

## Ordinances

General Ordinances No. 22-2020 through 27-2020 were vetoed because "the process violates the separation of powers in the Indiana Code."

The memorandum goes on further to state that, according to Harker, "no further definition, explanation, or application of that legal doctrine to the pre-approval requirement has been specified."

Additional examples were given throughout the memorandum that, according to Harker, "provide analysis and conclusion finding legal authority to require the Administration to seek pre-approval of the Council," including sections of the Indiana Code, Articles from the

Indiana Law Encyclopedia, and an Indiana Court of Appeals decision involving the City of Fort Wayne, which ruled in favor of their Common Council and stated they had the authority to enact similar ordinances.

Alumbaugh again countered, stating that the dispute of separation of powers was "clearly settled by the Indiana Court of Appeals in the 2006 case Township Board of Calumet Township, et al vs. Elgin."

"This case presented the same facts as ours today," Alumbaugh said. "The Township Board approved and appropriated an annual budget for the Township Trustee. Months later, the Board adopted a resolution

requiring the Trustee to seek pre-approval from the Board before spending amounts from the budget that exceeded a defined amount. On appeal the Court of Appeals held in favor of the Trustee, based on the separation of powers doctrine, saying the Board had its opportunity to scrutinize the Trustee's spending when it approved the budget. Therefore, any attempt to require additional approval was illegal."

In a follow up to his Jan. 25 memorandum, Harker released a response to Alumbaugh's statement hours before the Common Council was set to meet, stating that he has still yet to find the binding legal author-

ity preventing the pre-approval process set forth in the ordinances and that the Calumet case that the Mayor referred to is different from the issue at hand.

"First, the Calumet case involves a Township Board and a Township Trustee, not the Common Council and Mayor of a Second-Class City," Harker said. "These are different levels of government authority with different statutory schemes in place and different laws to interpret. Second, the Mayor's use of the Calumet case is simply a distraction away from the plain language of the Indiana Code to a more friendly version in the form of a township case.

"The press release did not address the clear grant of authority contained in I.C. 36-4-7-8 that allows the Council to decrease appropriations. It also failed to address the plain language of the Indiana Code that grants the Council the authority to pass ordinances that involve the 'government of the city, control of the city's property and finances or appropriation of money.'" Third...as cited previously, other statutes from the Indiana Code govern the authority of the Council, thereby rendering the Calumet case inapplicable to the current situation."

All six ordinances will be discussed again, and the Council will vote on overriding

Alumbaugh's veto, in the upcoming meeting on the evening of Tuesday, Feb. 2. To override the Mayor's veto, the Council will need to have six council members, two-thirds of the governing body, vote in favor of doing so.

Alumbaugh hopes to resolve the matter without incident.

"It is my hope this Council will abandon its effort to infringe on the power of the executive branch of city government," Alumbaugh said. "As good stewards of the taxpayers' money, we want to avoid any litigation on this issue. Our citizens deserve better from their elected officials."

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## Wyndmoor

need.

"We have been planning for it. It's been a goal, so it is so exciting," Johnson said. "We are very excited and very happy. We are really looking forward to being able to work more with the community. It's a great feeling."

Additionally, Wyndmoor is the only assisted living facility in Grant County that provides the Medicaid

waiver, which helps those in need of medical care, receive the healthcare they require. After being certified, residents of Wyndmoor pay significantly less rent than they would pay at other private facilities, according to Austin.

Because of the Medicaid waiver, and despite the COVID-19 pandemic, the Wyndmoor has been successful over the course of

the previous eight months.

"With the waiver, being the only facility that provides the Medicaid waiver, we have been full, consistently, since May," Austin said. "And even through the pandemic."

The plans for the expansion began back in May 2019, once the Wyndmoor filled to capacity, and if all goes according to the plan, the expansion will be up

and running by September of this year.

Austin is planning to start marketing the new expansion in the near future, so that by the time it is completed, there will already be a wait list for new and potential residents.

With this new expansion, both Austin and Johnson believe that the Wyndmoor will be able to better the service of Mar-

ion's elderly community and provide them with the best care possible.

"I'm just excited that we can help other people in the county, and surrounding counties even," Austin said. "Healthcare costs are expensive, and people with chronic issues, we can really serve the underserved population."

"The need, particularly, in this area, is huge," John-

son concluded. "To open up 50 more apartments for those people that need that assistance [without them] having to leave the community, I think the most important thing. They don't have to move two counties over to get the services they need. They can stay right here with us."

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## Deaths

**Denelda Darlene Bellus**  
1927-2021  
Funeral services were held at Needham-Storey-Wampner, North Chapel, on Thursday, Jan. 28 at 7 pm. Burial followed at Marion National Cemetery.

**Ellinore E. Bareiss**  
1930-2021  
The family will receive visitors from 11 am to 1 pm on Saturday, Feb. 6, 2021, at Lakeview Wesleyan Church, 5316 S. Western Ave., Marion, IN. Immediately following the time of visitation, a funeral to celebrate Elinore's life will begin at 1 pm. Burial will take place at Abraham Lincoln National Cemetery at a later date.

**Rollie Eugene Clouse**  
1940-2021  
Funeral services were held at Needham-Storey-Wampner, North Chapel, on Tuesday, Feb. 2 at 11:30 am. Burial followed at Tippecanoe Memory Garden in West Lafayette.

**Linda F. (Luttrull) Harmon**  
1961-2021  
Funeral services were held at College Wesleyan Church, Marion, on Tuesday, Feb. 2 at 11:30 am. Burial flowed at Marion National Cemetery.

**Reva Marie Fitzjarrald**  
1934-2021  
Funeral services were held at Needham-Storey-Wampner, Storey Chapel, on Wednesday, Feb. 3 at 1 pm. Burial followed at Gardens of Memory, Marion.

**Saline M. Yoder**  
1929-2021  
Funeral services were held at Armes-Hunt Funeral Home, Fairmount, on Saturday, Jan. 30 at 10 am. Burial followed at Grant Memorial Park.

**Dennis R. Crouse**  
1947-2021  
Funeral services were held at Armes-Hunt Funeral Home, Upland, on Tuesday, Feb. 2 at 2 pm. Burial followed at Matthews Cemetery.

**Ron L. Davis**  
1961-2021

There will be no services.

**Charles Thomas "Tom" Andrews**  
1943-2021  
Funeral services were held at Armes-Hunt Funeral Home, Fairmount, on Tuesday, Feb. 2 at 11 am. Burial followed at Park Cemetery.

**Jamie S. Bowman**  
1971-2021  
Funeral services were held at Raven-Choate Funeral Home on Friday, Jan. 22 at 5 pm with Pastor Mark Bardsley officiating.

**William H. "Fido" Phillips, Jr.**  
1955-2021  
At Phillips' request, cremation will take place with no funeral services.

**Burton James Hollabaugh**  
1944-2021

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Funeral services were held at St. Paul Catholic Church, Marion, on Wednesday, Feb. 3 at 11 am. Private graveside service and burial with military honors will be held at Marion National Cemetery.

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**Suzy Shaffer**  
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