

**CITY COUNCIL MINUTES**  
**May 21, 2012**

The Honorable Council of the City of Evansville met on regular session at 5:30 p.m. on Monday, May 21, 2012 in the City Council Chambers, Room 301 Civic Center Complex, Evansville, Indiana, with President Connie Robinson presiding. The following business was conducted.

**These minutes are not intended to be a verbatim transcript. Audiotapes of this meeting are on file in the City Clerk's Office.**

**ROLL CALL:**

**Present:** M<sup>c</sup>Ginn, Brinkerhoff-Riley, Lindsey, Adams, O'Daniel, Weaver, Robinson.

**Absent:** Friend, Mosby

There being seven (7) members present and two (2) members absent and seven (7) members representing a quorum, I hereby declare this session of the Common Council officially open.

**PLEDGE OF ALLEGIANCE**

This evening the pledge of allegiance is led by former Mayors Russell G. Lloyd and Jonathan Weinzapfel

Fellow Councilmen and those in the audience, welcome to the May 21, 2012 meeting of the Common Council.

**COUNCIL ATTORNEY**

John Hamilton is City Council Attorney this evening.

**SERGEANT AT ARMS**

There is no Sergeant at Arms this evening.

**READING AND AMENDMENT OF MINUTES**

Is there a motion to approve the minutes of the May 14, 2012 meeting of the Common Council as written?

Councilman O'Daniel moved and Councilman Adams seconded the motion to approve the minutes of the regular meeting of the Common Council held May 14, 2012. Voice vote. So ordered.

**REPORTS AND COMMUNICATIONS**

**IN YOUR MAY 18<sup>TH</sup> PACKET:**

- \*City Council Agenda for the May 21, 2012 City Council meeting.
- \*Committee Meeting Schedule.
- \*Ordinance F-2012-6 as amended.
- \*Resolution Docket C-2012-8.
- \*Resolution Docket C-2012-11.
- \*Resolutions C-2012-9 and C-2012-10
- \*Inter-department vacation studies and return receipts for G-2012-7

**ON YOUR DESK THIS EVENING:**

- \*Amended extended agenda.
- \*City Council Minutes from May 14, 2012 City Council Meeting.
- \*Letters to City Council Members from Scott T. Schutte of Morgan Lewis, Counselors at Law.

Councilman O'Daniel moved and Councilman Weaver seconded the motion to receive, file and make these reports and communications a part of the minutes of the meeting. Voice vote. So ordered.

**CONSENT AGENDA**

**FIRST READING OF ORDINANCES OR RESOLUTIONS**

**RESOLUTION C-2012-9                      FINANCE                      COUNCIL AS A WHOLE**

A Resolution of the Common Council of the City of Evansville approving an ordinance of the Vanderburgh County Income Tax Council establishing the percentage credit allowed for the Homesteads for 2013 and casting the votes of the Common Council of the City of Evansville on said ordinance.

**RESOLUTION C-2012-10                      FINANCE                      FRIEND**

A Resolution of the Common Council of the City of Evansville declaring an economic revitalization area for tax phase-in for redevelopment and/or rehabilitation of property and for acquisition of manufacturing equipment located at 1719 W. Louisiana Street, Evansville, Indiana (Joe W. Morgan, Inc., a.k.a. Intrametco Processing, Inc. and Southern Charter & Leasing Co.)

**President Robinson:** Is there a motion to adopt the Consent Agenda, First Reading as written?

Councilman Weaver moved and Councilman Adams seconded the motion to adopt the Consent Agenda First Reading as written. Voice vote. So ordered.

**CONSENT AGENDA**

**SECOND READING OF ORDINANCES OR RESOLUTIONS**

**ORDINANCE G-2012-7                      PUBLIC WORKS                      McGINN**

An Ordinance to vacate certain public ways or public places within the City of Evansville, Indiana, commonly known as the right-of-way part of S.E. 5<sup>th</sup> Street, in Donation Enlargement

**ORDINANCE G-2012-8                      A.S.D.                      MOSBY**

An Ordinance designating a Municipal Riverfront Development Project Area for the purpose of allowing application to the Alcohol Beverage Commission for Non-Quota Liquor Licenses

**ORDINANCE G-2012-9                      FINANCE (FRIEND)                      RILEY**

An Ordinance Repealing Ordinance F-2012-1

**ORDINANCE F-2012-6                      FINANCE                      FRIEND**

An Ordinance of the Common Council of the City of Evansville authorizing transfers of appropriations, additional appropriations and repeal and re-appropriation of funds for various city funds

**ORDINANCE F-2012-7**

**FINANCE**

**FRIEND**

An Ordinance of the Common Council of the City of Evansville approving the Issuance of Refunding Bonds of the City of Evansville, Indiana, Park District; Other matters connected therewith, and repealing ordinances inconsistent herewith.

**COMMITTEE REPORTS:**

**PUBLIC WORKS COMMITTEE:**

**CHAIRMAN McGINN**

**Councilman M<sup>c</sup>Ginn:**

Madam President, by a vote of 7 to 0, G-2012-7 has been continued until July 23<sup>rd</sup> at 5:20 p.m.

**FINANCE COMMITTEE**

**CHAIRMAN FRIEND**

**Councilman Adams:** Madam President, your Finance Committee met this evening to hear Ordinances F-2012-6 as amended and G-2012-9. These come forward with a do pass recommendation. Ordinance F-2012-7 was voted 6 to 1 to be held and will be heard on June 25<sup>th</sup>.

**A.S.D. COMMITTEE:**

**CHAIRWOMAN MOSBY**

**President Robinson:** Ordinance G-2012-8 comes forward with a do pass recommendation.

Can I have a motion? .

Councilman Riley moved and Councilman McGinn seconded the motion to adopt the Committee Reports and move these Ordinances to Third Reading. Voice vote. So ordered.

**REGULAR AGENDA**

**THIRD READING OF ORDINANCES OR RESOLUTIONS**

**Councilman Adams:** Madam President, I did give you false information. Ordinances F-2012-6 as amended and F-2012-7 come forward with a do pass recommendation. Ordinance G-2012-9 was voted 6 to 1 to be held and will be heard on June 25<sup>th</sup> I believe it is.

**President Robinson:** F-2012-7 is a do pass and F-2012-6 as amended as a do pass and G-2012-9 is held? Okay, Thanks.

**ORDINANCE G-2012-8**

**A.S.D.**

**MOSBY**

An Ordinance designating a Municipal Riverfront Development Project Area for the purpose of allowing application to the Alcohol Beverage Commission for Non-Quota Liquor Licenses

**President Robinson:** Is there a motion to adopt Ordinance G-2012-8 and call the roll?

Councilman Weaver moved and Councilman McGinn seconded the motion to adopt Ordinance G-2012-8 and call the roll.

**ROLL CALL**

**Ayes:** McGinn, Brinkerhoff-Riley, Lindsey, Adams, O'Daniel, Weaver, Robinson

**Absent:** Friend, Mosby

There being 7 Ayes and 0 Nays, Ordinance G-2012-8 is hereby declared ADOPTED.

**REGULAR AGENDA**

**THIRD READING OF ORDINANCES OR RESOLUTIONS**

**ORDINANCE G-2012-9      FINANCE (FRIEND)**

**RILEY**

An Ordinance Repealing Ordinance F-2012-1

**President Robinson:** Madam Clerk that was held in committee until June 25<sup>th</sup> at 5:10.

**REGULAR AGENDA**

**THIRD READING OF ORDINANCES OR RESOLUTIONS**

**ORDINANCE F-2012-6 as amended      FINANCE**

**FRIEND**

An Ordinance of the Common Council of the City of Evansville authorizing transfers of appropriations, additional appropriations and repeal and re-appropriation of funds for various city funds

**President Robinson:** Is there a motion to adopt Ordinance F-2012-6 as amended and call the roll?

Councilman moved O'Daniel and Councilman Adams seconded the motion to adopt Ordinance F-2012-6 as amended and call the roll.

**ROLL CALL**

**Ayes:** McGinn, Brinkerhoff-Riley, Lindsey, Adams, O'Daniel, Weaver, Robinson

**Absent:** Friend, Mosby

There being 7 Ayes and 0 Nays, Ordinance F-2012-6 as amended is hereby declared ADOPTED.

**REGULAR AGENDA**

**THIRD READING OF ORDINANCES OR RESOLUTIONS**

**ORDINANCE F-2012-7      FINANCE**

**FRIEND**

An Ordinance of the Common Council of the City of Evansville approving the Issuance of Refunding Bonds of the City of Evansville, Indiana, Park District; Other matters connected therewith, and repealing ordinances inconsistent herewith.

**President Robinson:** Is there a motion to adopt Ordinance F-2012-7 and call the roll?

Councilman McGinn moved and Councilman Weaver seconded the motion to adopt Ordinance F-2012-7 and call the roll.

**ROLL CALL**

**Ayes:** McGinn, Brinkerhoff-Riley, Lindsey, Adams, O'Daniel, Weaver, Robinson

**Absent:** Friend, Mosby

There being 7 Ayes and 0 Nays, Ordinance F-2012-7 is hereby declared ADOPTED.

**RESOLUTION DOCKET**

**RESOLUTION C-2012-8 (DOCKET)**

**COUNCIL AS A WHOLE**

A Resolution approving an agreement between the city and the county regarding the 2012 Byrne Justice Assistance Grant (JAG) Program Award (Local)

**President Robinson:** It's that time of the year again.

**Officer William (Woody) Woods:** It is that time of the year. Good evening one and all. If you'll indulge me for just a moment, I'd like to take this opportunity to thank the clerk for the all the help she's given us through the years. And her staff has been very helpful to us in preparing these grants and documents and anything else we've needed, and this is the last time I will appear in front of her in her position.

**Clerk Matlock:** I'll bet you're glad of that aren't you Woody?

**Officer Woods:** She may appear in front of me in the future in a different position. *(Laughter)* We are asking that you approve the resolution before you; the Ed Byrne Memorial Justice Assistance Grant. This is one that we apply for and receive, thankfully, every year. The Feds decide the percentages of the money. They decided last year, as well as this year, that the sheriff's department would not receive any money, but the sheriff's department has to sign off on it. As you might expect, Sheriff Williams doesn't really approve of all that so the chief and the sheriff get together and they work among themselves. They both agree that there should be a 14% split of this money. It amounts to \$50,203. The city's portion will be \$43,174.58. That money will be expended for police overtime for problem cars. The sheriff's department will spend \$7,028.42 for data recording equipment.

**President Robinson:** Are there any questions? Does anyone in the audience have any comments or questions concerning this?

Is there a motion to adopt Resolution C-2012-8?

Councilman O'Daniel moved and Councilman McGinn seconded the motion to adopt Resolution C-2012-8 and call the roll

**ROLL CALL**

**Ayes:** McGinn, Brinkerhoff-Riley, Lindsey, Adams, O'Daniel, Weaver, Robinson

**Absent:** Friend, Mosby

There being 7 Ayes and 0 Nays, Resolution C-2012-8 is hereby declared ADOPTED.

**Officer Woods:** Thank you all.

**RESOLUTION DOCKET**

**RESOLUTION C-2012-11 (DOCKET)**

**SPONSORS: BRINKERHOFF RILEY,  
ADAMS, LINDSEY, FRIEND, O'DANIEL,  
ROBINSON, WEAVER, AND MOSBY**

A Resolution requesting that Allied Waste end its voluntary lockout of 79 local employees and allow their return to work

**President Robinson:** Stephanie would you like to speak on this?

**Councilwoman Riley:** Just in terms of the basis of the resolution, and I've spent, a lot of us frankly, have spent a considerable amount of time with both the company, Allied Waste, as well as the local union, the Teamsters, and had time spent on the picket line talking to the employees that are currently locked out.

It is our position that Allied Waste has chosen to lock out its employees based on a belief that there has been a failure in negotiations. Whether negotiations have failed is not a forgone conclusion; it is not an undisputed fact. It's actually a legal argument. The company has the ability to claim a failed negotiation in a legal argument that would allow it to do certain things in terms of a remedy. There is a legal forum for Allied to argue whether there has been a failure of negotiations and whether they are entitled to certain remedies based on a failed negotiation.

In speaking with...ah but again it's a legal argument that has a place, whether that's in front of a federal court or in front of the National Labor Relations Board, Allied has filed its complaints related to its legal arguments as has the union filed complaints related to their response to that legal argument and to their own legal arguments. It is the position, I believe, of this council that while these two sides have a legal battle in the appropriate forum, that it is not necessary to lock out these employees. Locking out the employees by Allied is both irrelevant to their legal argument as well as not supportive of their legal argument. Whether Allied can sustain its legal argument and ultimately do certain things, it's not necessary that these employees are locked out. It doesn't hurt their argument, it doesn't harm their argument and then the same is true for the union. It doesn't help the union's argument for the employees to be working during this dispute and it doesn't harm their argument.

I think most of us, from speaking with the company and speaking with the union as well as the employees, get the overriding theme from all three that these are good employees that do a great job and everybody wants them back at work. Because the company has expressed that it has no fear of these employees harming their property or their business and because the union has claimed and stated that it wants the employees back at work and is willing to work during the labor dispute and because the employees overwhelmingly want to return to their jobs, it seems like these employees should be allowed to work during this dispute so long as everybody agrees that nobody is really at danger, either to their property or their business and there is no impact on the legal argument.

I think from the council's perspective, the lockout takes a machete to something that is more appropriately dealt with with a scalpel. This council has no opinion as to who's right or who's wrong on the underlying issue that drives the labor dispute. But what we do know is that when 79 workers and 79 families are thrust into economic crises that it's this community that must deal with that impact. It's this community that has to pick up the pieces and provide the support that

these employees require. Just as the creation of 79 jobs would have an impact to the tune of millions of dollars on our local economy, so does the elimination of these 79 workers from their jobs have the impact of millions of dollars on our local economy. It impacts thousands of businesses and threatens to destabilize not only the community but the economy itself.

It's the position, I think, of the council that it's unnecessary for this dispute to continue; that the City of Evansville did not sign up to be part of this dispute and does not want to deal with, frankly, the consequences of the dispute in terms of the effect on these families. Economic crisis is disproportionately harmful to children. It creates unnecessary anxiety and fear and stress placed on these families. These families are valued members of our community, in fact, Allied is a valued business and the union is an asset as well. There has to be a way for these parties to resolve, or frankly, not resolve their dispute, but do it in such a way that minimizes the impact on the community as a whole.

I don't know if that summarizes it for...

**President Robinson:** It's perfect to me when I look at the clock because I don't think we can issue a legal opinion. I put my name on this resolution to say that I encourage them to settle this but I don't have a legal opinion on it because it is a private entity and I think we do not handle negotiations. The administration handles negotiations. I would like to see them be able to go back to work but I can't give you a legal opinion. I just encourage Allied and the Teamsters to try to work this out.

**Councilman Adams:** Just a couple of comments. It's my belief, or what I've been told, that Allied has negotiations going on all over the country and yet Evansville is the only city in which the lockout is being entertained. The other point I'd like to make is that the company has enough people that they are collecting our trash. So therefore, part of this resolution is to bring to the public's point of view that this is a problem. You don't see piles of trash and rats in your front yard but there are people who are being locked out.

**President Robinson:** Are there any other comments or questions from any other council member?

**Councilman McGinn:** I do, and again, my heart is with everyone and I hope it is resolved but my personal belief is that this is a matter handled by the apparatus that is in effect. Both parties are represented by counsel; ably represented by counsel. Ably represented by their representatives and there is an entire legal apparatus in the National Labor Relations Board and all of its hearing officers set up. And for that I choose not to get involved in a private matter even though my heart is hoping that it gets settled for lots of reasons but I've not joined this for that reason. I just don't think that it is my personal role so I just wanted you to be aware of that. Thanks.

**President Robinson:** Councilman Lindsey

**Councilman Lindsey:** Well my only opinion is I don't see how this is helping at all. You know, why would you have a lockout? I mean these people are hardworking people; they've shown it. They wouldn't be with that company if they weren't dependable and loyal. And I just think it's kind of a heavy handed practice to do these kinds of things. I mean there are 79

families, 79 employees that were evidently good enough before. Where's the trust? How is this a negotiating factor? I don't think this is fair. I don't agree with it.

You're right, they are a private company but they are a private company in Evansville. This seems like a national trend, not just here. This is just over the edge. I don't see how this is going to be a positive thing for any kind of negotiation.

**President Robinson:** I think we're all encouraging them to resolve this. At least I know I am encouraging them to resolve this. But I don't think I should be involved in the negotiations.

**Councilman Lindsey:** No, I agree we shouldn't be involved in the negotiations. But as the legislative body of the city and as representatives of the city we should let the people and the companies in the city know that we're behind the working men and women of this city.

I'm not arguing either way; it's up to them to negotiate their contract but I don't see why this kind of a tactic is needed here locally when it's not used anywhere else. It's a common denominator nationally that everything is for the good of the company. Well these are people; they've earned their right to an income. Why can't you negotiate while they are working? I mean, I just don't see it.

**Councilman O'Daniel:** I'll try to make this short. I agree with Al in the sense that...I think everybody here wants to see them back to work and I see several of the members of the union out in the back there. But I think the other thing is, even though this is a private company, they are contracted to do the city's work in collecting trash. We pass that along in our water bill and in our refuse bills so we do have an obligation here. This is not just some private company that...you know, we have private trash companies but this is the one we've contracted with to do all of the city's pickup. And so we do have an obligation to encourage them to get back to work and to end the lockout. And that's why I support the resolution.

**President Robinson:** Let's see...Wayne Parke

**Wayne Parke:** As indicated, my name is Wayne Parke and I stand before you tonight as a retired business executive with over 35 years of firsthand experience in labor relations, contract negotiations, both in private and in public sectors. I urge you to table this motion or do not pass. The City Council is not a disinterested party in this labor dispute. It is a mistake for the City Council to get involved in this manner. The City Council should remain neutral and should not support either party in this contract labor dispute and let the parties negotiate the agreement. The Teamsters' dispute between Local 215 and Allied Waste is currently being properly investigated by the National Labor Relations Board out of Indianapolis and both sides have filed unfair labor practice charges against each other.

Also the Federal Mediation and Conciliation Service exists primarily to help private industry employers and unions resolve collective bargaining issues. With the availability of these federal agencies to assist in resolving labor disputes, the mayors' office, the City Council and other local government officials should let the National Labor Relations Board and the Federal Mediation and Conciliation Service do their jobs and not possibly complicate things even further by interjecting themselves into the dispute.

Whether you say that you're not involved in the negotiations, I believe if you pass this resolution, you in fact are involved. I do not think that is the proper thing to do.

Another reason the city council should not get involved in the labor dispute is how the City Council involvement will be viewed by potential business entities looking to locate in our great City. Evansville needs to be attracting every business it can and to provide and maintain our current jobs. And let me tell you, as a business person I know full well that when businesses are looking to locate at different places, they look at relationships that exist within that community, including the City Council, the mayors' office and any other entities. For that reason alone, it should not be acted upon. It should be tabled or do not pass.

For these reasons I ask you again to table. Let the labor relations process work as it's designed to do so.

Thank you for the opportunity to speak.

**President Robinson:** Are there any questions of Mr. Parke?

**Councilman Adams:** Thank you for coming forth sir. I would take issue with your analysis in that I think there is a threat...not quite but almost, to public health here. The City, the City Council, our feelings towards our constituents...we have an obligation to provide them fire and police protection and in my humble opinion, very good trash collection. We're getting pretty close to where things aren't going to be picked up. We getting pretty close...I've been in a city where piles of trash were around. I think it's important for us to reflect our opinions on this matter because I'm not even sure Allied isn't trying to make a template of us with this lockout so they may extend it all over the rest of the United States. I disagree with you. I think this is a special issue. When you're collecting trash this is different than selling cars or buying airplanes. I just disagree with you. But I do respect your opinion.

**President Robinson:** Councilman Lindsey

**Councilman Lindsey:** One thing about how I look at this is that Allied is employed by the city of Evansville. We pay them to do a job so this is a little different than Berry or any other group around here that works in the city or has a business. So we do have a say in this even if we are not skewing either way. But what I'm saying is, as a representative of the citizens, this is different. As Dan was saying, if they decide they don't want anybody to pick up the trash, where are we going to be then?

All we are asking to do is let the people go back to work and do things in an orderly manner and not use that as a bargaining tool. Like I say, they're employed by us. They also have other counties but their land fill is in Vanderburgh County. So therefore, we are involved in this. It's different than a different type of company.

**President Robinson:** Councilman O'Daniel

**Wayne Park:** I'd like to respond to that first. Okay, first to Dan. I understand that you've got a right to your opinion and I respect that. But I can tell you, getting involved in contract labor negotiations is not a wise thing to do. It's like trying to help someone in a fight. You get involved and sometimes you become the victim. So you want to be careful about getting

involved in negotiations. I certainly wish these 79 people were still working and all that. I think we all want that. We all want this to get resolved and get resolved quickly. There are agencies and people in place to get it resolved.

So I just think, with my past experience, and again, I'm speaking from firsthand experience about people getting involved and think they are doing good and they're not.

And so, that's my opinion and I respect yours.

**Councilman Adams:** And when I see 79 people getting the crap beat out of them sir, it does bother me.

*Scattered applause*

**Councilman O'Daniel:** One of the things I just want to point out...I think generally speaking, when you're talking about a private business and their employees, whether union or otherwise, you know I agree to a certain extent, maybe we shouldn't interject ourselves so much in those things that are uniquely private. But this is a situation where the City of Evansville...they are in a contract with the City. This is not just a disinterested private company. They have a contract with us. And I think when you see people treated unfairly; there is no chilling effect to other businesses that are coming to the city. There's only a chilling effect to those companies that are coming to the city that are contracting with the city. We're just saying look, if you're going to get money from us to do a job and make a profit for your shareholders, then we want you to treat your employees fairly as well.

And that's really the only thing this resolution is saying: treat them fairly, let them get back to work and resolve your differences in the courts of law. It has no chilling effect to another business whether it is Berry or Black Beauty or otherwise because they don't do business with the city of Evansville. I think that is the distinguishing factor between where you see that as a private businessman and the way we see it with Allied Waste with public services and a contract with the city.

**Wayne Park:** And I am a businessman and I believe it does impact and I believe other people will look at it that way. So I disagree. Again, I respect your opinion but disagree.

**Councilwoman Riley:** Mr. Parke I really appreciate you coming and I understand the perspective that you bring. I guess from my perspective, I think that companies considering Evansville that see this, I hope that what they take away from it is that we support the working class members of our community; that our desire for these people to be back to work and to minimize the impact on our community really is an issue of reflecting the values of this community in that we all stick together. I think if we are discouraging an employer from coming here that is interested in not doing well by or not taking care of its' employees, then discouraging those kind of employers I don't have a problem with.

**Wayne Park:** Well again I think it's a negative impact to get involved in the negotiations. You can address it anyway you want but the truth is, if you pass this resolution, you are getting involved and I don't think you should be. I think you should let the process work. There is a process in place for it to work. I encourage you to be patient and let that work itself out.

**Councilwoman Riley:** No, I understand. I appreciate your opinion.

**President Robinson:** I think this resolution is just encouraging them to come to an agreement. And while they're coming to an agreement, Allied should let them work.

Is there anyone else that would like to talk for or against? You can come on up. *(In response to a raised hand)*

**Randy Lientz:** My name is Randy Lientz, 215 Martin Luther King Blvd. The name of my company is Axiom. I'm here as a representative of Allied Waste Services. The four executives with Allied: John Lamanna, the area vice president; Mark McKune, the local general manager; Holly Georgell, their legal counsel and Jonathan Solz, outside legal counsel, have been, for the last three and one half hours, in discussions with Teamsters Labor Union, Local 215. They are still there right now.

My company has been retained by Allied Waste Services for the last month to help them disseminate information about the labor issue that is going on. I am not here to interpret and I'm not here to answer questions. I'm here to deliver a message from Mr. McKune, who is the local general manager. I'm not prepared to answer any questions; I'm not qualified to. I would like to read this to you, and with your approval, I'd like to distribute a copy to each of you. Is that acceptable?

**President Robinson:** Yes it is.

**Randy Lientz:** Thank you very much.

This is dated today, May 21, 2012 to the Evansville City Council Members from Mr. Mark McKune, General Manager of Allied Waste Services in Evansville, regarding the potential city council resolution.

Allied Waste Services of Evansville has been made aware from the local news media that members of the Evansville City Council will be voting this evening at approximately 5:30 p.m. on a resolution relating to our labor situation with Teamsters Local 215. The company respectfully submits that the Council's extraordinary actions are unprecedented and premature. With all due respect, the City Council should not be involved in labor relations matters between Allied Waste Services and the union.

Allied Waste Services is engaged in the vital public service of waste removal and the public is entitled to continuity of these services. Local 215s threats of, and I quote, "...war..." over our request to withdraw from Central States Pension fund and replace it with a 401K plan, and their failure to allow union employees to vote on our offer leaves the public potentially vulnerable.

In light of this, Allied Waste Services locked out our union on May 9, 2012. Waste services are proceeding normally and our customers are being fully serviced.

Since April 26, and now for over three weeks, Local 215 refused to present our last, best and final offer to the union membership for vote. Allied Waste Services has filed two unfair labor practices against Teamsters Local 215. One is for their unwillingness to negotiate on the withdrawal from the Central States Pension Fund and the other, most recently, is for their unwillingness to allow the union employees to vote on the contract.

If the Evansville City Council does wish to pass a resolution, the company respectively suggests that the resolution be one that would allow our union employees the opportunity and the privilege to vote on the last, best and final offer we presented.

Please note Allied Waste Services and the union representatives are scheduled to meet today, May 21, and as I mentioned, they are meeting as I speak, with a mediator from the Federal Mediation and Conciliation Service.

And with your approval, I'll approach and distribute these.

**President Robinson:** Yes please.

**Councilman Adams:** I guess I'm not asking for any comment from you sir but this is a one-sided point of view. It's sort of like somebody saying he going to punch you in the face but you can't punch them back. And you don't have to make any comment. I'm not asking you to make any comment.

It's odd that you, however, are here rather than one of the people you represent.

**Randy Lientz:** I stated at the beginning sir that the four representatives...

**Councilman Adams:** I heard all that.

**Randy Lientz:** Both the legal counsels...

**Councilman Adams:** Sir, I heard all that.

**Randy Lientz:** Okay. And they were notified by the newspaper, as is stated here, this morning that this potential resolution was going to be heard.

**Councilman Adams:** I heard all that.

**Randy Lientz:** And this meeting with the ...

**Councilman Adams:** You're doing more than delivering this message sir.

**Randy Lientz:** I'm sorry?

**Councilman Adams:** You're doing more than delivering this message. This is exactly what you said.

**Randy Lientz:** That's right.

**Councilman Adams:** I heard everything you said. This is your point of view.

**Randy Lientz:** No! This is not my point of view.

**Councilman Adams:** It is the point of view of the people you are representing. And I find it one sided.

**Councilman Weaver:** We asked for public comment so this is...

**Councilman Adams:** That's fine.

**Councilman O'Daniel:** And I think we have an opportunity to at least discuss what you have relayed to us. My sense is that I'm going to guess that if we had someone from the teamsters. Local 215, deliver a message, it would be equally charged when you use words like war and those sorts of things. I don't like heavily charged language. I find that the language as presented...I know you're the mouthpiece here...but I do find that overly done. And it doesn't necessarily lend itself to a sit-down and let's bargain and talk this out. Let the people back...and this may be a message to take back to the people who hired you, is to negotiate on equal grounds. As you indicated through your conveyance, if you want the employees to vote on the last, best and final offer, then it's best that they start from a position where they are not financially behind the eight ball. That is duress and you don't make good decisions when you are under duress. So I don't find that that is a very well... I understand your position... I don't think that lends itself to equal bargaining positions.

**Councilman Weaver:** Again, I just want to say, we asked for public comment. This is no different than an opinion for or against sewers or Roberts Stadium or anything else.

**Councilman Adams:** And I totally agree with you. I just felt that that message hanging in air should at least have some comment made on it. That has nothing to do with this gentleman here. I just found it being one sided.

**Councilman Weaver:** Well we don't need to be ripping him...

**Councilman Adams:** I'm not ripping him.

**Councilman Weaver:**...crucifying him

**Councilman Adams:** I'm not ripping him at all. He's the messenger.

**President Robinson:** Councilman McGinn

**Councilman McGinn:** Yes, thank you Madam President. Ladies and gentleman, it's not just me. Part of the reason that I'm not going to vote for this and I didn't sponsor it exactly what is happening now. We find ourselves in a position where we're not supposed to be. We're not supposed to be deciding facts and evidence or being the weighers of truth or judging the weight of the evidence. Again, my personal feeling is that is why there is an entire body of federal law: the National Labor Relations Act set up the National Labor Relations Board and there is all kinds of apparatus that is ongoing that is supposed to do this. Again, I hope they resolve this. That's all I can say as a human being. I hope that this gets resolved. But I don't believe we should be in a position to decide who's right and who's wrong. It's not in my job description. It's just not in my job description. So, you know and again I don't want to weigh evidence. I'm not paid to weigh evidence and I'm not qualified to weigh evidence. I just hope we all think about this and

possibly set this off and see what happens with the proper negotiations. I mean I recognize where everybody's heart is. It's in the right spot.

**President Robinson:** Thank you sir.

**Randy Lientz:** It's my pleasure. Thank you for your time.

**President Robinson:** Are there any other comments or questions from anyone else in the audience?

Is there a motion to adopt Resolution C-2012-11 and call the roll?

Councilman O'Daniel moved and Councilman Adams seconded the motion to adopt Resolution C-2012-11.

### **ROLL CALL**

**Ayes:** Brinkerhoff-Riley, Lindsey, Adams, O'Daniel, Weaver, Robinson

**Nays:** McGinn

**Absent:** Friend, Mosby

There being 6 Ayes and 1 Nay, Resolution C-2012-11 is hereby declared ADOPTED.

*Loud applause from audience*

### **MISCELLANEOUS BUSINESS**

There will not be a City Council Meeting on Monday, May 28, 2012 or June 4, 2012. The next City Council meeting will be Monday, June 11, 2012 at 5:30 p.m. Committee meetings will begin at 5:15 p.m. on June 11<sup>th</sup>.

**President Robinson:** First I want to do something before the miscellaneous comments. Tonight is a sad night; a night of mixed emotions for all of us I guess and especially me. Tonight is the last meeting for our City Clerk. We started together in 1995. Everybody is leaving me. Did I send a signal out? Alberta has decided to retire and go home and enjoy life. She's been a good city clerk. She's been an excellent office holder. We're going to miss her. She's done a lot.

I see we have two former mayors here tonight; both of them have worked with her. Mayor Weinzapfel has been with her for eight years and Mayor Lloyd was with her for four years. Mayor Weinzapfel would you like to come forward and say something?

**Clerk Matlock:** You still look purdy. *(To Mayor Weinzapfel)*

*Laughter*

**Mayor Weinzapfel:** Just trying to keep up with you. *(To Clerk Matlock)* I just wanted to come and give Alberta my best wishes. We had a chance to work together for eight years. I always found Alberta to be professional. She enjoyed her job. She had a way of making it fun. If you really wanted to know what was going on in city government you just needed to ask Alberta because she was up on the scoop. But it was a real pleasure serving with you and I want to be here to help recognize you on your last meeting as city clerk. Congratulations and it's good to have you among the ranks of the retired.

**Clerk Matlock:** Thank you sir.

*Laughter and applause.*

**President Robinson:** Mayor Lloyd, would you like to say something? Alberta has worked under republicans and democrats and I think she's been loved by everybody.

**Mayor Lloyd:** I would echo what Mayor Weinzapfel said. She is very resourceful and whenever we needed something in my time as mayor, Alberta could find it for you. When our staff got out of line or made dumb mistakes, Alberta would let us know. She truly was a big help and a very down to earth person and everybody enjoyed Alberta. And really, you did a lot of weddings and took that burden off the mayors' office. Appreciate that very much. Congratulations.

**Clerk Matlock:** You're welcome sir and it was an honor for me to serve under you.

*Applause*

**President Robinson:** Rose Young? I know Rose and Alberta spent a lot of time together.

**Clerk Matlock:** We sure did. Some of it was even fun Rosie!

**Rose Young:** Just know what a treasure you are and a lot of us know all of the things that you did for our community that were never made public – but some of us do know. And you will be truly missed. Thank you.

**Clerk Matlock:** Thank you.

**President Robinson:** Alberta has been a true public servant. Councilman McGinn?

**Councilman McGinn:** Thank you Madam President. Alberta, I'm going to miss you. You and I have had some conversations in private and you know what they meant to each other. As a result of those conversations and getting to know you, I would say publicly, you have my undying respect and admiration and I'm going to miss you terribly.

**Clerk Matlock:** And I'm going to miss you too. *(Tearfully)*

**Councilman Adams:** I just want to thank you for the kind things that you gave to me, taught me, four or five years ago. You really were a treasure and you put up with my mistakes, you put up with my gaffs, you straightened me out when I needed straightening out. We commiserated and swore together occasionally and God bless you and thank you so much for being such a wonderful friend. Those cookies, however, do not have marijuana in them.

**Clerk Matlock:** That's what I was wanting. Help me relax a little bit.

**Councilman Adams:** I baked a couple of dozen cookies but they're not special. They are special with love that was put into them.

**President Robinson:** Alberta, Mayor Winnecke could not be here tonight. He's out of town conducting city business but in his place we have Steve Schaefer tonight.

**Steve Schaefer:** Good evening. Steve Schaefer, chief of staff for the mayor. Madam President, members of the council, thank you for the opportunity to be here, to be able to make a special presentation at your meeting tonight. Mayor Winnecke does send his regrets but wanted to take this public opportunity to thank a long standing public servant to the city of Evansville. As Mayor Winnecke noted in his State of the City address, City Clerk Alberta Matlock has served Evansville with distinction and we want to thank you for all your years of service to the city. Her kindness and assistance to the new administration during our transition was greatly appreciated for all the questions we had in our first days and weeks. I think we're on our fifth month so we still have lots of questions for you. But we appreciate all of your help and you'll certainly be missed in the hallways of the Civic Center.

On behalf of Mayor Winnecke and the city of Evansville, I'd like to present Alberta with a key to city in recognition for your long standing public service.

**Clerk Matlock:** Oh thank you. *(Tearfully)*

*Applause*

**President Robinson:** Alberta, on behalf of the City Council...

**Clerk Matlock:** Oh Connie, don't do this to me.

**President Robinson:** Alberta and I go way back. We ran together in 1995 and we used to always say that we looked out for one another. We were more like sisters. It was just us two with all those men on the ticket the first time we ever ran for public office. So we've been through a lot of things together. She was with me through my mother's death; I was with her through her son's death. We've shared a lot of good times and bad times together. I'm going to miss you Alberta but when you gotta go you gotta go.

*Laughter*

Let me read this: *(Plaque)* In Appreciation to Alberta Matlock for Outstanding Service and Dedication to the Citizens of Evansville as City Clerk of the City of Evansville, IN  
January 1, 1996 – June 1, 2012 16 Years and Five Months  
We present you with the plaque tonight.

*Applause*

**Clerk Matlock:** Well, golly! Thank you so very much. It's a hard thing for me to do but I feel that it's time to let somebody younger and smarter and I'm getting tired! I've been down here since 1988. You know I worked in the county first. So Betty Knight Smith brought me down here and she taught me one thing, "Put the people first". That's what you do. You put the people first.

I thank you all for everything.

*Applause*

**President Robinson:** Ms. Braker.

**Charlene Braker:** Charlene Braker, 1700 East Blackford and congratulations Alberta. We'll miss you also.

In the mood of thanking, I realize there is not going to be a city council meeting again until June the 11<sup>th</sup> so this was the opportunity for me to thank the Sewage Storm Separation Project which is ended actually in front of our house. It was completed today with the yellow stripes on the curb. A lot of times we find all these little things that we think are wrong with government but honestly, I want to thank especially Blankenberger and Co. They've been so good to us and we've been right in the midst of this project for three years. One of the neighbors' sidewalks is crumbling a little but they have; they are always willing to talk with you. I think we've really been blessed because Blankenbergers have really worked with us or if they haven't, it's not because they haven't tried. There's some sod that they've put down that looks like it needs more watering so we'll get over that.

But my purpose is just to say thank you. The project is complete and I think it was done professionally and we're pleased with the quality of work.

**President Robinson:** Thank you Mrs. Braker. Are there any other comments from anyone else in the audience?

I would like to have a motion. We have an opening on the Affordable Housing Fund Advisory Committee and Monte Fetter; I'm sure we're all familiar with him; he has asked to be appointed to that committee so I'd like to have a motion to appoint him.

Councilman Adams moved and Councilman Weaver seconded the motion to appoint Monte Fetter to the Affordable Housing Fund Advisory Committee. All in favor say aye. (*Ayes being said*) So ordered.

**President Robinson:** I want the council to also think about appointing someone to the Economic Development Commission or we either keep Wayne Ellis but we'll go over that on June 11.

**Councilwoman Riley:** Can we? Because I'm sure Mr. Ellis is a fine appointment. I wonder though if he could appear and not only let us lay eyes on him for those of us that don't know him but also to talk a bit about that and what that commission does because there are so many that it's sometimes hard to tell.

**Councilman Weaver:** Who are we talking about?

**President Robinson:** Wayne Ellis

**Councilman Adams:** Can we have a copy of his resume?

**President Robinson:** Okay, I'll request the City Clerk to get a copy of his resume. Also, if anyone else on council has someone that they want us to consider, please get that to each and every council member, in addition to Mr. Ellis.

**Unknown Speaker:** And anybody that's watching too.

**President Robinson:** Yeah, anybody that's watching, we need more people to participate in local government.

*Question from audience member regarding making a comment from her seat*

**President Robinson:** No, come right up.

**Brenda Bergewitz:** Brenda Bergewitz...I don't know how to say your middle name...I'll just call you Ms. Riley. I just want to thank you for all the hard work that you've put in; over 100 hours plus with the EarthCare thing. I think we've all learned from that. We want jobs, jobs, jobs in Evansville but we need to just stop and smell the roses and take our time and like you say, you know, we've got to vet the people, no matter who they are, to make sure they are right for Evansville.

Again, I just want to thank you for all the hard work that you did. And we're going to miss you Alberta.

**President Robinson:** I'm glad that you have a hundred hours you can put it because a lot of us don't have a hundred hours.

**COMMITTEE REPORTS:**

**FINANCE COMMITTEE:**

**CHAIRMAN JOHN FRIEND**

Re: Resolution C-2012-10  
Date: June 11, 2012  
Time: 5:15 p.m.  
Notify: Debbie Dewey

Declaring an economic revitalization area for property tax phase for 1719 W. Louisiana St. (Joe W. Morgan, Inc., a.k.a. Intrametco Processing, Inc. And Southern Charter & Leasing Co.)

Re: Resolution C-2012-9  
Date: June 11, 2012  
Time: 5:25 p.m.  
Notify: Ted Ziemer

Approving an ordinance of the Vanderburgh County Income Tax Council establishing the percentage credit allowed for Homesteads for 2013 and casting the votes of the Common Council on said ordinance.

Re: Ordinance G-2012-9  
Date: June 25, 2012  
Time: 5:10 p.m.  
Notify: City Council/John Hamilton

Repealing Ordinance F-2012-1 (EarthCare)

**PUBLIC WORKS COMMITTEE:**

**CHAIRMAN DAN McGINN**

Re: Ordinance G-2012-7      Petition to vacate a public way or way or  
Date: July 23, 2012      public place, part of SE 5<sup>th</sup> Street in  
Time: 5:20 p.m.      Donation Enlargement  
Notify: Maria Worthington

**President Robinson:** Ordinance G-2012-9 will be heard on June 25...that is EarthCare...at 5:10.

**A.S.D. COMMITTEE:**

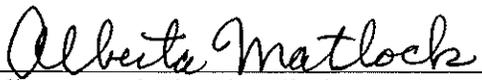
**CHAIRMAN MISSY MOSBY**

Nothing scheduled at this time.

**ADJOURNMENT**

**President Robinson:** Can I have a motion to adjourn?

Councilman O'Daniel moved and Councilwoman Riley seconded the motion to adjourn.  
Voice Vote. So Ordered. Meeting adjourned at 6:40 p.m.

  
\_\_\_\_\_  
Alberta Matlock, City Clerk

  
\_\_\_\_\_  
Constance Robinson, President

**AMENDED**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**RECOGNITION OF SCHOOLS**

**TEEN ADVISORY COUNCIL**

**READING AND AMENDMENT OF MINUTES**

**REPORTS AND COMMUNICATIONS**

**CONSENT AGENDA**

**FIRST READING OF ORDINANCES OR RESOLUTIONS**

**RESOLUTION C-2012-9                      FINANCE                      COUNCIL AS A WHOLE**

A Resolution of the Common Council of the City of Evansville approving an ordinance of the Vanderburgh County Income Tax Council establishing the percentage credit allowed for the Homesteads for 2013 and casting the votes of the Common Council of the City of Evansville on said ordinance.

**RESOLUTION C-2012-10                      FINANCE                      FRIEND**

A Resolution of the Common Council of the City of Evansville declaring an economic revitalization area for tax phase-in for redevelopment and/or rehabilitation of property and for acquisition of manufacturing equipment located at 1719 W. Louisiana Street, Evansville, Indiana (Joe W. Morgan, Inc., a.k.a. Intrametco Processing, Inc. and Southern Charter & Leasing Co.)

**CONSENT AGENDA**

**SECOND READING OF ORDINANCES OR RESOLUTIONS**

**ORDINANCE G-2012-7                      PUBLIC WORKS                      McGINN**

An Ordinance to vacate certain public ways or public places within the City of Evansville, Indiana, commonly known as the right-of-way part of S.E. 5<sup>th</sup> Street, in Donation Enlargement

**ORDINANCE G-2012-8                      A.S.D.                      MOSBY**

An Ordinance designating a Municipal Riverfront Development Project Area for the purpose of allowing application to the Alcohol Beverage Commission for Non-Quota Liquor Licenses

**ORDINANCE G-2012-9                      FINANCE (FRIEND)                      RILEY**

An Ordinance Repealing Ordinance F-2012-1

**ORDINANCE F-2012-6                      FINANCE                      FRIEND**

An Ordinance of the Common Council of the City of Evansville authorizing transfers of appropriations, additional appropriations and repeal and re-appropriation of funds for various city funds

**ORDINANCE F-2012-7                      FINANCE                      FRIEND**

An Ordinance of the Common Council of the City of Evansville approving the Issuance of Refunding Bonds of the City of Evansville, Indiana, Park District; Other matters connected therewith, and repealing ordinances inconsistent herewith.

**REGULAR AGENDA**

**THIRD READING OF ORDINANCES OR RESOLUTIONS**

**ORDINANCE G-2012-7                      PUBLIC WORKS                      McGINN**

An Ordinance to vacate certain public ways or public places within the City of Evansville, Indiana, commonly known as the right-of-way part of S.E. 5<sup>th</sup> Street, in Donation Enlargement

**ORDINANCE G-2012-8                      A.S.D.                      MOSBY**

An Ordinance designating a Municipal Riverfront Development Project Area for the purpose of allowing application to the Alcohol Beverage Commission for Non-Quota Liquor Licenses

**ORDINANCE G-2012-9                      FINANCE (FRIEND)                      RILEY**

An Ordinance Repealing Ordinance F-2012-1

**ORDINANCE F-2012-6 (amended) FINANCE                      FRIEND**

An Ordinance of the Common Council of the City of Evansville authorizing transfers of appropriations, additional appropriations and repeal and re-appropriation of funds for various city funds

**ORDINANCE F-2012-7                      FINANCE                      FRIEND**

An Ordinance of the Common Council of the City of Evansville approving the Issuance of Refunding Bonds of the City of Evansville, Indiana, Park District; Other matters connected therewith, and repealing ordinances inconsistent herewith.

**RESOLUTION DOCKET**

**RESOLUTION C-2012-8(DOCKET)                      COUNCIL AS A WHOLE**

A Resolution approving an agreement between the city and the county regarding the 2012 Byrne Justice Assistance Grant (JAG) Program Award (Local)

**RESOLUTION DOCKET**

**RESOLUTION C-2012-11 (DOCKET)                      SPONSORS: BRINKERHOFF RILEY,  
ADAMS, LINDSEY, FRIEND,  
O'DANIEL, ROBINSON, WEAVER,  
AND MOSBY**

A Resolution requesting that Allied Waste end its voluntary lockout of 79 Local Employees and allow their return to work

**MISCELLANEOUS BUSINESS**

There will not be a City Council Meeting on Monday, May 28, 2012 or June 4, 2012.  
The next City Council meeting will be Monday, June 11, 2012 at 5:30 p.m. Committee meetings will begin at 5:15 p.m. on June 11<sup>th</sup>.

**ADJOURNMENT**

**AMENDED**

The Honorable Council of the City of Evansville is hereby called to order. Madam Clerk, please call the roll.

**ROLL CALL**

<input checked="" type="checkbox"/> M <sup>c</sup> GINN	<input type="checkbox"/> FRIEND	<input checked="" type="checkbox"/> O'DANIEL
<input type="checkbox"/> MOSBY	<input checked="" type="checkbox"/> LINDSEY	<input checked="" type="checkbox"/> WEAVER
<input checked="" type="checkbox"/> BRINKERHOFF-RILEY	<input checked="" type="checkbox"/> ADAMS	<input checked="" type="checkbox"/> ROBINSON

There being 7 members present, 2 members absent, and 7 members representing a quorum, I hereby declare this session of Common Council officially opened.

**PLEDGE OF ALLEGIANCE**

This evening the plédge of allegiance will be led by Russ Lipod + Woinzaples

Fellow Councilmen and those in the audience, welcome to the May 21, 2012 meeting of the Common Council.

**RECOGNITION OF SCHOOLS**

Are there any students in the audience who would like to be recognized?

SCHOOL: \_\_\_\_\_  
NAME: \_\_\_\_\_

SCHOOL: \_\_\_\_\_  
NAME: \_\_\_\_\_

**COUNCIL ATTORNEY**

This evening John Hamilton is City Council Attorney.

**SERGEANT AT ARMS**

This evening Officer \_\_\_\_\_ is our Sergeant at Arms.

**READING AND AMENDMENT OF MINUTES OF PRECEDING MEETING**

Is there a motion to approve the minutes of the May 14, 2012 meeting of the Common Council as written?

Councilman O'Daniel moved and Councilman Adams seconded the

motion that the minutes of the regular meeting of the Common Council held

May 14, 2012 be approved as written. Voice vote.        So ordered.

**REPORTS AND COMMUNICATIONS**  
**IN YOUR MAY 18<sup>TH</sup> PACKET:**

- \*City Council Agenda for the May 21, 2012 City Council meeting.
- \*Committee Meeting Schedule.
- \*Ordinance F-2012-6 as amended.
- \*Resolution Docket C-2012-8.
- \*Resolution Docket C-2012-11.
- \*Resolutions C-2012-9 and C-2012-10
- \*Inter-department vacation studies and return receipts for G-2012-7

**ON YOUR DESK THIS EVENING:**

- \*Amended extended agenda.
- \*City Council Minutes from May 14, 2012 City Council Meeting.
- \*Letters to City Council Members from Scott T. Schutte of Morgan Lewis,  
Counselors at Law:

Councilman O'Daniel moved and Councilman Weaver

seconded the motion to receive, file and make these reports and communications a part of

the minutes of the meeting. Voice vote.  So ordered.

**CONSENT AGENDA**

**FIRST READING OF ORDINANCES OR RESOLUTIONS**

**RESOLUTION C-2012-9                      FINANCE                      COUNCIL AS A WHOLE**

A Resolution of the Common Council of the City of Evansville approving an ordinance of the Vanderburgh County Income Tax Council establishing the percentage credit allowed for the Homesteads for 2013 and casting the votes of the Common Council of the City of Evansville on said ordinance.

**RESOLUTION C-2012-10                      FINANCE                      FRIEND**

A Resolution of the Common Council of the City of Evansville declaring an economic revitalization area for tax phase-in for redevelopment and/or rehabilitation of property and for acquisition of manufacturing equipment located at 1719 W. Louisiana Street, Evansville, Indiana (Joe W. Morgan, Inc. (a.k.a. Intrametco Processing, Inc. and Southern Charter & Leasing Co.)

Is there a motion to adopt the Consent Agenda, First Reading as written?

Councilman Weaver moved and Councilman Adams seconded the

Motion to adopt the Consent Agenda First Reading as written. Voice vote. So ordered.

**CONSENT AGENDA**

**SECOND READING OF ORDINANCES OR RESOLUTIONS**

**ORDINANCE G-2012-7**                      **PUBLIC WORKS**                      **McGINN**

An Ordinance to vacate certain public ways or public places within the City of Evansville, Indiana, commonly known as the right-of-way part of S.E. 5<sup>th</sup> Street, in Donation Enlargement.

**ORDINANCE G-2012-8**                      **A.S.D.**                      **MOSBY**

An Ordinance designating a Municipal Riverfront Development Project Area for the purpose of allowing application to the Alcohol Beverage Commission for Non-Quota Liquor Licenses

**ORDINANCE G-2012-9**                      **FINANCE (FRIEND)**                      **RILEY**

An Ordinance Repealing Ordinance F-2012-1

**ORDINANCE F-2012-6**                      **FINANCE**                      **FRIEND**

An Ordinance of the Common Council of the City of Evansville authorizing transfers of appropriations, additional appropriations and repeal and re-appropriation of funds for various city funds

**ORDINANCE F-2012-7**                      **FINANCE**                      **FRIEND**

An Ordinance of the Common Council of the City of Evansville approving the Issuance of Refunding Bonds of the City of Evansville, Indiana, Park District; Other matters connected therewith, and repealing ordinances inconsistent herewith.

**COMMITTEE REPORTS:**

**PUBLIC WORKS COMMITTEE:**

**CHAIRMAN McGINN**

**Councilman McGinn:** Madam President, your Public Works Committee met this evening to hear Ordinance G-2012-7 and it comes forward with a (do pass/do not pass) recommendation.

*McGinn  
2-0 to  
conclude  
July 23*

**FINANCE COMMITTEE**

**CHAIRMAN FRIEND**

**Councilman Friend:** Madam President, your Finance Committee met this evening to hear Ordinances G-2012-9, F-2012-6 as amended and F-2012-7, and all come forward with a (do pass/do not pass) recommendation.

*Adams  
G-2012-9  
6 as  
amend*

**A.S.D. COMMITTEE:**

**CHAIRWOMAN MOSBY**

**Councilwoman Mosby:** Madam President, your A.S.D. Committee met this evening to hear Ordinances G-2012-8, and it comes forward with a (do pass/do not pass) recommendation.

Councilman Riley moved and Councilman McGinn seconded the motion to adopt the Committee Reports and move these Ordinances to Third Reading.

*Seren  
6-7  
Seren*

Voice vote.  So ordered.

**REGULAR AGENDA**

**THIRD READING OF ORDINANCES OR RESOLUTIONS**

**ORDINANCE G-2012-7 as amended PUBLIC WORKS McGINN**

An Ordinance to vacate certain public ways or public places within the City of Evansville, Indiana, commonly known as the right-of-way part of S.E. 5<sup>th</sup> Street, in Donation Enlargement

*Hold until  
July  
23*

4

Is there a motion to adopt Ordinance G-2012-7 as amended and call the roll?

Councilman \_\_\_\_\_ moved and Councilman \_\_\_\_\_ seconded the motion to adopt Ordinance G-2012-7 as amended and call the roll.

**ROLL CALL**

___ M <sup>c</sup> GINN	___ FRIEND	___ O'DANIEL
___ MOSBY	___ LINDSEY	___ WEAVER
___ BRINKERHOFF-RILEY	___ ADAMS	___ ROBINSON

There being \_\_\_ Ayes and \_\_\_ Nays, Ordinance G-2012-7 as amended is hereby declared ADOPTED/DENIED.

REGULAR AGENDA  
THIRD READING OF ORDINANCES OR RESOLUTIONS  
ORDINANCE G-2012-8                      A.S.D.

MOSBY

An Ordinance designating a Municipal Riverfront Development Project Area for the purpose of allowing application to the Alcohol Beverage Commission for Non-Quota Liquor Licenses

Robinson  
Adams

Is there a motion to adopt Ordinance G-2012-8 and call the roll?

Councilman Weaver moved and Councilman McGINN seconded the motion to adopt Ordinance G-2012-8 and call the roll.

ROLL CALL

M<sup>c</sup>GINN

FRIEND

O'DANIEL

MOSBY

LINDSEY

WEAVER

BRINKERHOFF-RILEY

ADAMS

ROBINSON

There being 7 Ayes and 2 Nays, Ordinance G-2012-8 is hereby declared  
ADOPTED/~~DENIED~~.

**REGULAR AGENDA**  
**THIRD READING OF ORDINANCES OR RESOLUTIONS**  
**ORDINANCE G-2012-9 FINANCE (FRIEND)**

**RILEY**

An Ordinance Repealing Ordinance F-2012-1

*Had  
June ~~24~~ 25  
5:10*

Is there a motion to adopt Ordinance G-2012-9 and call the roll?

Councilman \_\_\_\_\_ moved and Councilman \_\_\_\_\_ seconded the motion to adopt Ordinance G-2012-9 and call the roll.

**ROLL CALL**

___ M <sup>c</sup> GINN	___ FRIEND	___ O'DANIEL
___ MOSBY	___ LINDSEY	___ WEAVER
___ BRINKERHOFF-RILEY	___ ADAMS	___ ROBINSON

There being \_\_\_ Ayes and \_\_\_ Nays, Ordinance G-2012-9 is hereby declared ADOPTED/DENIED.

REGULAR AGENDA

THIRD READING OF ORDINANCES OR RESOLUTIONS

ORDINANCE F-2012-6 as amended      FINANCE      FRIEND

An Ordinance of the Common Council of the City of Evansville authorizing transfers of appropriations, additional appropriations and repeal and re-appropriation of funds for various city funds

Robinson

Is there a motion to adopt Ordinance F-2012-6 as amended and call the roll?

Councilman O'Paniel moved and Councilman Adams seconded the motion to adopt Ordinance F-2012-6 as amended and call the roll.

ROLL CALL

<input checked="" type="checkbox"/> M <sup>c</sup> GINN	<input checked="" type="checkbox"/> FRIEND	<input checked="" type="checkbox"/> O'DANIEL
<input checked="" type="checkbox"/> MOSBY	<input checked="" type="checkbox"/> LINDSEY	<input checked="" type="checkbox"/> WEAVER
<input checked="" type="checkbox"/> BRINKERHOFF-RILEY	<input checked="" type="checkbox"/> ADAMS	<input checked="" type="checkbox"/> ROBINSON

There being 7 Ayes and 0 Nays, Ordinance F-2012-6 as amended is hereby declared ADOPTED/DENIED.

REGULAR AGENDA

THIRD READING OF ORDINANCES OR RESOLUTIONS

ORDINANCE F-2012-7

FINANCE

FRIEND

An Ordinance of the Common Council of the City of Evansville approving the Issuance of Refunding Bonds of the City of Evansville, Indiana, Park District; Other matters connected therewith, and repealing ordinances inconsistent herewith.

Robinson

Is there a motion to adopt Ordinance F-2012-7 and call the roll?

Councilman McGinn moved and Councilman Weaver seconded the motion to adopt Ordinance F-2012-7 and call the roll.

ROLL CALL

M<sup>c</sup>GINN

FRIEND

O'DANIEL

MOSBY

LINDSEY

WEAVER

BRINKERHOFF-RILEY

ADAMS

ROBINSON

There being 7 Ayes and 0 Nays, Ordinance F-2012-7 is hereby declared ADOPTED/~~DENIED~~.

**RESOLUTION DOCKET**

**RESOLUTION C-2012-8 (DOCKET)**

**COUNCIL AS A WHOLE**

A Resolution approving an agreement between the city and the county regarding the 2012 Byrne Justice Assistance Grant (JAG) Program Award (Local)

William (Woody) Woods:

**Discussion:**

Officer Woods

Robinson

Is there a motion to adopt Resolution C-2012-8?

Councilman O'Daniel moved and Councilman McGinn seconded the motion to adopt Resolution C-2012-8 . Voice Vote. So Ordered.

**OR CALL THE ROLL**

**ROLL CALL**

MCGINN

FRIEND

O'DANIEL

MOSBY

LINDSEY

WEAVER

BRINKERHOFF-RILEY

ADAMS

ROBINSON

There being 7 Ayes and 0 Nays, Resolution C-2012-8 is hereby declared  
ADOPTED/~~DENIED~~.

**RESOLUTION DOCKET**

**RESOLUTION C-2012-11 (DOCKET)**

**SPONSORS: BRINKERHOFF RILEY,  
ADAMS, LINDSEY, FRIEND,  
O'DANIEL, ROBINSON, WEAVER,  
AND MOSBY**

A Resolution requesting that Allied Waste end its voluntary lockout of 79 Local Employees and allow their return to work

Discussion:

Robinson	Lindsey	Weaver
Riley	<del>Robinson</del>	O'Daniel
Robinson	Wayne Parke	Weaver
Adams	Adams	Adams
Robinson	O'Daniel	Weaver
McGinn	Wayne Parke	Adams
Lindsey	Riley	McGinn
Robinson	Wayne Parke	Parke
Lindsey	Riley	Robinson
O'Daniel	Robinson	
Wayne Parke	Randy Lense Axiam	
Robinson	Adams	
Adams	O'Daniel	
	Wayne Parke	
	Adams	
	Parke	

Is there a motion to adopt Resolution C-2012-11?

Councilman O'Daniel moved and Councilman Adams seconded the motion to adopt Resolution C-2012-11 . Voice Vote. So Ordered.

**OR CALL THE ROLL**

**ROLL CALL**

<u>NO</u> MCGINN	___ FRIEND	<u>Yes</u> O'DANIEL
___ MOSBY	<u>Yes</u> LINDSEY	<u>Yes</u> WEAVER
<u>Yes</u> BRINKERHOFF-RILEY	<u>Yes</u> ADAMS	<u>Yes</u> ROBINSON

There being 6 Ayes and 1 Nays, Resolution C-2012-11 is hereby declared ADOPTED/DENIED.

**MISCELLANEOUS BUSINESS**

There will not be a City Council Meeting on Monday, May 28, 2012 or June 4, 2012. The next City Council meeting will be Monday, June 11, 2012 at 5:30 p.m. Committee meetings will begin at 5:15 p.m. on June 11<sup>th</sup>.

**President Robinson:** I would like to have a motion to appoint Monte Fetter to the Affordable Housing Fund Advisory Committee.

Councilman Adams moved and Councilman Weaver Seconded the motion to appoint Monte Fetter to the Affordable Housing Fund Advisory Committee. Voice vote. So ordered.

**President Robinson:** We need to appoint or reappoint someone to the Economic Development Commission. The term for Wayne Ellis expired December 31, 2011. Do have a motion?

Councilman \_\_\_\_\_ moved and Councilman \_\_\_\_\_ Seconded the motion to appoint \_\_\_\_\_ to the Economic Development Commission for a term of four years. Voice vote. So ordered.

Charlene Braker  
Robinson  
Riley  
Weaver  
Robinson  
Adams  
O'Daniel  
Brenda Bergewitz  
Robinson

**COMMITTEE REPORTS:**

**FINANCE COMMITTEE:**

Re: Resolution C-2012-10  
Date: June 11, 2012  
Time: 5:15 p.m.  
Notify: Debbie Dewey

**CHAIRMAN JOHN FRIEND**

Declaring an economic revitalization area for property tax phase for 1719 W. Louisiana St. (Joe W. Morgan, Inc., a.k.a. Intrametco Processing, Inc. and Southern Charter & Leasing Co.)

Re: Resolution C-2012-9  
Date: June 11, 2012  
Time: 5:25 p.m.  
Notify: Ted Ziemer

Approving an ordinance of the Vanderburgh County Income Tax Council establishing the percentage credit allowed for Homesteads for 2013 and casting the votes of the Common Council on said ordinance.

**PUBLIC WORKS COMMITTEE:**

Nothing scheduled at this time.

**CHAIRMAN DAN MCGINN**

~~23<sup>rd</sup> of July~~ 5<sup>th</sup> Street

**A.S.D. COMMITTEE:**

Nothing scheduled at this time.

**CHAIRMAN MISSY MOSBY**

6-2012-9 5:10

**ADJOURNMENT**

Councilman O'Daniel moved and Councilman Riley

seconded the motion to adjourn. Voice Vote. ✓ So Ordered. ✓

Meeting adjourned at 6:40 p.m.

Morgan, Lewis & Bockius LLP  
77 West Wacker Drive  
Chicago, IL 60601  
Tel: 312.324.1000  
Fax: 312.324.1001  
www.morganlewis.com

**Morgan Lewis**  
COUNSELORS AT LAW

**Scott T. Schutte**  
Partner  
312.324.1773  
sschutte@morganlewis.com

**FILED**

**MAY 21 2012**

*Alberta Matlock*  
CITY CLERK

May 11, 2012

VIA ELECTRONIC MAIL & HAND DELIVERY

Ted C. Ziemer, Jr.  
Ziemer, Stayman, Weitzel & Shoulders, LLP  
20 NW 1<sup>st</sup> Street - 9th Floor  
PO Box 916  
Evansville, IN 47706-0916

Dear Mr. Ziemer:

This letter is a follow-up to the e-mail I sent to you and your partner Sarah Hardy early on May 9, and to your return voice mail message to me. You specifically did not respond to my request that Evansville identify each and every "failure of representations, covenants and conditions incumbent upon" EarthCare that Evansville claims precluded the closing of the transaction on May 8. As I am sure you know, the February 28, 2012 agreement between EarthCare and Evansville (the "February 2012 Agreement") requires Evansville to provide notice of any alleged failure by EarthCare to perform under the Agreement, and gives EarthCare 30 days to cure any such alleged failures. EarthCare disputes that it has received any notice as required by the February 28, 2012 agreement and applicable Indiana law. *See City of Jeffersonville v. EMC*, 954 N.E.2d 1000 (Ind. App. 2011). Although Mayor Winnecke and counsel for Evansville have made comments that have been reported in the local media, EarthCare denies that such reported statements constitute notice under the February 2012 Agreement and applicable Indiana law. EarthCare reserves all of its rights and remedies under the February 2012 Agreement and applicable Indiana law.

Without waiving its rights and in the continued spirit of cooperation with Evansville, EarthCare will respond to Mayor Winnecke's multiple statements to the media since May 8, identifying two (and only two) reasons why Evansville allegedly decided to "terminate the transaction": (i) Evansville's claim that EarthCare did not apply for a loan guarantee from the Department of Energy (the "DOE"); and (ii) Evansville's claim that EarthCare did not provide to Evansville a written license agreement that gave EarthCare an exclusive license with respect to certain underlying technologies.

Ted C. Ziemer, Jr.  
May 11, 2012  
Page 2

As you well know because you personally were involved in the negotiations between Evansville and EarthCare, these alleged reasons for Evansville's failure to close the transaction on May 8 are factually and legally baseless.

On the DOE issue, it was at Evansville's insistence that the DOE loan application requirement was included in the February 2012 Agreement. The February 2012 Agreement referenced the DOE application in two places. First, at Page 2 (emphasis added), the February 2012 Agreement specified that:

EarthCare shall take all necessary actions to pursue and obtain loan guarantees for clean energy manufacturing from the DOE. The parties hereto both agree and acknowledge that securing a DOE loan guarantee *may not be feasible* prior to the execution of the agreements and documents evidencing the Loan if the accelerated schedule for the Vectren or other initial customer PPAs is to be met. *In the event that EarthCare has not obtained the loan guarantee from the DOE prior to the issuance of the Loan*, EarthCare shall continue to diligently pursue and shall obtain such loan guarantee after the Closing of such Loan.

Then, at Page 3, the February 2012 Agreement included the following in the "Obligations of EarthCare" section:

1. Prior to consummation of the Loan transaction contemplated hereby, EarthCare shall apply for and take all actions necessary to secure from the DOE a loan guarantee of the Loan to be made by the City to EarthCare.

During the process of moving toward the closing, you personally were involved in a telephone conference with an official from the DOE who advised you that neither of the two DOE loan guarantee programs that Evansville insisted be referenced in the February 2012 Agreement were even available to EarthCare as of February 28, 2012 when the agreement was signed – one program had been discontinued, and the other was no longer accepting applications. On April 25, 2012, Ken Haney provided you with an e-mail message from the DOE which states that the DOE is no longer accepting applications. (A copy of this e-mail is attached.) Accordingly, the loan application issue was removed – with your firm's acquiescence – from subsequent drafts of the closing documents.

In short, EarthCare is confident that it can produce dispositive evidence – including testimony from you and others at your firm – that Evansville insisted on including in the February 2012 Agreement (and now appears to be relying on for not fulfilling its obligations under that agreement) a provision that was impossible for EarthCare to meet as of the time the Agreement was signed. Such a requirement is not enforceable, and at any rate EarthCare *did* comply by attempting to submit applications. That this was a non-issue will be further supported by the most recent drafts of the closing documents, which removed this requirement.

Ted C. Ziemer, Jr.  
May 11, 2012  
Page 3

As to the exclusive license issue, the February 12 Agreement included the following provision:

7. Prior to the consummation of the Loan transaction, EarthCare shall provide to the City a letter from Langson Energy addressed to Mayor Winnecke which outlines the agreement between Langson Energy and EarthCare with respect to Langson Energy's intellectual property.

Contrary to suggestions by Mayor Winnecke to the media, the February 2012 Agreement had no requirement of an "exclusive license." At any rate, well before the closing date EarthCare did provide you with a copy of a letter from Langson Energy that clearly met the requirements of the February 2012 Letter. Further, at the request of Evansville, EarthCare revised its agreement with Langson Energy on more than one occasion to include an exclusive license provision and other requested language. EarthCare attempted to distribute the final draft of that agreement to you and you refused to accept its delivery. We are confident that we can demonstrate that the revised agreement is in a form required by the February 2012 Agreement under all of these circumstances, and that your firm approved the version that Langson Energy signed and that EarthCare attempted to provide prior to the scheduled time for the closing.

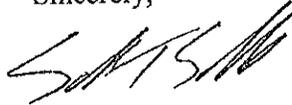
Under these facts, Evansville has no basis for any claim that EarthCare did not meet all conditions set out in the February 2012 Agreement. We also are confident that EarthCare can demonstrate that Evansville wrongfully and willfully breached the agreement when it refused to close the loan transaction on May 8, and that EarthCare has suffered significant damages as a result of Evansville's breach.

While EarthCare is perfectly willing to pursue this claim in litigation, EarthCare remains interested in having a dialogue with Evansville about how our differences can be resolved in a manner that is mutually satisfactory to EarthCare and Evansville. My May 9 offer to your partner Ms. Hardy to have such a discussion was not even given the courtesy of a response. Please let me know before 3 p.m. CDT today if and when Evansville would be willing to have such a discussion. If we can reach an agreement on the time and place of such a meeting, it will be necessary that the hearing of the ordinance filed this week that is scheduled for hearing on Monday, May 14, 2012, be continued to accommodate our discussion.

Ted C. Ziemer, Jr.  
May 11, 2012  
Page 4

In the meanwhile, by way of this letter, EarthCare puts Evansville and your firm on notice of potential litigation, and therefore requests that all documents and materials (electronic or otherwise) be preserved.

Sincerely,



Scott T. Schutte

STS/h

cc: Sarah L. Hardy

----- Original Message -----

Subject: [FWD: FW: Application Statement?]

From: <khaney@earthcareenergy.com>

Date: Wed, April 25, 2012 12:30 pm

To: "Ted Ziemer" <TZiemer@zsws.com>

Here is the email trail from the DOE folks.  
I talked with a lady named Jennifer who passed it on  
to the guy we talked with.

Ken Haney  
Chairman/Founder  
Earthcare Energy, LLC  
khaney@earthcareenergy.com

**DISCLAIMER:**

+++The information transmitted is intended only for designated recipient(s) and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and do not retain but destroy any copies of this document.+++

# EARTHCARE ENERGY

May 21, 2012

## Via Electronic Mail

Dear Members of the Common Council of the City of Evansville:

I am writing on behalf of Earthcare Energy, LLC ("Earthcare") in advance of the Council's vote at its meeting tonight on Ordinance G-2012-8 (the "Repeal Ordinance"). The Repeal Ordinance would have the effect of repealing Ordinance F-2012-1 (the "Bond Ordinance"), which authorized the City of Evansville to issue bonds that would have funded a loan to Earthcare for a development project in Evansville (the "Earthcare Project").

As you know, the Bond Ordinance and the Repeal Ordinance have generated a significant amount of commentary in the media and on the Internet. In particular, one member of the City Council published a lengthy post on [www.city-countyobserver.com](http://www.city-countyobserver.com) in which she purported to provide "vetting information" on the Earthcare Project as well as the Earthcare management team (the "Riley Blog Post").<sup>1</sup> We understand that the Riley Blog Post, as well as some of the information that purports to support the conclusions contained therein, were circulated to certain members of the City Council prior to the first reading of the Repeal Ordinance on May 14, 2012.

The purpose of this letter is to call to your attention the fact that many of the statements contained in the Riley Blog Post are demonstrably false. While we are hopeful that members of the City Council would not allow scurrilous personal attacks like those contained in the Riley Blog Post to influence their vote on a project that would bring more than 120 jobs to the City of Evansville and put Evansville on the cutting edge of alternative energy efforts, we nonetheless want to provide accurate information to the City Council and highlight the shoddiness of the "research" that purportedly supports the Riley Blog Post. Indeed, it is inexplicable that the author of the Riley Blog Post published the post without asking for clarification from the targeted persons, rather than publishing false and defamatory statements based on nothing more than surmise and conjecture.

The speed with which the Repeal Ordinance is being rushed through City Council does not allow Earthcare to take the time to respond to each and every one of the dozens of

---

<sup>1</sup> As of 10 a.m. on May 21, 2012, the Riley Blog Post was still available at <http://city-countyobserver.com/2012/05/07/councilwoman-riley-releases-vetting-information-on-Earthcare-energy-deal-management-team/>. According to the website, the source of the "report" was Stephanie Brinkerhoff Riley, and it was published "without edit . . ."

19747 Hwy. 59 N., Suite 210, Humble, TX 77338 [www.Earthcareenergy.com](http://www.Earthcareenergy.com)

Phone: 832-731-0104 Fax: 281-225-2386

**FILED**

MAY 21 2012

*Alberta Matlock*  
CITY CLERK

# EARTHCARE ENERGY

statements contained in the Riley Blog Post. Earthcare will continue to investigate and debunk the dozens of personal attacks in the Riley Blog Post as we consider our legal options with regard to the false and defamatory claims that have damaged Earthcare's reputation. However, in the interest of time, we provide the following information.

## The Personal Attacks on Erwin Washington

The unsubstantiated personal attacks that the Riley Blog Post makes about Erwin Washington – a disabled veteran who is the president of Earthcare – are particularly egregious. The Riley Blog Post focuses on media coverage of a single incident and makes a false and baseless claim about Mr. Washington's current employment status to conclude that "Washington does not appear to have the background to be President of [Earthcare]." To the extent the author of the Riley Blog Post cared to discover the truth about Mr. Washington's qualifications – as opposed to being solely interested in using a limited number of Google searches to dig up dirt to fuel personal attacks in an effort to achieve her own political goals – a request for information from Mr. Washington would have both demonstrated the falsity of the allegations and shown that Mr. Washington is eminently qualified to be an officer of Earthcare.

Mr. Washington retired from the United States Air Force in 2006 at the rank of Colonel. He enlisted in the Air Force in 1976 as a B-52 tail-gunner, and then won an unprecedented appointment to the United States Air Force Academy. After graduating from the Air Force Academy with a degree in engineering, he had a successful career as an Air Force Pilot flying in numerous U.S. world-wide operations. These included (but were not limited to):

- Operation Golden Pheasant in Honduras
- Operation Just Cause in Panama
- Operation Desert Shield
- Operation Desert Storm in Iraq and Kuwait
- Operation Provide Comfort in Iraq and Turkey
- The evacuation of French troops and U.S. Citizens in Zaire
- Operation Provide Promise in Bosnia and Herzegovina during the Yugoslav Wars
- Operation Northern Watch and Operation Southern Watch in Iraq
- Operation Restore Hope in Somalia during the Somali Civil War
- Operation Enduring Freedom in Afghanistan, and
- Operation Iraqi Freedom.

During his nearly 30 years of military service he held multiple and diverse command position, and as such was responsible for hundreds of millions of dollars of resources and thousand of highly qualified military and civilian personnel. He has extensive project

19747 Hwy. 59 N., Suite 210, Humble, TX 77338 [www.Earthcareenergy.com](http://www.Earthcareenergy.com)

Phone: 832-731-0104 Fax: 281-225-2386

# EARTHCARE ENERGY

management experience, including participating in important work on the Lockheed C-5 complete cockpit upgrade and modification. He was selected as a Representative for the International Symposium on Engine Failure and Incorrect Crew Response, a program that changed how All airlines (international and domestic) train pilots. Mr. Washington also was one of the initial cadre employing NASA High Performance Team Resource Management techniques to Medical Surgical Teams.

Mr. Washington has employed without interruption by United Airlines for almost two decades. Contrary to the Riley Blog Post's inexcusably baseless charge that Mr. Washington "does not appear [to still be] working for United Airlines," the document attached as Exhibit A demonstrates that Mr. Washington has been employed by United Airlines since July 20, 1992. He remains employed today as a Captain flying the Airbus 320/319. (See Exhibit A.)

As for the single incident that was the sole focus of the Riley Blog Post's muck-raking attack, in 2009 Mr. Washington was charged with being over the United Kingdom .02 limit for flying a plane. Mr. Washington was not charged under the U.S. Federal Aviation Administration regulations because there was no evidence he exceed the FAA limit of .04. Mr. Washington did not violate the United Airlines rule prohibiting alcohol consumption within 12 hours of flying. Again, Mr. Washington is working today as a pilot for United Airlines.

In sum, the Riley Blog Post focused on a single unfortunate incident to reach a self-serving conclusion that ignores the whole of Mr. Washington's long and illustrious career. The facts – and not just the supposition of a person who apparently limited her "investigation" of Mr. Washington to running his name through a Google search – demonstrate that Mr. Washington is imminently qualified to be an officer of Earthcare.

## The Personal Attacks on Stephen P. Geldmacher

According to the Riley Blog Post, the claim that Mr. Geldmacher "materially misrepresented his work history and accomplishments" is based on his publicly available "LinkedIn account." LinkedIn, of course, provides room for only a partial list of a person's employment history, accomplishments and achievements,<sup>2</sup> and so inferences drawn from a LinkedIn posting are logically unsupportable and prone to cause errors. The author of the Riley Blog Post did not request a copy of Mr. Geldmacher's resume

---

<sup>2</sup> By way of example, the author of the Riley Blog Post does not include on her LinkedIn post that she is a member of the Evansville City Council. <http://www.linkedin.com/in/stephaniebrinkerhoff> Based on the logic on which the Riley Blog Post is based, the failure to include this elected office in her LinkedIn profile would constitute a "material[ly]misrepresent[ation] of [her] work history and accomplishments."

# EARTHCARE ENERGY

before undertaking her personal attacks. However, in response to the Riley Blog Post, Mr. Geldmacher previously provided to every member of the City Council (i) a copy of his full resume, and (ii) a letter outlining the errors contained in the Riley Blog Post. (For your convenience, copies of both documents are attached to this letter as Exhibits B and C.) Despite the fact that Mr. Geldmacher identified numerous errors in the Riley Blog Post, inexplicably the author has not taken any steps to provide accurate information.

## Personal Attacks on Kenneth D. Haney

The Riley Blog Post also makes numerous demonstrably false statements about Ken Haney. These include the following:

- The Riley Blog Post unequivocally states that Mr. Haney (as of the date of posting on May 7, 2012) “has yet to pay his property taxes for 2011” at his home in Spring, Texas. Contrary to this assertion, Mr. Haney does not own the reference home; it is owned by Bank of America, which is responsible for paying the taxes. Bank of America is taking steps to correct the incorrect information on the Montgomery County Tax Office. As shown in the documents attached at Exhibit D, Mr. Haney’s property taxes have been paid on the two properties he does own.
- The Riley Blog Post also lists a number of companies that Mr. Haney has been affiliated with, and suggested that none of them have “survived beyond [Mr. Haney’s] involvement.” That statement simply is not true; many of the businesses have been merged into other entities and continue to operate today.

## The False and Baseless Claims About the Underlying Technology

The Growth Alliance for Greater Evansville (“GAGE”) already has responded to the technical claims raised by the Riley Blog Post. (See <http://city-countyobserver.com/2012/05/07/dewey-responds-to-brinkerhoff-rileys-ece-concerns/>.)

For example, the author Riley Blog Post – a family law attorney with no apparent background in patent law – contends that because no patents have been issued related to the Langson Total Flow Generator (“TFG”), “the technology is not protected from copying or reverse engineering.” This simply is not an accurate. As GAGE already has pointed out, while the patent for the TFG is pending, patent law provides ownership rights to the first entity to file dating back to the filing date of the patent application. Prior to filing, a prominent law firm (Lewis & Roca LLP) conducted a patent search to ensure the uniqueness of the TFG.

# EARTHCARE ENERGY

Similarly, the bald assertion in the Riley Blog Post that “[t]he TFG is competing with a much more established product, the gas let-down turbine generator (hereinafter referred to as the “Turbo Expander”),” which is “being marketed throughout the world by companies such as GE and Ingersoll Rand.” The post also contends that the “Turbo Expander performs the same function as the TFG and appears to work at higher pressures than the TFG, which has never been tested in real world conditions or pressures.”

These assertions, too, were de-bunked by GAGE. Specifically, GAGE pointed out that:

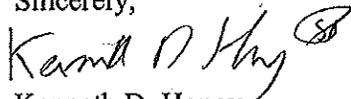
- “The TFG has been vetted and recommended by Concurrent Technologies Corporation under contract to the Department of Defense. Concurrent Technologies is an independent, not-for-profit applied research and development organization providing technology-based solutions to state and federal governments as well as the private sector.”
- “The companies identified as competitors to Earthcare are not. They are either engaged as dealers or previously had an agreement with Langson which has been terminated, agreements that are no longer active despite failure by those entities to update web sites. Numerous dealers have been, are, and will be engaged for TFG sales. These are not competitors to Earthcare which is the exclusive Original Equipment Manufacturer (OEM). This exclusive OEM position has been confirmed in writing by, and in face-to-face meetings with, inventor and patent filer Richard Langson/Langson Energy.”
- “It is claimed that turbo expanders manufactured by GE and others are competition for the TFG and that these turbo-expanders are superior because they operate at higher pressures than the TFG and generate more power. This assertion is incorrect and does not apply to power generation equipment. The products identified as competition are not designed to be used for the same applications as those for which the TFG is designed. These are different products with different power generation market segments. This is not a competitive difference, but a result of available energy in the different applications and different products to cost effectively convert that energy to electricity. As an analogy, it is like saying that an 18 wheel tractor trailer is better than a bicycle. They do not provide the same types of transport; the cost, fuel requirements, design, application, etc. are different.”

# EARTHCARE ENERGY

\*\*\*

As this letter makes clear, the Riley Blog Post is full of false, inaccurate and unreliable information. Earthcare regrets that certain individuals have attempted to divert the debate on this important issue toward personal attacks that, frankly, have nothing to do with whether the Earthcare Project is a good idea for the City of Evansville and your constituents. We are hopeful that you will not base your vote tonight on these false and scurrilous accusations. We also are hopeful that – now that you are on notice of the number of demonstrably false statements in the Riley Blog Post, which demonstrate the shoddiness of the investigation that led to the “report” – you will not repeat these defamatory statements at the hearing.

Sincerely,

  
Kenneth D. Haney

- A -

**UNITED**



May 18, 2012

**To whom it may concern:**

This letter certifies that **Erwin V. Washington** employee file number 136548 is a full time employee of United Airlines and is currently base in Washington D.C. He currently flies the Airbus 320/319 as a Captain. His hire date is July 20, 1992. If you have any questions please feel free to call 1-800-825-7533 option 2 for the United Airlines pilot service center.

Your assistance is greatly appreciated. Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Armando Alejandria", with a horizontal line extending to the right.

**Armando Alejandria**  
Pilot Service Center  
United Airlines

- B -

May 13, 2012

**SUBJECT:** Response to Evansville, IN City Councilwoman Riley's Accusations in her May 7 report to the Evansville Observer

**FROM:** Stephen Geldmacher

In response to Councilwoman Riley's inaccurate and malicious claims about my career history, I offer the attached complete resume and response, outlining my employment timelines and select key accomplishments. Ms. Riley based her claims upon my Linked In profile which is not intended to be a complete representation of a person's career history, but only a select and brief highlight of positions and accomplishments.

I began my employment career in 1981 with Motorola C&E after graduating from LSU-BR. I worked for them for 4 ½ years where I received two promotions to City Manager in New Orleans, LA and District Manager in Houston. I led the start-up of Cellular in New Orleans and Houston during my tenure with Motorola.

I was recruited to move to California to join Comtech Mobile Telephone Company in 1985, which was owned by previous Motorola senior executives. I initially managed the South Bay territory for sales and service and was promoted to run the same functions for the entire Bay Area. During that tenure, I set profitability and sales records by doubling customer activations and phone sales to \$50 million in annual revenue.

In 1989, I was recruited by Southwestern Bell Mobile Systems (SBMS), the wireless division of Southwestern Bell Corporation, to move to Corpus Christi, TX where I served as Director of Operations with full P & L responsibility for that territory. At that position, I became the first Director in the company to achieve a 2% or greater sales penetration in a one year period. At the same time, I also achieved the highest customer satisfaction rating in the company at 95%.

In late 1990, Due to my quick success in Corpus Christi, TX, I was promoted by the CEO of SBMS, John Stupka, (considered one of the pioneers of the cellular industry and now elected into the CTIA Hall of Fame), to VP/General Manager over the Midwest Region, based in Kansas City, MO. The Midwest Region had previously ranked last or next to last in every key performance category and Mr. Stupka specifically promoted me to this Region to turn around its performance. In one year, I turned around the Region from a last place ranking to first place, with a 50% market share increase, a 300% increase in penetration rate, and a 43% increase in income margin.

During my time in the Midwest Region, I was also asked by John Stupka to move to Israel to start-up SBMS' cellular business in that country, whose licenses were up for bid. I accepted the position and was preparing to move my family to Tel-Aviv for this role when Bell South Mobility outbid SBMS for the license. I was later asked to move to

South Africa to open up SBMS' cellular business but I declined this offer as I was also being considered for a promotion to a larger Region in New England, which I was later offered and accepted. I became President of the Northeast Region based in Boston, MA in 1994 where I managed a \$1.2B operating budget and over 700 employees.

During my entire tenure at SBMS, I had full P&L responsibility for functions including sales, marketing, finance, customer service, IT, Retail and Indirect Distribution, Logistics, HR and general management. The only area I didn't have direct oversight and responsibility for was legal which was handled out of the corporate office in San Antonio, TX.

In late 1994, I was recruited by Sprint to join the new build out team for the new wireless venture. I accepted the position of Vice President and left SBMS on January 4, 1996. Contrary to Ms. Riley's claim, I was never in a position lower than Vice President during my entire tenure at Sprint PCS. When I accepted the offer to join Sprint, the company was intending to use a cable infrastructure to build out its nationwide wireless system. I was hired to specifically lead that effort. Two weeks after coming on board, the Corporation made a strategic decision to abandon that effort and instead build a traditional wireless network from the ground up. The "idea" that Ms. Riley speaks of two years before I joined the company was this cable infrastructure concept. When the company strategy changed, I was the sixth employee hired and the first Vice President in the newly formed company called "Wireless Co". This was 6 months before the name Sprint PCS was developed and used going forward. The other 5 employees were 3 Region Presidents and two Directors.

I spend the first 6 months of my Sprint PCS tenure at Corporate in Kansas City, MO, working to help lead the development of the entire company organization. I personally developed the company organizational structure and design, served on the hire panel with the Region Presidents to interview and decide hire placements for other Vice-Presidents positions, developed the first Retail Store proforma, and assisted the other functional areas of Customer Service, Network, Billing, and many others in key decisions for the build out of these functional areas. Since I was the most experienced cellular executive in the company at that time, I was asked to personally advise the COO of Sprint Corp, Ron LeMay, at the time for key wireless decisions.

Once the company was network built-out to begin market operations, I was given the opportunity to take over any market territory that I wanted in the country as Area Vice President. I chose the Dallas Ft. Worth, North Texas area and moved to Dallas to build out that market from the ground up including all hires, office and office functions, completion of network build, indirect distributors, company retail stores, etc. After launching the market, I achieved the #1 ranking of all Area Vice-Presidents out of 25 in the company nationwide in the first year of operation for all key performance indicators including sales, net income, and customer service.

In 1999, the CEO of Sprint PCS, Chuck Levine, promoted me to President of the North Central Region, based in Chicago. This territory included 15 states and all P&L functions

as well as Retail, Indirect, and Business sales. This territory, similar to the Midwest Region at SBMS, had finished in last place of the five company regions for the previous 3 years and I was promoted to turn this Region's performance around. Within one year, the North Central Region ranked #1 in the company in all-around performance. During that time, I also oversaw the opening of 42 new retail stores in the Region.

In 2001, in addition to my duties as President of the North Central Region, I also assumed responsibility for the Northeast Region based in New Jersey, with the newly combined region called the North Region, with 24 states, 5000 employees and 46% of the entire company's revenue.

As the company continued to experience explosive growth, natural consolidation for efficiency was enacted and I became one of only two executives responsible for the entire organization's field sales, marketing, and general management efforts. The company split the sales responsibility along Indirect/Direct lines and I took over Indirect for the entire U.S. for Sprint PCS. I managed accounts such as Best Buy, Radio Shack, Circuit City, and over 17,000 total Indirect Distribution doors. I also managed all of the internal indirect sales teams (over 800 employees) in this effort. In 2005, my division was responsible for signing 6.5 million new customers resulting in 55% of the entire Sprint Corp's revenue for that year. I was personally responsible for the management of a \$7 billion dollar budget at this time. It was during this year also, that Sprint PCS became the fastest company in U.S. history to reach \$10B in annual revenue from start-up. As the sixth employee in this company and having served in key, senior officer level positions of influence, company creation, decision-making, and performance, I was indeed an integral part of this achievement. At this time, Sprint was a Fortune 40 company. Additionally, when the company was initially formed, Sprint did acquire a nationwide license to build and operate a nationwide network but at no time did it "buy" any customers. The company had zero customers when it began operations and acquired every customer through organic growth.

In addition to these responsibilities, I was asked by the Company CEO, Chuck Levine, to start up a new organization in the company, called "Market Ownership" which was tasked to investigate, discover, and implement marketing programs based on quantitative and qualitative research of the company's and competitor's most successful markets and programs. Many of the programs developed under this effort were implemented by Sprint PCS company-wide.

In 2005, as the Nextel-Sprint PCS merger was nearing completion, I decided to leave the company as I needed to have major back surgery that would require an extensive leave of absence. I could afford to leave as I had years before previously signed an offered 18 month non-compete, key executive, extended severance package. This gave me the opportunity to have the surgery and recover in California where the surgery took place.

In November, 2006, I was recruited to become the CEO of JobSight Solutions, a startup company based in Sacramento, CA to help raise funding and build a network agnostic, universal security and communications hub from concept to prototype. I raised a total of

\$1.5 million in a Series A round (not \$6.5M as Ms. Riley asserts), and successfully built the prototype unit and received approval from the FCC for production and implementation on carrier networks. Comvergics, LLC was formed to operate as a Business Solutions Specialist for Sprint to generate revenue and maintain the overall business while additional investment was raised to fund further engineering enhancements and ultimate production on the hub product. I also successfully received commitment from Sprint for the first order of these hubs for their Federal Government account. Comvergics still operates as one of Sprint Business's best performing BSPs, and brings in an average of \$1M to \$1.5M a year in revenue. I resigned my position in early 2009 to relocate to Arkansas to join my new wife and family. Although I have not been a part of either JobSight Solutions or Comvergics since my resignation in 2009, Jobsight is still actively sourcing additional investment with the plan of launching the hub product in the global marketplace. I want to also categorically deny that I have ever taken investor funds to use for any personal reasons and in fact, took very little compensation in my slightly more than two years with Jobsight Solutions.

All of the above career details and accomplishments can be verified with a proper employment reference check, and not by a brief Linked In outline. I can also provide numerous references and documentation in the form of promotional announcements, performance reports, etc. from previous employers, superiors, peers, and employees including many of the names listed in this response, who can testify to these facts. I am extremely proud of my career and my accomplishments and will testify to their accuracy in court if necessary. In summary, my career is filled with increasingly more responsible executive level positions and promotions, and corresponding achievements and success in sales, revenue, and income growth in both start-up and turn-around companies and situations.

Sincerely,

Stephen Geldmacher

**STEPHEN GELDMACHER**

P.O. Box 31 • Farmington, AR 72730  
sgeldmacher@earthcareenergy.com • 916.284.0160

---

**SENIOR EXECUTIVE WITH EXPERTISE IN GENERAL MANAGEMENT**

Highly accomplished, seasoned executive with proven success in driving growth and profitability in start-up and turnaround environments. Dynamic and decisive leader with experience overseeing operations of up to 4,000 employees. Background includes expanding start-up to \$15B in annual revenue and leading organization with 300+ retail stores and 17,000+ distribution doors to produce 6.5M new customers annually.

**CORE COMPETENCIES**

- Strategic Planning and Implementation
  - Cost Reduction and Avoidance
  - Turnaround / Crisis Management
  - Recruiting and Staffing Initiatives
  - Contract Development / Negotiations
  - Budget Administration / Management
  - Market Penetration / Sales Leadership
  - Advertising and Promotions
  - Fundraising and Company Start-Ups
  - Team Building and Leadership
- 

**PROFESSIONAL EXPERIENCE**

EARTHCARE ENERGY, LLC – HOUSTON, TEXAS • 2009 TO PRESENT

*Start-Up Renewable Energy Company Offering The Lowest Cost Power Production Technology*

**Chief Executive Officer**

Recruited by company founder to build international renewable energy project development company, secure customer contracts for energy, and raise capital.

***Selected Contributions:***

- Secured contract with Indonesian Government for 5 MW System.
- Cultivated additional customer pipeline sales valued at \$1.2B in future revenue

COMVERGICS SYSTEMS – Rancho Cordova, California • 2006 to 2009

*Start-up wireless / telecommunications company offering the first universal network hub and technology.*

**President and CEO**

Recruited by company founder to lead product development and fundraising efforts. Direct engineering and R&D operations with outsourced engineering firm. Establish and maintain relationships with network carriers and distribution vehicles.

***Selected Contributions:***

- Led \$1.5M capital funding seed round and recruitment of Board of Directors and Advisors.
- Secured FCC approval for world's first portable and universal wireless communications and security hub in 2008.

...continued...

SPRINT-NEXTEL – California, Illinois, Missouri, and Texas • 1996 to 2005

*Fortune 40 wireless / telecommunications company with \$15B in revenue.*

**VP of Affiliate Integration Office / VP of Field Indirect and Market Ownership**

**President of North Region and North Central Region / Area VP**

Recruited to assist in building foundation for newly established company; made key contributions to field operations design and structure. Managed 800 employees and more than 17,000 distribution doors across 49 states with \$7B budget. Led field marketing and market ownership teams conducting qualitative and quantitative research used to formulate corporate marketing, pricing, and network planning. Directed \$7.2B integration of 6 Sprint affiliates into Sprint-Nextel organization, to include sales, marketing, finance, network, human resources, information technology, public relations, logistics, staffing, and distribution functions.

***Selected Contributions:***

- Secured more than 6.5M new customers in 1 year, generating 55% of company revenue.
- Generated 46% of total company sales by managing 24-state region with 5,000 employees.
- Turned around falling North Central region to rank #1 company-wide within 1 year and successfully launched 42 retail stores.
- Maintained employee turnover to 12% with industry average of 25% to 30%.
- Saved up to \$2M in annual costs by reorganizing and consolidating systems.
- Exceeded company average for penetration growth by 20%.

SBC / SOUTHWESTERN BELL MOBILE SYSTEMS – Missouri, Texas, and Massachusetts • 1989 to 1995

*Fortune 50 wireless / telecommunications company with \$30B in revenue; now AT&T.*

**President of Northeast Region**

**VP / General Manager of Midwest Region**

**Director of Operations**

Earned successive promotions to hold full P&L responsibility for 5-state territory, 700 employees, and \$1.2B operating budget. Managed sales, customer care, and network operations.

***Selected Contributions:***

- Turned around Midwest region with 5 years of stagnant growth to rank #1 company-wide within 1 year. Increased market share 50%, tripled sales penetration rate, and grew income margin 43%.
- Saved \$5M annually by negotiating contracts and \$500K annually through company oversights.
- Led area to become first market in company history to achieve 2% or greater net sales penetration in 1 year while achieving highest customer satisfaction rating of 95%.

\*\* \*\*\* \*\*

Additional telecommunications experience as **Sales Manager (Bay Area)** with Comtech Mobile Telephone Company, **Vice President** with Cellular Express, **Sales Manager (Northern California)** with Advanced Cellular Telephone Company, and **Manager** with Motorola, Inc. Highlights include:

- Set sales and profitability records by doubling customer activations and phone sales. Built \$50M in revenue. (Comtech Mobile Telephone Company)

- Co-founded Northern California's top wireless installation and repair company. (Cellular Express)
  - Led San Francisco office to rank first company-wide in sales and profit performance. (Advanced Cellular Telephone Company)
- 

#### **EDUCATION**

**Master of Business Administration (MBA),** Emphasis in Public Administration and Management  
**Bachelor of Arts In Journalism and Advertising**

LOUISIANA STATE UNIVERSITY – Baton Rouge, Louisiana

Don Summers, CPA, RTA  
 Tax Assessor-Collector  
 P.O. Box 4622  
 Houston, Texas 77210-4622



**2011 Property Tax Statement**

Current As Of  
 May 3, 2012

Account Number  
 122-089-001-0013

Mortgage Co./Tax Agent  
 Account

Yes

Receipt / Postmark Date  
 12/15/2011



**2011**

**BANK OF AMERICA**  
 400 NATIONAL WAY  
 SIMI VALLEY CA 93065-6414

Taxing Jurisdiction	Exemption	Taxable Value	Tax Rate	Taxes	Property Description
Harris County	0	690,642	0.391170	\$2,701.58	LT 13 BLK 1
Harris County Flood Control Dist	0	690,642	0.028090	\$194.00	SPRING VILLAGE ESTATES
Port of Houston Authority	0	690,642	0.018560	\$128.18	1.1000 AC
Harris County Hospital District	0	690,642	0.192160	\$1,327.14	7931 SPRING VILLAGE DR
Harris County Dept. of Education	0	690,642	0.006581	\$45.45	77389
Lone Star College System	0	690,642	0.121000	\$835.68	<b>Appraised Value</b>
Emergency Service Dist #16 (Fire)	0	690,642	0.050000	\$345.32	Land - Market Value 75,903
Emergency Service Dist #11 (EMS)	0	690,642	0.030000	\$207.19	Impr - Market Value 614,739
<b>Total 2011 Taxes Due by January 31, 2012</b>				<b>\$5,784.54</b>	<b>Total Market Value 690,642</b>
Payments applied to 2011 taxes				\$5,784.54	Less Capped Mkt Value 0
Total Current Taxes Due				\$0.00	Appraised Value 690,642
Prior year(s) taxes due (if any)				\$0.00	View five-year jurisdiction tax/value history
<b>TOTAL AMOUNT DUE</b>				<b>\$0.00</b>	View 15 year tax/value history
<b>Penalties for Paying Late</b>					
	<b>Rate</b>	<b>Current</b>	<b>Delinquent</b>	<b>Total</b>	
By February 29, 2012	7%	\$0.00	\$0.00	\$0.00	Exemptions /Litigation
By March 31, 2012	9%	\$0.00	\$0.00	\$0.00	Our records indicate that your statement has been requested by a mortgage company/tax agent.
By April 30, 2012	11%	\$0.00	\$0.00	\$0.00	
By May 31, 2012	13%	\$0.00	\$0.00	\$0.00	
By June 30, 2012	15%	\$0.00	\$0.00	\$0.00	

Totals due may contain an additional section 33.11 collection penalty of 20%

5 year changes 2006-2011 (+/-) Appr Value:  
 1327%

Taxable Value:  
 1327%

Tax  
 Rate: -1%

Tax Bill: 1319%

IF YOU ARE 65 YEARS OF AGE OR OLDER OR ARE DISABLED AND THE PROPERTY DESCRIBED IN THIS DOCUMENT IS YOUR RESIDENCE HOMESTEAD, YOU SHOULD CONTACT THE APPRAISAL DISTRICT REGARDING ANY ENTITLEMENT YOU MAY HAVE TO A POSTPONEMENT IN THE PAYMENT OF THESE TAXES.

Don Summers, CPA, RTA  
 Tax Assessor-Collector  
 P.O. Box 4622  
 Houston, Texas 77210-4622



2011 Property Tax Statement

Current As Of

May 3, 2012

Account Number

120-482-001-0032

Homestead Exemption

Mortgage Co./Tax Agent  
 Account

No

Receipt / Postmark Date

12/15/2011



2011

HANEY KENNETH D & LYNN ETTA K  
 14207 HANSONS CREEK CT  
 HOUSTON TX 77044-4966

Taxing Jurisdiction	Exemption	Taxable Value	Tax Rate	Taxes	Property Description
Harris County	51,669	206,678	0.391170	\$808.46	LT 32 BLK 1
Harris County Flood Control Dist	51,669	206,678	0.028090	\$58.06	SUMMERWOOD SEC 8 LAKE ESTATES
Port of Houston Authority	51,669	206,678	0.018560	\$38.36	
Harris County Hospital District	51,669	206,678	0.192160	\$397.15	14207 HANSONS CREEK CT 77044
Harris County Dept. of Education	51,669	206,678	0.008581	\$13.60	
Lone Star College System	5,000	253,347	0.121000	\$306.55	
<b>Total 2011 Taxes Due by January 31, 2012</b>					
				\$1,622.18	Impr - Market Value 209,603
Payments applied to 2011 taxes				\$1,622.18	Total Market Value 258,347
Total Current Taxes Due				\$0.00	Less Capped Mkt Value 0
Prior year(s) taxes due (if any)				\$0.00	
<b>TOTAL AMOUNT DUE</b>				<b>\$0.00</b>	Appraised Value 258,347
View five-year jurisdiction tax/value history					
View 15 year tax/value history					
<b>Penalties for Paying Late</b>					<b>Exemptions /Litigation</b>
By February 28, 2012	7%	\$0.00	\$0.00	\$0.00	Homestead Exemption
By March 31, 2012	9%	\$0.00	\$0.00	\$0.00	
By April 30, 2012	11%	\$0.00	\$0.00	\$0.00	
By May 31, 2012	13%	\$0.00	\$0.00	\$0.00	
By June 30, 2012	15%	\$0.00	\$0.00	\$0.00	

Totals due may contain an additional section 33.11 collection penalty of 20%

5 year changes 2006-2011 (+/-) Appr Value: -22% Taxable Value: -24% Tax Rate: -10% Tax Bill: -32%

IF YOU ARE 65 YEARS OF AGE OR OLDER OR ARE DISABLED AND THE PROPERTY DESCRIBED IN THIS DOCUMENT IS YOUR RESIDENCE HOMESTEAD, YOU SHOULD CONTACT THE APPRAISAL DISTRICT REGARDING ANY ENTITLEMENT YOU MAY HAVE TO A POSTPONEMENT IN THE PAYMENT OF THESE TAXES.