

The Common Council of the City of Marion, Indiana met in regular session on Tuesday, the 7th day of July, 2020 at the hour of 7:00 p.m. in the Council Chambers, City Hall.

Council President Deb Cain thanked everyone who is in attendance and thanked the Council members for being here. We'll continue this discussion further when we reach the agenda item which is the discussion with the Administration but she did want to share two emails that she received. The first is a response from the Controller requesting additional details to questions asked before and we did not feel that they were adequate. The request should only take approximately an hour to print the information and provide what she thought was plenty of time when she asked but the response is requesting for additional days due to the holiday and vacation times so she gave the Controller two weeks from the date of the communication, which was the 16th of July, in plenty of time to review for our meeting, she means June, in plenty of time for our meeting on the 21st. So, if there is any additional follow-up. But, she sent this to the Mayor and to Mrs. Flores, "Good morning, we are requesting the following detailed Fund Report. These can be provided by email, with PDF or Excel reports or I can provide a flash drive. We are asking for the information to be received by the 6th of July Monday workday so it can be disbursed to all members in time to review and prepare for the follow-up questions in our City Council meeting on the 7th of July", which was tonight. Cain said she received this response, "I am in receipt of your request for information, email dated 7/2 at 8:40 a.m. Your deadline for receipt of this information end of day Monday, July 6th, is unreasonable and quite frankly inconsiderate due to its complexity, the holiday weekend and staff vacations. Some of this information was previously provided in your request for (inaudible) legal expenditures as well as monthly Fund Reports you receive in your Council packets. To help me better understand your request, can you please clarify if you need Fund Reports or Appropriation Reports?", which is (inaudible) Fund Report and then she gave the number as an appropriation which is not contained in the Fund Report. "As soon as this clarification is provided, my office will provide you with additional information requested within 10 days." Cain said she responded that she apologized for not having the holiday on her radar. Appropriation Reports would be the reports they are looking for. Two weeks from today works for the Council. Thank you and have a good 4th of July, now that it's on her radar, Deb. Mrs. Cain said, so she verified that it takes approximately an hour to print out Appropriation Reports from the system and she felt like she extended that time but, per the Controller's request, she did extend that so that we would then get that in time to review on the 21st if we had additional questions from tonight. The second email she received today at 1:35 p.m. from her invitation to the Mayor which she sent to him on the 1st of July. This was received from Mr. Hunt: The Mayor and his team will not be attending the meeting tonight. Instead, we propose to meet with the Council at its August 4th meeting. Recall that Thursday you requested some 22 financial documents which you wanted produced the following Monday. Because of the intervening July 4 holiday and vacations of staff, you gave Julie Flores two weeks to produce the documents. We believe to discuss this tonight is premature. In addition, Julie is on vacation this week and cannot be there. Meeting with you August 4th makes sense to us because it will give you time to digest the documents, formulate questions, which we will do our best to answer. We will come prepared to answer financial questions about the Y litigation but I have to make it clear, we will not answer questions about litigation strategy or our plans in prosecuting the case. To do otherwise constitutes a waiver of the city's attorney and client privilege. Additionally, London Witte regularly monitors the media in Marion and City Council meetings, looking for anything to use against the city in court. I trust you understand our position. We look forward to meeting with you and the Council on August 4th. Cain said, so she has the questions that she had asked. They were actually just broken out in more detail on what we had asked for earlier and did not receive those answer. Now, she really wants to extend her apologies, her deepest apologies and regrets to the family and the friends of Katie Maynus and to the two citizens that we are going to honor today who risked their lives by going into a burning house to save another citizen. She apologizes that we have no one from the Administration, the Mayor or the Chief of Staff here to also give that honor, but she wants them to know that they are spotlighting them today because of their actions and they want to thank them for that. So, at this point, they will go ahead and start with prayer and the Pledge and then they'll go on to approving the minutes. So, Mr. Batchelor, would he lead the Pledge and Mr. Henderson, is he able to do the prayer please?

Council President Deb Cain told the Council, okay, we have the approval of minutes. The Clerk's Office was not able to get June 23rd minutes ready for this packet. We will have them in their next packet but they have two minutes to approve. We have the June 16th, which is their regular meeting, and she'll take a motion. Motion was made by

Councilman Brian Cowgill, 2nd by Councilman Jim Brunner, to approve the minutes of the June 16, 2020 meeting as presented and the motion carried by a unanimous vote. Mrs. Cain then said, and she guessed that will be the roll call for tonight's meeting, too. Motion was then made by Councilwoman Robin Fouce, 2nd by Cowgill to approve the minutes of the June 30, 2020 special meeting as presented and the motion carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Batchelor, Cain, Fordyce, Brunner and Cline. Nay: None. Abstain: Henderson.

Council President Cain stated, so at this time, she wanted to extend an invitation for the family and friends of Katie Maynus to stand please. She told them they would like to commend their actions in campaigning for something that they believed in in getting the trees down at Butler and 4th to make that intersection a safer intersection so the city does not have to experience what they are going through. She is very sorry for the grief that they are experiencing. They are in her prayers and thoughts and she also wanted to thank the city, the Mayor, for coming to a decision that was appropriate for everyone. So, thank you very much. She appreciates the time that they came tonight. Thank you.

NEW BUSINESS

CITIZEN RECOGNITION – Fire Chief Paul David told the Council, tonight they bring them an exciting story of local heroism. When he first met Trevionte (Smith) and Marcus (Harvey), their enthusiasm was so great, the story they had to share with him, number one, it teared him up a little bit but he was kind of laughing because they were so excited as well, he couldn't keep up with them. But at any rate, he's not going to tell their story, that's their job, but what he is going to do is ask that they reflect on what they were doing June 21st, 2020 at 1:56 p.m. It was a Sunday afternoon. Now, he's going to set up the story. Engine 6, which is located at 33rd and Adams, was out on another call at Prestwick Square. For those of them who don't know, Prestwick Square is at the south end of their response district, when this call came in, the closest station to that, which is less than two blocks from where the house fire occurred. So 6's was out responding on another call. But, if they know where Prestwick Square Apartments are, they know it's a long response and thankfully, Trevionte and Marcus were in the area that day. And he can tell them that the two heroes present today know exactly what they were doing June 21st, 2020 at 1:56 p.m. And, at this time, he'd like to invite both of them up to share their story with our Council on what exactly took place that day, Chief David said. Trevionte Smith told the Council, the day of the fire, he had got a text message from his baby momma and she said she needed diapers and wipes for his son so he told her okay, he'll be over there. So on the way there, he said he told Marcus he smelled some smoke and he was like oh, okay. They didn't really think about it at that time. So he dropped the diapers off and the wipes and they were going back to the car and he said somebody's house is on fire, because he had a house fire so he knows how a house fire smells. He said he was like, somebody's house is on fire, and he (Harvey) was like, no bro, it's just somebody burning wood. He (Smith) was like man bro, no, so he was headed to his grandma's house on 30th and Race so they turned right on 31st and were headed towards Adams. They see the smoke coming from the back of the house. He said he was like, look, it's that house right there, it's on fire, it's that house right there. He (Harvey) was like, oh damn, let's go look, let's go over there and look. So (inaudible) pulls up and when they look, they see people outside and they got their (inaudible) and they're recording it and he was like, he's trying to see what's going on, there's a house on fire, he's trying to figure out. So he (Harvey) says, alright, come on, let's go. So they get out and they get up there and he's like, what's going on (inaudible). They were like, uh, the house is on fire and someone's in it and he was like, somebody's in it, then they started hearing him like moaning and groaning so he was like, why am I just standing here, so he grabbed a chair and he was fixing to bust a window, because in the front of his house he's got a window, so he was fixing to bust a window and Marcus was like, no bro, it sounds like he's like right there so he's like alright bro, alright, I ain't going to do it, I ain't going to do it. He's like, watch out, because they were standing at the door so he's like watch out, he's going to kick the door open (inaudible) So he kicked the door. Well he kicked the door open, like it blew him up (inaudible) away from the door and he like turned around, took his shirt off, he's like here, throw his shirt. Marcus threw his shirt (inaudible). Like now, there's smoke, a whole bunch of it, fire, smoke, like coming out. So when you look in the house, all you can see is like the first step because it's full of smoke so he stepped in and he's like, he can't see, keep talking to me, keep talking to me and he was moaning and his voice was getting lower so he's (Smith) thinking he's walking away from him but (inaudible) he's thinking he walked away from him because his voice was getting low but he ended up kicking him, walking into him and kicking him and

CITIZEN RECOGNITION – Continued

he was like, oh, get to rubbing him or whatever, he fell in the way. So he's like, okay, he's got to get him out of there. He grabbed him and he slipped off of him and he's like, oh man, he's got to get him out of there so he ended up putting his arms up underneath his arms and dragging him out. They got to the door and that's when Marcus was like, here, let me help you and grabbed his arm and they pulled him and took him out to the grass. But it was crazy, Smith said. Chief David asked Mr. Harvey, did he say it all? Harvey said, he said it all. He told the Council, hi, my name is Marcus Harvey. Pretty much basically how he just told the story, that was pretty much what happened and it was so crazy because he was just talking to him like maybe, he thinks maybe that same day and he was like, man, hey you're God's child. He doesn't know what happened, why he said that, he just said it and he was like, he said what do you mean bro and he (Harvey) said he didn't know, God just basically was telling him to tell him this and right after he told him that, you know, like he (Smith) was saying, he saw the fire and everything. Harvey said him, he's scared, he doesn't do fires and stuff like that but when he saw him running in there, you know what he's saying, and he ran in after him, the best thing they had to do, well the best scenario is basically don't try to struggle or anything like that. You know, pretty much be right there with each other the whole entire time and they knew that God was there with them and it was just a blessing that they all got out of there. Councilman Brian Cowgill said he'd like to say something. You two young men, he hasn't met them before, he's retired from the Marion Fire Department so nobody up here understands or is more proud of you guys than him because a lot of people don't understand, when you go into a house fire, it's not like t.v. You don't see nothing. You might as well close your eyes, that's what you see, and he's talking from the time you step in the door. Gentlemen, is he right? One of the gentlemen said he was choking. Cowgill said, and water, boiling water will scald you. Water boils at 212 degrees. Most of the house fires they go into are anywhere from 1100 to 1500 degrees, to kind of give them an idea. So, for you two young men to do what they did, and listen, don't be afraid about being scared about fires. Persinger is the same way. But seriously, he commends them, it's remarkable. You know, he hopes the Chronicle does... You know, you guys, unbelievable and he wants to be the first one to shake their hand. He's proud of them. He is, seriously, Cowgill said. Council President Cain asked Cowgill if he would bring them through the gate. Mr. Smith and Mr. Harvey then went through and shook each Council member's hand. Chief David told the Council they wanted to recognize these two gentlemen before them and show them their appreciation and at this time he'd like to remind them all that this is great to see this type of heroism in today's society. This man was a total stranger yet they risked their lives to make every effort possible to save him. Unfortunately, that man did perish but their efforts were not in vain. They did get him out and the man was alive at that time, and for that, he's grateful and so is the City Council of Marion for their selfless act. And at this time, he'd like to present each of them a token of their appreciation as a city a whole. Trevionte, if he wants to step up here for a second. This is a plaque that they had made, it's called the Citizens Lifesaving Award, Presented to Trevionte Smith in recognition of your selfless and courageous act of rendering aid in a sudden and unexpected situation which resulted in the preservation of life, presented by the City of Marion Fire Department. Chief David said, and at this time, they'll present Marcus Harvey his. It's also the Citizens Lifesaving Award, Presented to Marcus Harvey in recognition of your selfless and courageous act of rendering aid in a sudden and unexpected situation which resulted in the preservation of life, presented by the Marion Fire Department. David then told the Council, again, he just wanted to remind everybody that seeing acts like this, they get paid to do this. Their truck was unavailable at that time and to have somebody step in and do what needed done. As they heard one of them say, he believes it was Trevionte said that when they pulled up, people were standing outside with their cell phones, filming. These two didn't do that. They didn't even think of a cell phone, as far as he knows. They got in there, took care of business and got out. They talked to them about presenting them with something and one of them had mentioned a fire helmet or something. He said he said man, he thinks they need to get them capes, because in his mind, they are true superheroes. Councilman Steve Henderson asked, do we have any applications? Chief David told Henderson they will be starting a hiring process. But again, he just wanted to thank them for allowing them to come here and present them with an award for a great act of heroism and he can't thank them enough. Councilman Brad Luzadder asked David, would he mind having the gentlemen come up with their awards and take a picture with them? Councilman Cowgill said, and he'd like to say too, Chief David, kudos to him for doing this and putting this together. Not everybody would do that and recognize that and he's glad he's where he's at, buddy. Chief David told Cowgill, well thank you. They've also got another deal that's called the Carnegie Award that they're filling out for these two gentlemen. They have no idea about it but he

thought he'd share that now. At this time, Mr. Smith and Mr. Harvey got their picture taken with all the Council members and a few members of the Marion Fire Department. Chief David said he did want to mention to everybody that Engine 6's crew, Captain Stevie Johnson, was the first one to arrive and encounter these two gentlemen for what they did. Curtis Garr was in charge that day and acting AC and they too also commend these guys for what they've done. Someone said they were bringing him off the porch as they were pulling up. After the pictures were taken, Council President Deb Cain said okay, for those who wish to excuse themselves, right now is an appropriate time. They don't need to stay for the rest. There are two things on the agenda and then they'll be done for tonight. She thanked Chief David and told him she appreciates him coming.

CONTINUED DISCUSSION WITH ADMINISTRATION REGARDING THE YMCA PROJECT AND CITY VS. SEYBOLD EXPENDITURES – Council President Deb Cain said they were trying to get ahead of the budget time because they don't know what effects that COVID is going to have on the city finances and our budget and they need to have those answers so they can prepare for that budget time. Previously, they took a motion for City Council's next step if the Mayor was not in attendance tonight and so Mr. Harker is prepared to answer any questions they might have. Saying that though, she does have some copies of some state statutes that she's going to pass out. The first one is the City Executive office, which is the Mayor's Office, and she highlighted a section in there of powers and duties. It says the executive shall provide any information regarding city affairs that the legislative body requests. It's just that statement. There's others on those pages but that also gives them the number so if they want to look them up themselves, they may. The second one is City Legislative Body, which is themselves. So the first one at the top they'll see City Executive and she highlighted that statement. The second handout is called the City Legislative Body, which is ourselves and in 36-4-6-21, investigate, we have investigative powers as a legislative body. If they will then go to the very last page on that handout, it says investigative powers of legislative body, the legislative body may investigate the departments, officers, and employees of the city; any charges against a department, officer, or employee of the city; and the affairs of a person with whom the city has entered or is about to enter into a contract. When conducting an investigation under this section, the legislative body is entitled to access to all records pertaining to the investigation and may compel the attendance of witnesses or the production of evidence by subpoena or attachment served and executed in the county in which the city is located. It goes on to say that if it is not produced then they also have further actions that they may take. So, if there's anything, any questions they have of Mr. Harker. They did previously take a vote at June 23rd's meeting to take additional action if the Mayor was not in attendance tonight. They need to also keep in mind that they have, they had conducted meetings, what they call budget meetings, with the heads of each department in July to prepare for budget and to listen and to hear their needs and to hear from each department head. That's why they were moving forward with on this. So she'll take anything that they might want to say, Cain said. Councilman Mike Cline said they have not refused to come talk to us. If you read the email, he's looking at it, they're offering to meet August 4th. We're jumping up and down when we don't need to jump up and down. They're willing to come August 4th. Some people on this Council have had up to five or six years to ask questions about this so we don't need to jump up and down about this now. They're willing to meet August 4th. Why don't we allow them to meet with us August 4th and see what we get? Mrs. Cain told Cline, because this is the second, her personal response and then she'll let anybody else respond but her personal response to that is this is the second time that we've asked for someone from the Administration to come and it keeps being delayed. If we keep delaying that then we are caught behind the 8-ball to prepare for the budget. Cline said, but we have a date and if they don't come on that date then jumping up and down makes sense. This is, you know, this is not a collaborative attitude to say oh gee, you gave us a date, we don't like that date, we're going to throw a pie in your face. Cain asked, anybody else? Councilwoman Robin Fouce said, Madam President, a couple things with response to Councilor Cline. Help her please to see in this cycle of what we've been doing where there has been collaboration or the spirit of that from our Administration to give us the information that we clearly have authority and reason to simply request, nothing more, nothing less. Can he help her see where there has been the spirit of collaboration? Cline told Fouce, he would say read the third paragraph of Tom Hunt's email. Fouce said she doesn't want to read anything. She wants him to respond to that. Cline told Fouce, that's her choice. Mrs. Cain said, well, no one got the third paragraph, no one got the email except for herself. Fouce stated, he answered it by not answering it. Mr. Cline read: We believe to discuss this tonight is premature. In addition, Julie is on vacation this week and cannot be there. Meeting with you August 4th makes sense to us because it will give you

time to digest the documents and formulate questions which we will do our best to answer. Council President Cain said, so she's asking the Council members, did you receive that email from Tom Hunt? Councilman Brad Luzadder and Ms. Fouce said they did not. Cain said, and it was addressed to her with copy to the Mayor and Julie Flores. Councilman Steve Henderson asked if he could ask a question and asked how does he have it? Cain replied, that's what she would like to know. Mr. Cline responded, he's an ex news guy, he looks for stuff. Fouce asked, he looks for personal emails, for emails between business entities? Cline told Fouce, these aren't business entities. Every email that we get except for work product on our city account is publicly accessible. Anybody out here can get access to our email. Fouce told Cline, so he's telling her the emails that Tom Hunt sends out are accessible publicly to any and everyone? Cline told Fouce, yes. And he knew there was an invitation out for the meeting tonight so this morning, he sent an email to the Mayor and to Tom Hunt saying what's up, what's going to happen because he was curious. Mrs. Cain said, and she spoke with the Mayor on the phone, he was standing at the corner of Butler and 4th, and asked if he could verify if the family and the students were invited to tonight's meeting and she said yes, we wanted to commend the students and the teacher for their actions to campaign for something they believed in. And then he further asked, so, the meeting that the four of them had been invited to, they would like to hold off because they have vacation times in July and not all four of them can be in attendance in July. She said she said well we anticipated you to be at tonight's meeting, that's what we anticipated. He did not say that he would not be here and that was this morning. So, her understanding at that point when she spoke with the Mayor this morning around, she doesn't remember, 10:00 or whatever, she can look at her phone, that they were going to be here. And then at 1:35 this afternoon, she got the email sent to her by Mr. Hunt. So, any other questions or comments? Councilman Jim Brunner said, question. Is it true that the Controller was on vacation today? Do we know, yes or no? Cain said, let her look at that email again because she thinks he stated. Councilman Brad Luzadder asked Cain, when did she receive the email from Julie? Cain told Luzadder she received the email from Julie on Thursday, July 2nd. Brunner asked, and did she say she would be on vacation this week? Cain replied, she did not tell her that. She just said staff vacations. Brunner stated, he's sorry, he thought in the letters or the.... Cain said, from Mr. Hunt, he said Julie is on vacation this week and cannot be there. Brunner asked, and that's this week? Cain responded, yeah. Brunner said, okay, he doesn't think, if the Mayor was asked to come, he has to have his Controller here so he would agree with Mr. Cline. He doesn't know why the Mayor wouldn't have told her at that point that it was going to be virtually impossible for him to answer questions if he didn't have the Controller in the room here this evening. And he agrees with Mr. Cline, he thinks this is something they're getting way ahead of themselves and he thinks if they have a date set, they have a date set and let's go and live with that date. Councilman Brian Cowgill said, okay yeah, we have a date set and that's fine but the thing he doesn't understand is that, you know, we've been asking for this information for like almost a month now and we can't get it, they won't answer it and that's the part he just doesn't understand. Why don't we have this already? Why is this coming to all of this when, you know, he's a new Councilman. The first of the year, the Mayor stood right up at that podium his first meeting and said there's no D's and there's no R's, we all work together, we're going to be great, we're going to work together. He has yet, he means we're going into the 7th month, he has yet to be approached by anybody from the Administration on anything to do with the city, to help out with the city, that they would like the Council to be a part of. He means, man, this is a lot different than he thought it was going to be. Councilwoman Fouce said, Madam President, the second part of what she was going to say, to add clarity and to summarize her first question, there has been no effort to collaborate, in her opinion. You all have different ones, this is hers, representing District 4. There has been no extension of mere respect and collaboration for the Council as a legislative body, as a part of leadership in this city and she thinks to go forward, she certainly understands the other opinions. We'll live and work together after this. She feels we had a 7-1 vote, correct her if she's wrong, to move forward. Cain said, 8-1, oh yes, 7-1, no 8-1 vote to move forward. Fouce said, unanimous, or almost, to move forward if we did not get participation or attendance at something that should be a given when the Council meets. We need our Mayor and anyone else, any department head, anyone that has a stake in running the city and so for that, she moves, maybe she shouldn't move but, you know, she'd like to see them do what they said. Certainly, if that's not what we do, she respects that, unanimously, but we've already voted. She didn't agree with the invite, she thinks she voiced that. This isn't her personal vendetta against a person. This is about how are we handling city business. She thinks sometimes we want to take favor with people and alliances rather than do the hard work that it takes and extracting information for us to have a fiscally sound community. And so, what does that take? She votes that, or her piece of it is that we move forward with what we said.

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It was well-known that that vote took place because it's public knowledge and so certainly she's sure our Administration knew of that, aside from the information they get, and so she moves that we move forward, Fouce said. Councilman Steve Henderson said, just so everybody knows, our emails and anything you do on that account, you can access that through the Freedom Act but you have to go through a process and he has never seen that process work in seven hours. So, he kind of feels that we're being undermined a little bit by him (Cline) getting information that the President got that he didn't share with the rest of us if he's getting that information. Cline commented, he was curious (inaudible). Henderson told Cline, it's your privilege to do that but he can't tell him he got that through the Freedom Act. Mr. Cline told Henderson, he didn't. Henderson said, you got that from Tom Hunt. Cline stated, he sent out a question, he gave him an answer. He sent him a copy of what he sent President Cain. Mr. Henderson asked Cline, why didn't he (Hunt) send the rest of them a copy? Cline told Henderson, he'll have to ask Tom Hunt that. Henderson replied, and he will but that's an undermining of this Council when things like that happen. Councilman Don Batchelor said he certainly agrees with Steve. If one Council member has the information, all of them should have the information. That's only logical. That's the only reasonable part of us being City Council members. If one gets it and eight others don't get it, that don't seem like a plan aboveboard. That sounds like we are trying to hide something, not giving us the information that others were privy with. He doesn't think that's fair and he doesn't think that was the right thing to do. Mr. Cline told Batchelor, well then he should also ask President Cain why she didn't share it with him when she got it. Batchelor told Cline, Tom Hunt sent you... Cline said, a copy of what he sent President Cain because he asked the question what was going to happen. Mrs. Fouce told Cline, he's not even the Vice-President but he has what... She asked Luzadder, did he get a copy from Tom Hunt? Council Vice-President Brad Luzadder told Fouce, he didn't receive a copy and he's the Vice-President and one of the most senior members on this Council. He finds it utterly repulsive that this would go on in this forum. That is one of the most underhanded and devious things he's ever seen and he is totally offended by a member of this Council... He has to be quiet, he apologizes. He would say something he would have to feel sorry for. Mr. Cowgill said, he feels the appropriate thing that Mr. Hunt should have done is ask President Cain, he talked with her over this, instead of just sharing the information. Ms. Fouce said, and as well, you're telling us you're not coming again. That's the crux of what the message was. We invited you, you're not going to come again. You will not address us. You will not answer in its entirety and to the full extent that the code allows us the information and she believes she saw any and all in here somewhere or something similar to that and so, listen, we don't have that time to waste, in her opinion. We still don't know and have so much work to do for these constituents. It is offensive but not necessarily surprising that we find ourselves addressing this pettiness, in her opinion, that's what she said, and she moves that we move on and do what we voted to do. Council President Cain said, in a response, she's going to reply as a Council person, not as a President, saying this is what we need to do. She's just going to say we were trying to get ahead of the budget. We were trying to get a knowledge of what is, what discretionary spending has the Mayor done on this lawsuit, where are the answers for that? We asked for tonight, after we had already asked for the 23rd and he did not come. We made a motion to go to the next step to insure that we get that invitation accepted and that someone does come and, as a Council person, she is in agreement with Mrs. Fouce, Mr. Cowgill and she doesn't know who else is in agreement that we take the next step forward for our next meeting which would be June 23rd (?). Councilman Batchelor said, his question would be when are the budget hearings going to commence? Do we have an idea? Cain told Batchelor, we have not been told that yet but to prepare ourselves, last year, we started meeting with the department heads in July, the last week of July and the first two days of August, so that we had a full understanding and then we could prepare our responses back for the Controller. Batchelor stated, that's what he's saying is, if we are still planning on those type of dates then they're not going to respond back to us until, what, the 4th of August if that's what he's hearing. So, consequently, there's going to be some delays even being able to meet with department heads and etc. in order to move forward with the budget. So now we're going to find ourselves in another crunch again. We'll have to wait until the last minute and then we'll have to suspend the rules and do whatever else in order to get the budget into the DLGF before the deadline and that's what's putting us in a pickle because we're rushing against a deadline. He just thinks them continuing to delay is ridiculous and he thinks what we voted on, we should move forward. It's that simple. Councilman Luzadder called a point of order and said there is a motion on the floor. Is that correct? Councilwoman Fouce said she did motion but she didn't know that it was (inaudible) so she does motion that we move forward as we previously stated. Luzadder said, so a motion on the floor, our rules state there needs to be a second in order to move forward. Is that correct, counselor? Councilman Gary

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Fordyce said, she didn't say she was making a motion. She said she motions to move forward. Don't you have to make a motion to be voted (inaudible)? Just say motion to move forward? Council attorney Martin Harker said, from his perspective, since there's already a motion to move forward.... Cain asked Mr. Harker if he could please turn on his mike. Harker told the Council, the motion has already been passed to move forward if the Mayor doesn't appear this evening and he has not. In his opinion, if the Council wants to act on that previously passed motion then another motion would need to be made with more specificity as to the precise action that the Council wants to take and that can come, pursuant to the statutes that they have in front of them, in the form of a subpoena to certainly the Mayor, in addition the department head. The original email that Madam President sent was to the Mayor. The response she got was from the City Attorney. So, he's not quite sure what that means other than apparently four of them plan on or would like to come at some point. We have a situation where they have not so far and as several of the members of the Council have pointed out, this has the effect of running out the clock potentially on the budget. And if we were to pursue the course that Mr. Cline has recommended and wait until August 4th, this Council would lose a whole month (inaudible) should the Mayor not show up on that date and he thinks that would risk the Council trying to conduct what it has in the past and that's department head review and other financial review during the months of July and August in trying to prepare for the budget. So, his suggestion would be, if there's a motion made that the motion needs to be specific enough to authorize the Council President or if any legal notices would be drafted by him then authorizing him to take the action consistent with Indiana law to compel the appearance of whomever the Council decides and also the documents they are to produce at that hearing, or at the meeting. Councilman Jim Brunner called a point of order and asked Mr. Harker what is the date that the budget has to be finalized? Harker told Brunner, he does not know at this time. He will have that answer tomorrow and he can send it out by email. Mrs. Cain said, but Mr. Brunner, he has sat on many budget hearings with the Administration and yet what has come down to a deadline is their deadline, where we have to suspend the rules and pass on the second hearing, without time to actually dig into the budget and get our answers. We experienced that last year. She submitted questions to the Controller, anticipating a response before we got to City Council which then she could interact with her and we did not get those answers until they came to City Council. And, it's like Mr. Batchelor said, we always seem to run into this "this has to be done now" and we've only received the information in a short period of time and had just minimal discussions with department heads and were not able to really discuss with the department heads our options that we would like to suggest to them. Mr. Brunner said, and again, he's asking the question, he didn't get an answer. What is the date the budget has to be finalized on? Mrs. Cain told Brunner, at different times it's been the first of October, which we would start the budget hearings at the end of September and this is already July. That only gives us August to look at the budget with the department heads and, you know, we have a lot of them to meet with and she doesn't want to do it every night for two straight weeks. We need to also give them time to look at our thoughts after our discussions and be able to compose statements from the whole Council like she did last year. Brunner told Cain, and he guessed the other question he would have is, since we have an offer from the Administration to meet on a certain date, is she refusing that date then? Is that what her feelings are as their President? Mrs. Cain told Brunner, we are going to vote. If she hears a motion then we'll take a vote. Councilman Henderson said he just wanted to point out this is a unique situation because of the virus situation and we are looking at a budget like this town is never going to see before or has seen before because the state is estimating that we're going to lose 20% of our revenue and so it's so important that we get this right because of this situation. We've got to make the right decisions at the right time and we can't run out the clock and just pass something and throw it together like we've done in the past years. We just can't do that. Mr. Brunner said, so again, he didn't get an answer to his question because he had a follow-up question. The first question was when does the budget have to be done. The second question is going to be is she then refusing to meet with the Mayor and his administrative staff which he has offered. Mr. Harker said he can answer the first question. He told Mr. Brunner it appears, according to the DLGF website, that the last possible day for taxing units to hold a public hearing on their 2021 budgets is October 22nd and he believes that they are due within 10 days of that. No he's sorry, it is November, yeah November 2nd is that deadline for the taxing units to adopt 2021 budgets, tax rates and tax levies. Brunner replied, thank you. So we do have, this being the 7th day of July, August, September and October, we have four months to have a budget put together. His next question then is, again, it appears to him, Madam President, that she is saying, he thinks he's hearing her say or inferring that she does not want to meet with the Mayor and his administrative staff. Is that correct? Mrs. Cain told Brunner she is not going to respond to that because he's asking her to make that statement for the whole Council.

Councilwoman Fouce called a point of order. Brunner said he's just asking her, he's asking her as their President, is she not wanting to meet with the Mayor, because the Mayor has given us a date to meet, the first meeting we have in August. Is she saying she does not, as their President, want to meet with the Mayor? Fouce said, point of order, Madam President. Mr. Luzadder said that was an inappropriate question. Brunner stated, no it's not, Mr. Luzadder. He's asking a question from the President of our Council because we have an offer on the table that has been read to this Council this evening that they have asked for a date. He thinks you also read that date, is that correct, earlier in the meeting. Fouce said, point of order, Madam President. She makes a motion that pursuant to Indiana Code 36-4-5-3 that clearly describes the powers that we have and also Indiana Code 36-4-6-21 in its entirety, that we move forward to the extent that the code and the law allows us to extract, investigate, get the information that we've requested for quite some time now, immediately, hence today. Cain asked the Council, do you understand the motion? Does she have a second? Batchelor asked, the motion is to move forward? Is that what he's hearing? Fouce told Batchelor, yes, to what they voted to, yes. Motion was then seconded by Batchelor and carried by the following vote. Aye: Luzadder, Cowgill (commented, this sucks that we're put in this situation), Fouce, Batchelor and Cain. Nay: Fordyce, Brunner and Cline. Abstain: Henderson. City Clerk Kathleen Kiley said, 3 no's, 5 yeses and one abstention. Cain said, so a majority? Okay Mr. Harker, what is our next step at this point? Harker replied, to specify, now the motion has passed, to specify the form in which and any deadlines that the Council would like in these subpoenas. He would suggest that five to seven business days is more than sufficient. Our trial rules allow for depositions to be given on five days notice. That's a (inaudible) short but he thinks that we have reached some level, as Mr. Cline has pointed out, some level of cooperation so trying to give reasonable time frames to produce the information and to appear is important but he doesn't see any reason why the information can't be provided in two weeks. It's not like anything is being asked that's that new. So, his request would be to specify who the Council, if anyone, would like subpoenas issued to and if there's any specific information to be requested and to be brought with that, he can put that as well. And the motion can be as simple as to delegate the authority for the subpoena power to the Council President who, in his opinion, will need to be the one to sign it anyway. So the Council has a few options at its disposal. You could defer to the Council President to make the final determination. A majority could make that determination now. Mrs. Cain said, the email said that Mrs. Fouce (meant Mrs. Flores) is on vacation this week so that would mean that she's back on July 21st. That's her understanding from the email in saying that she's off this week and so she would like to request that we have the Administration present on the 21st of July in accordance with that we also have the written documents or the printed documents. It can be in a PDF file like she indicated to Mrs. Flores or she would even pick up a flash drive where those reports could be on it and she can disburse them to the Council members. But her understanding also is that there were other questions that were not on our initial list that the Council members wish to ask and so those could be asked at that time. So the 21st would be what she would request of Mr. Harker to put on that document. Is anybody against requesting it for that date? That's two weeks from today, Cain said. Councilwoman Fouce said, Madam President, help her, was it her that said the report that she was requesting took an hour to print? Cain told Fouce, yes. Fouce said, so we're going to do another two weeks? Cain replied, well, she gave Mrs. Flores until two weeks from her (Cain) response on that email which would have been the 16th of July. She said she said okay, two weeks from today then she would anticipate we would have your reports. Mr. Brunner said, Madam Chairman, this meeting has become very difficult to follow because he believes she has some wording and Mr. Cline has some wording and the other seven of them are flying blind right now so is there any way we could have a quick recess of this meeting and some of the language that she read that came from the Administration, and that Mr. Cline has read, we could maybe get to all the Councilmen so we can make some intelligent decisions on what we're about to do? Cain told Brunner, we've already taken the vote. Brunner told Cain, well she's talking about having another date now and he's saying the Administration has offered us something that he's never seen. She's seen it and that gentleman has seen it. He would just like to have the same information that two of the people on the Council have that the other seven of us are flying blind right now. Can we have a quick recess to have that printed? Would that be possible? Cain stated, the vote was, and it was passed unanimously, to move forward right away. That's what the vote was just now. Cline commented it was not unanimous. Brunner asked, unanimously? Cain said she means it was majority was to move forward. It was passed by a majority. Mr. Brunner said she said it was a unanimous vote to move forward. Cain replied, it was 5-3, she's sorry. Brunner responded, okay, that's not unanimous. Mrs. Cain told Brunner, well that was a mistake in her words. Brunner commented, okay, he's just pointing that out. Cain said she said the majority vote was to move forward as

quickly as possible so she just threw out the date of July 21st, which she could make it even shorter if we're going to move that quickly but she just wanted to give that extension because that is a City Council meeting and then we don't have to request everyone to be here at a different time. Luzadder asked Cain, does she need a motion? Cain asked, would that be appropriate? Yes, she said. Mr. Henderson? Councilman Steve Henderson said he makes that we make a motion that we send out the notice and it needs to be done by the 21st at the meeting. Motion was seconded by Cowgill and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Batchelor, Cain and Henderson. Nay: Fordyce, Brunner and Cline. Mrs. Cain said, okay, so Mr. Harker, now it's passed and that's what we will do. We will ask for the Administration to be here on the 21st to answer further and additional questions, along with the documents that Mrs. Flores is supposed to submit on the 16th.

UNFINISHED BUSINESS

COUNCIL APPOINTMENT – Marion Utility Service Board – Council President Deb Cain told the Council this was included in their packet, the previous application, but they cannot accept that application because they need to submit an appointee from the Republican Party. And so, Mrs. Kiley and Mrs. Goodman, if they could post that announcement, that they'll take applications from a Republican and consider those at the July 21st meeting. Councilman Brad Luzadder told Cain, it should be pointed out, Madam President, that it's not, it's to keep the Utility Board, to keep that on an even keel and so at certain times, the Council must appoint Republicans or Democrats to that body. That is one of the only other bodies that is (inaudible) with the board. So, that should be the clarification, not that they're specifically looking but that's the reason why, is to keep the balance of the Utility Board in order.

A gentleman from the audience said he had something to say, if he could please. Council President Deb Cain said, no, he needs to be on the agenda ahead of time. The gentleman said it is concerning the agenda though. Council Vice-President Brad Luzadder told the gentleman they'll meet with him right after the meeting. Cain said, exactly, that's what she was just going to say. The gentleman replied, he appreciates it and he apologizes. Cain responded, no, she was going to say, if he wants to talk to her, she would be glad to speak with him after the meeting.

Being no further business to come before the Council, on a motion by Luzadder, 2nd by Henderson, the meeting adjourned. Time being 8:05 p.m.