CITY-COUNTY GENERAL ORDINANCE NO. 337, 2020

A PROPOSAL FOR A GENERAL ORDINANCE to amend Chapter 202, Article VII of the Code regarding the Office of Public Health and Safety.

WHEREAS, there are numerous and significant barriers to accessing healthy food in low-income communities, particularly in communities with significant Black, minority, and immigrant populations; and

WHEREAS, the continued prevalence of unhealthy diets and the lack of adequate nutrition education has contributed to high rates of obesity, cardiovascular disease, and other diet-preventable chronic diseases; and

WHEREAS, there has been longstanding disinvestment in food businesses and farms owned by Black people; and

WHEREAS, eligible individuals and families in Marion County are under-enrolled in SNAP and WIC benefits programs; and

WHEREAS, inadequate investment in urban farms and gardens has hindered local production of fruits and vegetables and workforce development opportunities; now, therefore:

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

SECTION 1. Chapter 202, Article VII, Division 1 of the "Revised Code of the Consolidated City and County," regarding the office of public health and safety, hereby is amended by deleting the language that is stricken-through and adding the language that is underlined, to read as follows:

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

There is hereby created the office of public health and safety for the city as authorized by IC 36-3-4-23. The office shall exercise those powers and duties granted by statute, this code, or as designated by the mayor, to discharge its responsibilities to provide for public safety communications systems, emergency medical services, administration of the Reuben engagement center, oversight of offender re-entry services, and to operate any other division or function of this office as the mayor from time to time may designate by executive order.
The office shall be comprised of the divisions of:

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

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

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

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

SECTION 2. Chapter 202, Article VII of the “Revised Code of the Consolidated City and County,” regarding the Office of Public Health and Safety, hereby is amended by the addition of Division 5, “Division of Community Nutrition and Food Policy,” to read as follows:

DIVISION 5. - DIVISION OF COMMUNITY NUTRITION AND FOOD POLICY

Sec. 202-751. - Purpose.

The division of community nutrition and food policy shall be responsible for addressing racial inequity in the food system, creating an inclusive mechanism to launch and coordinate food policies and programs, reducing food insecurity in Indianapolis, and improving equitable access to healthy food in Indianapolis, with a focus on food desert and low access areas.

Sec. 202-752. - Administrator; duties.

(a) The director of the office of public health and safety shall appoint an administrator for the division of community nutrition and food policy.

(b) The administrator shall manage the division, shall serve as the principal advisor to the mayor’s office on matters related to food insecurity, food access, food procurement and food equity, and shall coordinate
City-County government and government facility policies, programs and initiatives on matters related to food insecurity, food access, food procurement and food equity.

Sec. 202-753. – Indianapolis Community Food Access Coalition.

(a) The Indianapolis Community Food Access Coalition (“coalition”) is hereby recognized as an independent, community-driven body whose purpose is to promote policies relating to food equity and healthy food access across all levels of City and County government; to provide independent, community-based advice to policy-makers, local organizations, and funders regarding major food initiatives and community investments; to conduct regular assessments and analyses of the Indianapolis food system and communicate findings; and to serve as a forum to empower stakeholders and community members.

(b) The administrator of the division of community nutrition and food policy shall serve as the chief liaison between the coalition and the City-County government. The administrator may act as a member of the coalition or of its executive committee but shall receive no compensation for such roles.

(c) The coalition shall be independent of the City of Indianapolis, with its own by-laws, charter, and other organizing documents, and shall raise, receive, and spend funds independently of, and without direct control by, the city and the office of public health and safety.

(d) The coalition shall appoint three members of its executive committee to sit on the Indianapolis community food access advisory commission, as provided in Section 202-755(a)(6) below.

(e) The city-county council shall allocate funding annually, to be appropriated to the office of public health and safety, division of community nutrition and food policy, for the support of the food equity mission and activities of the coalition. The division of community nutrition and food policy shall coordinate with the coalition as appropriate in initiatives related to healthy food access and food equity.

Sec. 202-754. - Indianapolis Community Food Access Advisory Commission.

The Indianapolis Community Food Access Advisory Commission (“commission”) is hereby established to evaluate and advance citywide food policy initiatives and provide advice to the city-county council on matters related to food equity and healthy food access.


(a) The commission shall be composed of thirteen (13) voting members who are chosen as follows:

1. The administrator of the division of community nutrition and food policy as a permanent member, who will serve as a co-chair;
2. A member of the coalition executive committee, appointed by the mayor based on the recommendation of the coalition, who will serve as a co-chair;
3. A business owner or employee of an organization that promotes economic development in the city, to be appointed by the mayor;
4. A member with professional experience in transit, housing or public safety, to be appointed by the mayor;
5. Three (3) members with professional experience serving Marion County community organizations involved in food equity, food access, or food insecurity issues, consisting of one (1) public health administrator to be appointed by the Marion County Public Health Department and two (2) to be appointed by the city-county council;
6. Three (3) Marion County residents who are farmers or food entrepreneurs, including at least one individual under the age of 25, to be appointed by the city-county council; and
7. Three (3) members of the community to be appointed by the mayor based on the recommendation of the coalition.

(b) All non-permanent members shall at the pleasure of the appointing authority and serve three (3) year terms. Members may be appointed for successive terms and shall serve until his or her successor is appointed or qualified.
(c) In the event of a vacancy prior to the expiration of a term, the appointing authority shall appoint a member for the remainder of the unexpired term.

Sec. 202-756. – Commission officers, quorum, meetings.

(a) The administrator of community nutrition and food policy and the coalition executive committee appointee shall serve as the co-chairs of the commission. A recording secretary who shall keep the official minutes of the meetings, reserve meeting room space, handle all communications, including but not limited to meeting notices, will be supplied by the office of public health and safety.

(b) Six (6) members of the commission shall constitute a quorum.

(c) The commission shall meet at least quarterly, and as often as necessary to carry out its duties.

Sec. 202-757. – Duties of the commission.

The commission shall have the following duties:

(a) Identify community needs and goals related to healthy food access, food equity, and the food economy with priority given to low income and food desert areas.

(b) Establish opportunities to connect retail and for-profit food operations with funding resources to include community development grants, healthy food financing and other economic development opportunities.

(c) Receive information from City-County agencies on the food equity impact of each agency’s work, and make recommendations to the city-county council concerning more effective coordination of City-County food-related functions by the division of community nutrition and food policy.

(d) Regularly collect data to assess existing food policies and recommend new policies that address food access and food inequity issues in the city.

(e) No later than July 1 of each year, offer recommendations to the office of public health and safety and the city-county council concerning the budget priorities of the division of community nutrition and food policy for the coming year.

(f) Provide oversight and guidance to the Indianapolis Community Food Access Coalition.

(g) Set rules for its governance and establish its procedures for conducting public meetings as permitted or required by law.

(h) Submit an annual report of its activities and recommendations to the city-county council.

The commission shall carry out its duties in this subsection in accordance with the purposes set forth in Section 202-751.

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

SECTION 4. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 5. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.
The foregoing was passed by the City-County Council this _____ day of __________, 2020, at _____ p.m.

ATTEST:

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Vop Osili
President, City-County Council

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SaRita Hughes
Clerk, City-County Council

Presented by me to the Mayor this _____ day of ____________, 2020.

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SaRita Hughes
Clerk, City-County Council

Approved and signed by me this _____ day of ____________, 2020.

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Joseph H. Hogsett, Mayor