two (2) of the commissioners may be past members of a police or fire department or agency. In addition, a person may not serve on the commission if the person receives any remuneration as salary from the unit.

(c) Each commissioner shall take an oath of office to conscientiously discharge the commissioner's duties. A signed copy of the oath shall be filed with the safety board.

IC 36-8-3.5-7 Commissioners; terms; tenure

Sec. 7. (a) The term of a commissioner is four (4) years. However, one (1) of the executive's initial selections and one (1) of the department's initial selections are for terms of two (2) years.

(b) A vacancy on the commission shall be filled within thirty (30) days by the appointing or electing authority. The selection is for the remainder of the unexpired term.

(c) A commissioner serves at the pleasure of the appointing or electing authority and may be removed at any time. In the case of a commissioner elected by the department, the safety board shall call a meeting of the active members of the department under the procedures specified in section 4 of this chapter if a recall petition signed by a majority of the active members is submitted to the board.

IC 36-8-3.5 8Elections; meeting; notice

Sec. 8. (a) An election to be made by the active members of the department shall be made at a meeting called specifically for that purpose by the safety board. The board shall give at least three (3) weeks' notice of the meeting to all active members of the department by posting the notice in prominent locations in stations of the department. The notice shall also be read during shift roll calls. The notice must designate the time, place, and purpose of the meeting.

(b) Only active members of the department may attend the meeting, and at the meeting one (1) of them shall be selected as chair. All voting must be by secret written ballot. The other procedures for holding the meeting may be determined by the safety board and shall be posted in accordance with subsection (a);"

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[2] I.C. 36-8-3.5-1(b) states as follows:

"If a city had a merit system for its police or fire department under the former IC 18-4-12, IC 19-1-7, IC 19-1-14, IC 19-1-14.2, IC 19-1-14.3, IC 19-1-14.5, IC 19-1-20, IC 19-1-21, IC 19-1-29, IC 19-1-29.5, IC 19-1-31, IC 19-1-31.5, or IC 19-1-37.5, it may retain that system by ordinance of the city legislative body passed before January 1, 1983. The ordinance must initially incorporate all the provisions of the prior statute but may be amended by the legislative body after December 31, 1984. The ordinance retaining the system must be amended, if necessary, to include a provision under which the commission (or governing board of the merit system) has at least one-third (1/3) of its members elected by the active members of the department as prescribed by section 8 of this chapter. Each elected commission member must:

(1) be a person of good moral character; and

(2) except for a member of a fire department having a merit system established under IC 19-1-37.5, not be an active member of a police or fire department or agency."

WHEREAS, after reviewing the current language of Section 70-101 in the Michigan City Code, the need exists to follow Indiana state law regarding the police merit commission, including, but not limited to, the number of commission members, the composition of the commission members, the tenure of commission members, the qualifications of commission members, the removal of commission members, and the election of commission members by the Police Department.

NOW, THEREFORE, BE IT ORDAINED, by the Michigan City Common Council that Section 70-101 in Division 3 of Chapter 70 of the Michigan City Municipal Code shall now be amended to read as follows:

Section 70-101. Merit Commission; Establishment; Qualifications to Serve; Terms; Oaths, Removal.

(a) Establishment. The civil service commission (hereinafter referred throughout this chapter as "commission") for the Michigan City Police Department is established as provided by IC 19-1-29, et seq. before the same was repealed and now recodified at IC 36-8-3.5, et seq. The commission for the police department shall consist of five (5) members who shall be known and designated as the civilian members of said commission. The commissioners shall be appointed as follows:

1. Two (2) persons, who must be of different political parties, appointed by the Mayor;
2. One (1) person appointed by the Common Council; and
3. Two (2) persons, who must be of different political parties, elected by the active members of the Police Department.

Political affiliation shall be determined through the voter's registration records of the three (3) most recent primary elections.

(b) Qualifications; Oath. Qualifications to serve are as follows:

1. Under reorganization of the commission a nominee` must successfully complete a criminal background check.
2. A commissioner must have been a legal resident of the unit for three (3) consecutive years immediately preceding the commissioner's term and must be a person of good moral character.
3. A commissioner must be at least twenty-one (21) years of age.
4. A commissioner may not be an active member of a police or fire department or agency and not more than two (2) of the commissioners may be past members of a police or fire department or agency.
5. A person may not serve on the commission if the person receives any remuneration as salary from the unit, other than the compensation as provided for in this Section.

Each commissioner shall take an oath of office to conscientiously discharge the commissioner's duties. A signed copy of the oath shall be filed with the City Clerk's Office and the Michigan City Board of Public Works & Safety.

(c) Compensation. A commissioner may be entitled to compensation as set forth in the salary ordinance adopted by the Common Council.

(d) Terms; Tenure; and Removal.

1. The term of a commissioner is four (4) years. However, one (1) of the executive's initial selections and one (1) of the department's initial selections are for terms of two (2) years.
2. A vacancy on the commission shall be filled within thirty (30) days by the appointing or electing authority. The selection is for the remainder of the unexpired term.
3. A commissioner serves at the pleasure of the appointing or electing authority and may be removed at any time. In the case of a commissioner elected by the

Police Department, the Michigan City Board of Public Works & Safety shall call a meeting of the active members of the Police Department under the procedures specified in subsection (e) below if a recall petition signed by a majority of the active members is submitted to the Board.

(e) Police Department Elections; Meetings; and Notice.

1. An election to be made by the active members of the department shall be made at a meeting called specifically for that purpose by the Michigan City Board of Public Works & Safety. The Board shall give at least three (3) weeks' notice of the meeting to all active members of the Police Department by posting the notice in prominent locations in the police station. The notice shall also be read during shift roll calls. The notice must designate the time, place, and purpose of the meeting.
2. Only active members of the department may attend the meeting, and at the meeting one (1) of them shall be selected as chairman. Active members who are unable to attend any such meeting may vote by written proxy, provided that no active member present at any meeting shall be entitled to hold and to vote the proxy of more than one absent member. Any other procedures for holding the meeting may be determined by the Michigan City Board of Public Works & Safety and shall be posted in accordance with this Section. All voting must be by secret written ballot. The person receiving the highest number of votes, including all proxy votes, shall be named as the nominee of the Police Department.

This Ordinance to be effective upon passage and approval by the Mayor.

INTRODUCED BY: _____
Paul Przybylinski, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this _____ day of _____, 2020 by vote of _____ to _____.

_____
Sean Fitzpatrick, President
Michigan City Common Council

Approved by me, this _____ day of _____,2020.

_____
Duane Parry, Mayor
City of Michigan City, Indiana

ATTEST:

_____
Gale A. Neulieb, Clerk
City of Michigan City, Indiana

Prepared by Corporation Counsel Upon Request

MICHIGAN CITY COMMON COUNCIL
ORDINANCE NO. _____

AN ORDINANCE SETTING SALARIES AND WAGES FOR APPOINTED OFFICIALS AND EMPLOYEES OF THE CITY OF MICHIGAN CITY, INDIANA, FOR THE CALENDAR YEAR 2021

WHEREAS, the Mayor must set the salaries and wages of appointed officials and employees of the City of Michigan City; and

WHEREAS, the Common Council of the City of Michigan City must, pursuant to IC 36-4-7-3, set other said salaries and wages by ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, La Porte County, Indiana, that:

Section 1. Salaries and wages for appointed officials and employees be set for the year 2021, as follows:
(Positions covered by collective bargaining agreements are marked with *)

	Bi-Weekly Salary or Rate per Hour
CITY EMPLOYEES	
Controller's Office:	
Controller	$2,277.86
Assistant Controller	$2,211.62
2nd Assistant Controller	$2,110.55
Payroll Administrator	$17.58
Accounts Payable/Receivable Administrator	$17.58
Administrative Assistant	$14.47
Clerk's Office:	
Deputy Clerk	$1,472.24
Assistant Deputy Clerk	$15.69
Mayor's Office:	
City Administrator	$1,910.33
Executive Assistant	$16.00
Promise Scholarship Director	$1,730.77
Special Events/Recreation Coordinator	$2,001.51
Planning & Inspection:	
Planning and Redevelopment Director	$2,195.68
Assistant Planner	$1,743.58
Associate Planner	$1,589.39
Building Commissioner	$1,743.20
Administrative Assistant II	$15.28
Administrative Assistant	$14.47
Inspector	$19.18
Code Enforcement Officer	$19.18
Personnel:	
Human Resources Director	$2,081.95
Central Maintenance:	
Mechanic*	$23.96
City Hall:	
Custodian II	$13.57
Custodian I (part-time)	$11.20
Attorney:	
Corporation Counsel	$3,609.92
Office Manager	$20.66

MC Transit:	
Director	$1,910.33
Assistant Director	$16.44
Driver*	$17.26
Washer/Custodian*	$14.75
Engineering:	
City Engineer	$2,510.54
Human Rights:	
Director	$2,001.51
Fire Department:	
Chief	$2,604.97
Deputy Chief	$2,434.55
Executive Assistant	$16.00
Administrative Assistant I (part-time)	$13.41
Police Department:	
Chief	$2,797.52
Deputy Chief	$2,614.51
Executive Assistant	$16.00
Administrative Assistant II	$15.28
Administrative Assistant	$14.47
Maintenance Foreman*	$16.36
Custodian II	$13.31
Animal Control Officer	$16.36
Crossing Guard	$285.06
Central Services:	
Superintendent	$2,329.59
Administrative Assistant II*	$14.47
Vector Control:	
Forester/Vector Control Officer	$1,910.33
Vector Control Assistant	$16.03
Seasonal Laborer	$7.39-$10.35
Street Department:	
Director	$1,910.33
Operator*	$17.82
Driver*	$16.03
Helper*	$14.26
Barker Civic Center:	
Director	$1,910.33
Heritage Interpreter (Part-Time)	$15.00
Seasonal Heritage Interpreter	$12.54
Seasonal Maintenance Custodian	$10.98
Seasonal Events Liaison	$12.54
Aviation:	
Airport Manager	$2,001.51
Foreman	$16.44
Laborer (part-time)	$13.21
Cemetery:	
Superintendent/Sales Manager	$2,332.61
Assistant Superintendent/Bookkeeper/Office Manager	$16.44
Administrative Assistant I (Part-Time)	$13.41
Greenwood Working Foreman	$16.55
Swan Lake Working Foreman	$16.55
Mechanic	$15.14
Laborer/Driver	$15.14
Administrative Assistant I (Part-Time)	$13.41
Temporary/Seasonal Laborer	$7.39-$9.32
Temporary Secretary	$12.96

Park Administration:	
Superintendent	$2,500.00
Assistant Superintendent	$2,461.31
Accounts Payable/Receivable Clerk	$15.02
Payroll/Administrative Assistant	$13.86
Office Assistant/Events Coordinator	$13.41
Seasonal Parking Sticker Clerk	$7.40 - $9.50
Seasonal Parking Attendant	$7.40 - $9.50
Seasonal Assistant Parking Supervisor	$9.18 - $12.05
Seasonal Parking Supervisor	$11.73 - $15.20
Seasonal Work Study Student	$8.16 - $8.77
Seasonal Aquatic Facility Operator	up to $13.72
Seasonal Assistant Splash Pad Operator	up to $10.56
Seasonal Oasis Admission Clerk	$7.40 - $9.50
Park Recreation:	
Seasonal Lifeguard	$10.71 - $11.62
Seasonal Assistant Head Lifeguard	$11.73 - $12.67
Seasonal Head Lifeguard	$12.50 - $13.47
Seasonal Playground Leader	$7.40 - $9.50
Seasonal Playground Supervisor	$7.91 - $10.14
Seasonal Playground Director	$11.73 - $15.20
Seasonal Work Study Student	$8.16 – 10.46
Park Zoo:	
Director	$1,910.33
Assistant Director	$15.75
Retail Manager	$15.75
Zookeeper I	$13.73
Education Curator/Zookeeper I	$13.73
Maintenance	$8.25 - $10.72
Seasonal Admission Cashier I	$7.40 - $9.50
Seasonal Zookeeper/Laborer I	$7.40 - $9.50
Seasonal Zookeeper/Laborer II	$7.65 - $9.83
Seasonal Horticulturalist/Groundskeeper	$7.40 - $9.50
Seasonal Work Study Student	$7.40 - $9.50
Seasonal Train Attendant/Operator	$7.40 - $9.50
Seasonal Aviary Attendant	$7.40 - $9.50
Seasonal Dietician	$7.40 - $9.83
Park Maintenance:	
Supervisor of Operations	$19.20
Supervisor of Administration	$19.20
Foreman	$16.45
Seasonal Custodian Laborer	$7.40 - $10.35
Seasonal Maintenance Laborer	$7.40 - $10.35
Park Senior Center:	
Director	$1,910.33
Assistant Director – (part-time)	$9.08 - $10.90
Golf:	
Greens Superintendent	$2,067.55
Assistant Greens Superintendent	$18.59
Mechanic	$15.56
Seasonal Pro Shop Manager	Up to $29,422.51
Seasonal Laborer	$7.55 - $10.35
Seasonal Shift Leader	$8.67 - $10.35
Seasonal Clerk	$7.80 - $10.35
Seasonal Cart Laborer	$7.55 - $10.35
Seasonal Cook/Server	$7.55 – 10.35

Park Concessions:	
Seasonal Zoo Gift Ship Attendant/Office Assistant	$8.84 - $10.57
Seasonal Zoo Gift Ship Attendant	$7.55 - $9.50
Seasonal Peacock Concession Attendant	$7.55 - $9.50
Seasonal Sandbar Concession Attendant	$7.55 - $9.50
Seasonal Castaway Concession Attendant	$7.55 - $9.50
Seasonal Patriot Park Concession Attendant	$7.55 - $9.50

Section 2. The fringe benefit program provided by the City includes medical insurance, vacation pay, vacation bonus, participation in the Indiana Public Retirement System (INPRS), and sick leave, as defined in the City Employee Handbook for non-contract, full-time employees in the following departments: Mayor, Controller, Clerk, Engineer, Personnel, City Hall, Attorney, Planning & Inspection, Cemeteries, Police, Fire, Aviation, Human Rights, Central Services, Vector Control, Street, Transit, Central Maintenance Barker Civic Center, Park and the Promise Scholarship Director. Also included in the fringe benefit program are the following: the City Engineer, who shall maintain a minimum of thirty (30) hours per week as well as serving on or attending the meetings of the Board of Public Works & Safety and Plan Commission; and the Corporation Counsel, who shall maintain thirty (30) hours per week, represent City departments in grievances, participate in all contract negotiations, represent and attend the meetings of the Board of Public Works & Safety, and prosecute ordinance violations.

Section 3. For the Animal Control Officer, the fringe benefit program provided by the City includes certification pay at the rate of $500 per year per certification with a maximum of three (3) certifications to be divided and included with the bi-weekly pay.

Section 4. The fringe benefit program is further defined as providing a longevity program for non-contract employees who have worked three (3) or more years continuously in a full-time capacity, the financial increment shall be $450 for each three (3) years of service to a maximum of $3,600.

Section 5. Personnel who are subject to emergency calls out outside of regular business hours will be provided with a City take-home vehicle. These include public safety personnel (Police and Fire) and one service employee per department per day when their service calls require tools that are carried in the vehicle (Animal Control, Vector Control, Parks & Recreation and Aviation).

Section 6. Except for salaries included in Section 8 below, all salaries are annual and shall be paid in equal amounts on a bi-weekly basis over the number of bi-weekly periods in the calendar year. Set salaries are in effect for all payrolls issued in the calendar year governed by this ordinance.

Section 7. All salaries and fringe benefits for union workers are subject to the terms, conditions, and limitations specified in the respective labor contracts for the year governed by this ordinance.

Section 8. Members of the following boards and commissions shall receive compensation in the amounts listed for that board or commission, payable the following month. Annual Salaries are the maximum amounts to be paid for that position, and the columns below in this Section depict if that position is paid monthly or paid per meeting attended. Council Members and Department Heads who serve on these bodies shall not receive the per diem.

	Annual Per Diem	Monthly	Meeting
Police Civil Service Commission:			
Member	$ 1,800.00	$ 150.00	
Secretary	$ 2,862.00	$ 238.50	
Board of Public Works & Safety:			
Member	$ 1,200.00	$ 100.00	
Board of Cemetery Trustees:			
Member	$ 1,287.00		$ 107.25
Licensing Board:			
Member	$ 300.00		$ 25.00
Secretary	$ 600.00		$ 50.00

Plan Commission:						
Member	$	600.00			$	50.00
Board of Zoning Appeals:						
Member	$	600.00			$	50.00
Fire Merit Commission:						
Member	$	1,800.00	$	150.00		
Secretary	$	2,862.00	$	238.50		
Historic Review Board:						
Secretary	$	2,400.00	$	200.00		
Human Rights Commission:						
Member	$	600.00			$	50.00
Secretary	$	1,800.00	$	150.00		
SSAAM Commission:						
Member	$	600.00			$	50.00
Commission Women:						
Member	$	600.00			$	50.00
Tree Board:						
Member	$	600.00			$	50.00
Secretary	$	2,400.00	$	200.00		
Fire Pension Board:						
Secretary	$	2,400.00	$	200.00		
Police Pension Board:						
Secretary	$	2,400.00	$	200.00		
Park Board						
Member	$	1,800.00	$	150.00		

Section 10. This ordinance shall be in full force and effect after passage by the Common Council and approval by the Mayor.

INTRODUCED BY: _____
Bryant Dabney, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City this ____ day of _____, 2020.

_____
Sean Fitzpatrick, President
Michigan City Common Council

Approved by me this _____ day of _____, 2020.

_____
Duane Parry, Mayor
Michigan City, Indiana

ATTEST:

_____
Gale A. Neulieb, City Clerk
Michigan City, Indiana

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. _____

AN ORDINANCE SETTING THE ANNUAL SALARY FOR THE MAYOR

WHEREAS, pursuant to I.C. 36-4-7.2, the Michigan City Common Council is required by Indiana law to set the annual compensation of all elected City officers; and

WHEREAS, the Common Council desires to establish the salary for the Mayor for 2021.

NOW, THEREFORE, BE IT ORDAINED BY THE MICHIGAN CITY COMMON COUNCIL, as follows:

Section 1. The Mayor of the City of Michigan City shall be paid a bi-weekly salary of $3,054.22 from the General Fund beginning January 1, 2021. The General Fund is to be reimbursed $6,000.00 from the Sanitary District Operating Fund to offset the salary of the Mayor.

Section 2. The Mayor will be paid his annual bi-weekly salary based on the number of pays in that year. Said pays are to be issued at the same time as other pays. If the Mayor leaves his position, prior to the expiration of his tenure, he will be required to repay the City for any prepaid salary.

Section 3. The fringe benefit program provided by the City for the Mayor includes medical insurance, vacation pay, vacation bonus, participation in the Indiana Public Retirement System (INPRS), and sick leave, as defined in the City Employee Handbook for non-contract, full-time employees. In addition, the Mayor shall participate in the longevity program provided to non-contract employees and shall receive a financial increment of $450 for each three (3) years of full-time service to a maximum of $3,600.

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: _____,
Bryant Dabney, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this _____day of _ _____, 2021 by a vote of _____ to _____.

_____
Sean Fitzpatrick, President
Michigan City Common Council

Approved by me, this _____ day of _____, 2021.

_____
Duane Parry, Mayor
City of Michigan City, Indiana

ATTEST:

_____
Gale A. Neulieb, Clerk
City of Michigan City, Indiana

Prepared by Corporation Counsel upon Request

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. _____

AN ORDINANCE SETTING THE ANNUAL SALARIES FOR THE COMMON COUNCIL MEMBERS

WHEREAS, pursuant to I.C. 36-4-7.2, the Michigan City Common Council is required by Indiana law to set the annual compensation of all elected City officers; and

WHEREAS, the Common Council now desires to set their annual compensation for 2021.

NOW, THEREFORE, BE IT ORDAINED BY THE MICHIGAN CITY COMMON COUNCIL, as follows:

Section 1. Each member of the Common Council of the City of Michigan City shall be paid a bi-weekly salary of $559.73 from the General Fund beginning January 1, 2021.

Section 2. Elected officials will be paid their annual bi-weekly salary based on the number of pays in that year. Said pays are to be issued at the same time as other pays. Elected officials leaving their position, prior to the expiration of their tenure, will be required to repay the City for any prepaid salary.

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: _____,
Bryant Dabney, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this _____day of _____, 2021 by a vote of _____ to _____.

_____
Sean Fitzpatrick, President
Michigan City Common Council

Approved by me, this _____ day of _____, 2021.

_____
Duane Parry, Mayor
City of Michigan City, Indiana

ATTEST:

_____
Gale A. Neulieb, Clerk
City of Michigan City, Indiana

Prepared by Corporation Counsel upon Request

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. _____

AN ORDINANCE SETTING THE ANNUAL SALARY FOR THE CITY CLERK

WHEREAS, pursuant to I.C. 36-4-7.2, the Michigan City Common Council is required by Indiana law to set the annual compensation of all elected City officers; and

WHEREAS, the Common Council desires to establish the salary of the City Clerk for 2021.

NOW, THEREFORE, BE IT ORDAINED BY THE MICHIGAN CITY COMMON COUNCIL, as follows:

Section 1. The City Clerk of the City of Michigan City shall be paid a bi-weekly salary of $2,001.51 from the General Fund beginning January 1, 2021. The General Fund is to be reimbursed $1,000.00 from the Sanitary District Operating Fund to offset the salary of the City Clerk.

Section 2. The City Clerk will be paid her annual bi-weekly salary based on the number of pays in that year. Said pays are to be issued at the same time as other pays. If the City Clerk leaves her position, prior to the expiration of her tenure, she is required to repay the City for any prepaid salary.

Section 3. The fringe benefit program provided by the City for the City Clerk includes medical insurance, vacation pay, vacation bonus, participation in the Indiana Public Retirement System (INPRS), and sick leave, as defined in the City Employee Handbook for non-contract, full-time employees. In addition, the City Clerk shall participate in the longevity program provided to non-contract employees and shall receive a financial increment of $450 for each three (3) years of continuous full-time service to a maximum of $3,600.

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: _____,
Bryant Dabney, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this _____day of _____, 2021 by a vote of _____ to _____.

_____
Sean Fitzpatrick, President
Michigan City Common Council

Approved by me, this _____ day of _____, 2021.

_____
Duane Parry, Mayor
City of Michigan City, Indiana

ATTEST:

_____
Gale A. Neulieb, Clerk
City of Michigan City, Indiana

Prepared by Corporation Counsel upon Request

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. _____

ADOPTING POLICY TO ALLOW 5% OF RIVERBOAT FUNDS TO BE USED TO FUND THE CITY'S OPERATING EXPENDITURES FROM THE GENERAL FUND AND DEDICATING 50% OF RIVERBOAT REVENUES TO INCREASE THE RAINY DAY FUND BALANCE UP TO A MINUMUM OF $6 MILLION DOLLARS

WHEREAS, in the past, the Common Council has passed several Ordinances limiting percentage of Riverboat revenues that could be used for the City's normal and routine operating expenses paid from the City's General Fund; and

WHEREAS, in the past, the Common Council passed Ordinance No. 4285 creating a Rainy Day Fund for the City the terms and conditions of which Ordinance is now codified in Section 2-402 of the Michigan City Municipal Code; and

WHEREAS, due to the dire financial condition of the City resulting from adverse impact on City revenues, including, but not limited to, Riverboat revenues, from the COVID-19 pandemic, City expenditures exceeding City revenues in prior years, and the lack of any long range financial planning by the City to prepare for such adverse financial situations, the Common Council finds that it is in the best interest of the City to take prompt action to require substantial and effective steps be taken to improve the financial status of the City and prepare it for adverse financial circumstances that occur in the future; and

WHEREAS, the Common Council finds that creating a substantial balance in the City's Rainy Day Fund, funded on an ongoing basis with a part of the Riverboat revenues it receives, is essential to the future financial viability of the City; and

WHEREAS, the Common Council finds that strictly limiting the amount of Riverboat revenues that can be used for the City's normal and routine operating expenses paid from the City's General Fund is necessary to allow the proper balance to be achieved in the Rainy Day Fund as soon as reasonably possible.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, Indiana, as follows:

SECTION 1: For purposes of the City's 2021 and succeeding years' budgets for General Fund operating expenditures, no more than 5% of Riverboat funds received by the City may be used for normal and routine operating expenses in preparing the City's Budgets for the General Fund.

50 % of Riverboat funds received by the City shall be deposited as they are received into the City's Rainy Day Fund until the balance in that Fund reaches at least $6 Million.

The remainder of the Riverboat funds received by the City, including income from investment thereof, shall be reserved for capital expenditures for capital improvement and development projects in the City.

SECTION 2: For purposes of this Ordinance, "capital expenditures" and "operating expenses" shall be defined as stated in Exhibit 1 which is attached hereto and incorporated herein.

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: _____,
Sean Fitzpatrick, President
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this _____day of _ _____, 2020 by a vote of _____ to _____.

_____
Sean Fitzpatrick, President
Michigan City Common Council

Approved by me, this _____ day of _____, 2020.

_____
Duane Parry, Mayor
City of Michigan City

ATTEST:

_____
Gale A. Neulieb, Clerk
City of Michigan City

Prepared by Council Attorney Upon Sponsor Request

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. _____

AMENDING SECTION 38-33 AND SECTION 38-34 OF THE MUNICIPAL CODE TO PROVIDE FOR EMERGENCY RELIEF FUNDS TO CITY BUSINESSES

WHEREAS, the Common Council has determined that some of Michigan City's small businesses are in dire financial straits and unable to pay wages and other operating expenses due to the loss of revenue as a result of the COVID-19 pandemic shutdown; and

WHEREAS, the Common Council believes it is the responsibility of the City to provide assistance to those businesses, to the extent it can, to help them make the payments necessary to be able to pay their employees and remain in business.

NOW, THEREFORE, BE IT ORDAINED, by the Michigan City Common Council that Section 38-33 and Section 38-34 in Chapter 38, Article III of the Michigan City Municipal Code be amended as follows:

1. Section 3 8(4)-*Eligible Uses* is amended to now read as follows:

(4) Eligible uses.

(a) New investments in capital assets and operating capital:

(1.) Purchase of machinery and equipment.

(2.) Purchase of buildings and land for business operations.

(3.) Construction, repair, and renovation of buildings.

(4.) Operating capital including inventory and work in progress.

(5.) Quantifiable employee training when state and federal grants have been investigated and exhausted.

Priority is given to fixed asset financing (land, building, or equipment).

(b) Fund may be used for payment of legal expenses incurred by City directly related to loan transaction involving the Fund.

(c) Emergency forgivable loan up to $5000 to small businesses in Michigan City found by the Loan Committee upon review of the businesses Fighting Chance Fund Application, a copy of which is attached hereto as Exhibit A, to be facing serious financial problems because of a substantial loss of revenue due to the COVID-19 emergency shutdown and which failed to receive any PPP or EIDL government funding. This fund will utilize $150,000 from the COVID-19 Relief Funds. Those businesses shall include:

1. Independently owned restaurants, but not national or regional chains.

2. Bars & Taverns.

3. Retail stores, not national or regional chains.

4. Personal Services, not national or regional chains, including:

a. Hair, beauty, and other personal services, such as salons, barbers, massage parlors, tattoo parlors, spas, etc.

b. Personal care services, such as child, elderly, and disabled care; funeral homes; etc.

c. Laundry and clothing repair services, such as dry cleaners, laundromats, garment repairs and alterations, etc.

d. Residential cleaning services.

e. Pet care services.

f. Personal and household goods repairs and maintenance.

g. Fitness centers and gyms.

h. Event and banquet spaces & services.

2. Subsection 3 8(5)(f)-*Terms* is amended to read as follows:

f. Minimum loan is $25,000.00; except for loans described in subsection 4(c) for which the minimum loan shall be $1,000 and the maximum $5,000.

3. Section 38-34 is amended to add the following wording to the end of the section:

Donations and contributions may be solicited and accepted for the purpose of helping to fund this program.

This Ordinance to be effective upon passage and approval by the Mayor.

INTRODUCED BY: _____
Angie Nelson Deuitch, Member
Michigan City Common Council

CO-SPONSOR: _____
Sean Fitzpatrick, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana this _____ day of _____, 2020.

_____
Sean Fitzpatrick, President
Michigan City Common Council

Approved by me, this _____ day of _____, 2020.

_____
Duane Parry, Mayor
Michigan City, Indiana

ATTEST:

_____
Gale A. Neulieb, Clerk
City of Michigan City, Indiana

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO._____

APPROVING REDUCTION OF APPROPRIATIONS IN THE CITY'S 2020 ANNUAL BUDGET

WHEREAS, it has been demonstrated to the Common Council that certain existing appropriations in the City's 2020 Annual Budget have unobligated balances that will not be needed in 2020 for the purposes for which they were appropriated.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, LaPorte County, Indiana, that the following existing appropriations are hereby reduced out of the Fund named by the following amounts:

	Amount Reduced
Fund 1001 - General Fund	
Personnel Services	1,288,550.00
Supplies	226,775.00
Other Services & Charges	216,754.00
Total General Fund	1,732,079.00
Fund 2001 - Motor Vehicle Highway Fund	
Personnel Services	85,250.00
Supplies	29,600.00
Other Services & Charges	655,200.00
Total MVH Fund	770,050.00
Fund 2006 - Aviation Operating Fund	
Personnel Services	25,360.00
Supplies	6,000.00
Other Services & Charges	11,100.00
Total Aviation Operating Fund	42,460.00
Fund 2011 - Park And Recreation Non Revert	
Supplies	30,000.00
Other Services & Charges	60,000.00
Total Park & Recreation Non-Reverting Fund	90,000.00
Fund 2042 - Riverboat Gaming Fund	
Other Services & Charges	50,000.00
Capital Outlay	2,122,471.00
Total Riverboat	2,172,471.00
Fund 2051 - Zoo Education Non Reverting Fund	
Supplies	5,000.00
Other Services & Charges	1,000.00
Total Zoo Education Non-Reverting Fund	6,000.00
Fund 2056 - Park And Recreation Fund	
Personnel Services	461,703.00
Supplies	93,276.00
Other Services & Charges	38,390.00
Total Park Fund	593,369.00
Fund 2063 - Patriot Park Non Reverting Fund	

Other Services & Charges	4,000.00
Capital Outlay	10,000.00
Total Patriot Park Non-Reverting Fund	14,000.00

Fund 2224 - CEDIT Fund	
Other services & Charges	215,000.00
Other Financing Uses	250,000.00
Total CEDIT	465,000.00

Fund 2337 - DEA Forfeiture Fund	
Supplies	4,000.00
Other Services & Charges	17,000.00
Total DEA Forfeiture Fund	21,000.00

Fund 2568 - Aviation Fuel Fund	
Supplies	75,000.00
Total Aviation Fuel Fund	75,000.00

Fund 4002 - Cumulative Capital Development	
Capital Outlay	100,000.00
Total Cumulative Capital Development Fund	100,000.00

Fund 2062 - Golf Fund	
Personnel Services	114,310.00
Supplies	21,400.00
Other Services & Charges	19,250.00
Total Golf Fund	154,960.00

Fund 2300 - Cemetery Operating Fund	
Personnel Services	80,530.00
Supplies	5,900.00
Other Services & Charges	1,600.00
Total Cemetery Fund	88,030.00

Fund 7002 - Police Pension Fund	
Supplies	100.00
Other Services & Charges	278,600.00
Total Police Pension Fund	278,700.00

Fund 7003 - Fire Pension Fund	
Supplies	100.00
Other Services & Charges	306,500.00
Total Fire Pension Fund	306,600.00

*Line Item detail attached as Exhibit A.

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

INTRODUCED BY:_____

Bryant Dabney, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this _____day of _____ _____, 2020 by a vote of _____ to _____.

Sean Fitzpatrick, President
Michigan City Common Council

Approved by me, this _____ day of _____, 2020.

Duane Parry, Mayor
City of Michigan City, Indiana

ATTEST:

Gale A. Neulieb, Clerk
City of Michigan City, Indiana

Prepared by Corporation Counsel's Office Upon Request

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING SALARIES FOR THE FIRE DEPARTMENT OF THE CITY OF MICHIGAN CITY FOR THE CALENDAR YEAR 2021

WHEREAS, the salaries for the Fire Department must be set by ordinance, pursuant to IC 36-8-3-3; and

WHEREAS, the City of Michigan City, through the Common Council's Labor Committee and Firefighters Local #475, on behalf of the firefighters of the Fire Department, have previously negotiated a fair and equitable contract for the year 2018-2020 the terms of which continue until a new contract is approved by both the City and Firefighters Local #475.

NOW, THEREFORE BE IT ORDAINED by the Common Council of the City of Michigan City, Indiana, that:

Section 1. The salaries for the firefighters for the year 2021 shall be set as follows, subject to the terms and conditions of a labor agreement between the City of Michigan City and Firefighters Local #475:

	Bi-Weekly
Probationary Firefighter	$ 1,535.38
1st Class Firefighter- (45 yrs)	$ 2,076.92
Firefighter	$ 1,707.92
Driver	$ 1,810.38
Lieutenant	$ 1,919.03
Captain	$ 2,034.17
Fire Marshall	$ 2,242.65
Training Officer	$ 2,242.65
Assistant Chief	$ 2,156.23
Public Information Officer	Base Pay + $1,000

Section 2. Set salaries are in effect for all payrolls issued in the calendar year governed by this ordinance.

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

INTRODUCED BY: _____,
Bryant Dabney, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this _____day of _____, 2020 by a vote of _____ to _____.

_____
Sean Fitzpatrick, President
Michigan City Common Council

Approved by me, this _____ day of _____, 2020.

_____
Duane Parry, Mayor
City of Michigan City, Indiana

ATTEST:

_____
Gale A. Neulieb, Clerk
City of Michigan City, Indiana

Prepared by Corporation Counsel upon Request

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING SALARIES FOR THE POLICE DEPARTMENT OF THE CITY OF MICHIGAN CITY FOR THE CALENDAR YEAR 2021

WHEREAS, the salaries for the Police Department must be set by ordinance, pursuant to IC 36-8-3-3; and

WHEREAS, the City of Michigan City, through the Common Council's Labor Committee and the Indiana F.O.P. Labor Council, Inc., on behalf of the officers of the Police Department, have negotiated fair and equitable salaries for the year 2020—2021, the terms of which continue until a new contract is approved by both the City and the Indiana F.O.P. Labor Council, Inc.

NOW, THEREFORE BE IT ORDAINED by the Common Council of the City of Michigan City, Indiana, that:

Section 1. The salaries for the Police officers for the year 2021 shall be set as follows, subject to the terms and conditions of a labor agreement between the City of Michigan City and the Indiana F.O.P. Labor Council, Inc.:

	Bi-Weekly
Probationary Patrolman	$ 1,667.07
Patrolman	$ 1,798.20
1st Class Patrolman-(47 years service)	$ 2,076.92
Corporal	$ 1,906.08
Sergeant	$ 2,020.47
Lieutenant	$ 2,141.69
Captain	$ 2,270.21

Section 2. Set salaries are in effect for all payrolls issued in the calendar year governed by this Ordinance.

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: _____

Bryant Dabney, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this _____day of _____ _____, 2020 by a vote of _____ to _____.

_____

Sean Fitzpatrick, President
Michigan City Common Council

Approved by me, this _____ day of _____, 2020.

_____

Duane Parry, Mayor
City of Michigan City, Indiana

ATTEST:

_____

Gale A. Neulieb, Clerk
City of Michigan City, Indiana

Prepared by Corporation Counsel upon Request