

**COMMON COUNCIL OF THE CITY OF NEW ALBANY
RESOLUTION RELATING TO THE SETTLEMENT OF LITIGATION
PENDING AGAINST THE CIVIL CITY OF NEW ALBANY
AND THE COMMON COUNCIL THEREOF**

WHEREAS: litigation has been instituted by various-named individuals against the Civil City of New Albany and the Common Council thereof in the United States District Court for the Southern District of Indiana styled Peter Vogt, et al. v. Common Council of the City of New Albany, Cause No. 4:06-CV-0076-JDT-WGH

and

WHEREAS: the City and the Common Council wish to resolve such litigation as expediently and with as little expense to all concerned as possible;

and

WHEREAS: a Consent Decree resolving the litigation has been presented to the Council which Consent Decree is appended to this Resolution and whose terms are incorporated and made a part hereof;

and

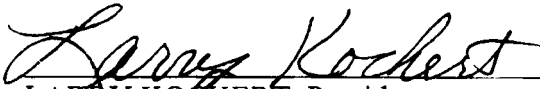
WHEREAS: the terms of such Consent Decree appear to be in the best interests of the City;

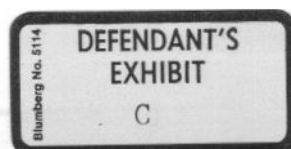
NOW THEREFORE:

Be it resolved as follows:

1. The terms of the Consent Decree appended thereto shall be, and they are hereby, approved by the Council; and
2. Mr. Kochert shall be, and he is hereby, authorized to agree to same and to sign such documents as may be necessary to carry into effect the terms of same.

PASSED AND ADOPTED by the Common Council of the City of New Albany, Indiana this 21 day of October, 2007.


LARRY KOCHERT, President
Common Council, City of New Albany



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

PETER A. VOGT, et al)	
PLAINTIFFS)	
v.)	CAUSE NUMBER 4:06-CV-0076-JDT-WGH
)	
THE CITY COUNCIL FOR THE CITY OF)	
NEW ALBANY, BILL SCHMIDT,)	
STEVE PRICE, LARRY KOCHERT,)	
DAN COFFEY, BEVERLY CRUM,)	
JEFF GAHAN, DONNIE BLEVINGS,)	
JACK MESSER AND KEVIN ZURSCHMIEDE)	
DEFENDANTS)	

CONSENT DECREE

WHEREAS, the Common Council for the Civil City of New Albany was required to re-district its legislative districts in 2002 pursuant to I.C. 36-4-6-3; and

WHEREAS, the legislative districts of the City were not re-districted; and

WHEREAS, it appears that the populations of the six (6) legislative districts of the City are disproportionate; and

WHEREAS, the parties desire than an ordinance of re-districting be adopted and carried into effect prior to the municipal elections of 2011; and

WHEREAS, the parties have conferred on these issues and have reached an agreement on same;

IT IS, THEREFORE, CONSIDERED AND ADJUDGED as follows:

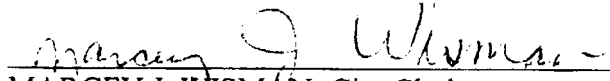
1. The City Council for the Civil City of New Albany, Indiana shall adopt, prior to November 22, 2007, an ordinance redistricting the six City Council manic districts pursuant to Indiana Code 36-4-6-3.

2. Pursuant to law, the six Council manic districts shall be composed of continuous territory, shall be reasonably compact and not elongated or misshapen without a compelling reason;


ATTEST:


MARCEY J. WISMAN, City Clerk

The foregoing Resolution was passed by the Common Council of The City of New Albany, Indiana on October 9, 2007 and was presented by me to the Mayor of The City of New Albany, Indiana on Oct. 24, 2007 at New Albany, Indiana.


MARCEY J. WISMAN, City Clerk
City of New Albany, Indiana

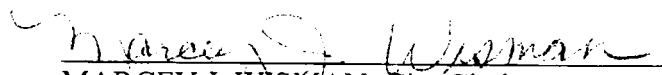
Approved and signed by me James E. Garner Sr., Mayor of The City of New Albany, Indiana this 24 day of October, 2007.


JAMES E. GARNER, SR., Mayor
City of New Albany, Indiana

STATE OF INDIANA)
) SS:
COUNTY OF FLOYD)

I, Marcey J. Wisman, City Clerk of The City of New Albany, Indiana, do hereby certify the above and foregoing is a full, true and complete copy this Resolution passed by the Common Council of The City of New Albany, Indiana on the 9 day of October, 2007 by a vote of 5 ayes and 1 nays, which was signed by the Mayor of The City of New Albany, Indiana on the 24 day of October, 2007 and now remains on file and on record in my office.

Witness my hand and the Official Seal of The City of New Albany, Indiana on this 24 day of October, 2007.


MARCEY J. WISMAN, City Clerk
City of New Albany, Indiana

shall not cross precinct boundary lines except as provided by law and shall contain, as nearly as is possible, equal population.

3. The City Council shall in no way be bound or obligated under the terms of this Order to follow the recommendations of its' Advisory Committee but the City Council shall remain under the emphatic duty to adopt a redistricting ordinance that comports with the obligations set out in Indiana Code 36-4-6-3

4 If, prior to September 30, 2007, the City Council adopts an ordinance of annexation, incorporating into the City adjacent unincorporated lands, the City shall be permitted to request an extension of the deadlines herein imposed and the Court shall have authority to extend the deadlines herein in any reasonable fashion, so long as the ordinance of redistricting is finally adopted well in advance of the 2011 municipal elections.

5. All discussions and deliberations on the issue of redistricting between members of the City Council shall take place only at regular or especially called meetings of the Council with notice to the public at least forty-eight hours in advance.

6. This Court shall retain jurisdiction to enforce this Order and for all other appropriate purposes.

7. The Council shall reimburse Counsel for the Plaintiffs the sum of Two Thousand Five Hundred Dollars (\$2,500.00) for services rendered in behalf of the Plaintiffs herein and shall further reimburse Counsel for the Plaintiffs an amount not to exceed Four Hundred Dollars (\$400.00) for costs expended in the prosecution of this action;

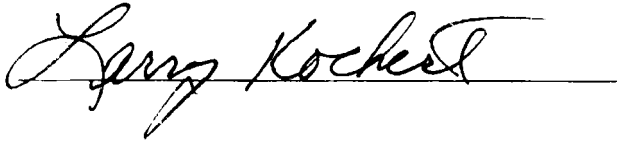
JOHN TINDER
JUDGE, U.S. DISTRICT COURT
SOTHERN DISTRICT OF INDIANA

REVIEWED AND APPROVED:

PLAINTIFFS' REPRESENTATIVE:

STEPHEN J. BEARDSLEY
Counsel for Plaintiffs

REPRESENTATIVE OF THE DEFENDANT,
COMMON COUNCIL OF THE CIVIL CITY
OF NEW ALBANY



A handwritten signature in cursive script, appearing to read "Jerry Koche", is written over a horizontal line. The signature is dark and fluid, with a long horizontal stroke extending to the right.

JERRY L. ULRICH
Counsel for Defendant