

SPECIAL MEETING

Monday, February 8, 1926, 7:30 p. m.

The Common Council of the City of Indianapolis met in the Council Chamber, February 8, 1926, at 7:30 p. m., in special session, President Boynton J. Moore in the chair, pursuant to the following call:

To the Members of the Common Council, Indianapolis, Indiana:

Gentlemen—You are hereby notified that there will be a special meeting of the Common Council held in the Council Chamber on Monday evening, February 8, 1926, at 7:30 o'clock p. m.

The purpose of such meeting being to receive communications from the Mayor or City Controller of said City and for the consideration of General Ordinances Nos. 5, 6, 8, 9, 10 and 11.

Respectfully,

BOYNTON J. MOORE.

I, William A. Boyce, Jr., Clerk of the Common Council of the City of Indianapolis, Indiana, do hereby certify that I have served the above and foregoing notice to each and every member of the Common Council prior to the time of meeting, pursuant to the rules.

WILLIAM A. BOYCE, Jr.,

City Clerk.

Which was read.

The Clerk called the roll.

Present: Hon. Boynton J. Moore, President, and seven members, viz.: Walter R. Dorsett, Claude E. Negley, O. Ray Albertson, Dr. Austin H. Todd, Otis E. Bartholomew, Robert E. Springsteen and Edward B. Raub.

Absent: Millard W. Ferguson.

The reading of the journal was dispensed with on motion of Mr. Bartholomew, seconded by Mr. Dorsett.

COMMUNICATIONS FROM THE MAYOR

January 19, 1926.

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

Gentlemen—I have today approved with my signature and delivered to Wm. A. Boyce, Jr., City Clerk, General Ordinance No. 4, 1926—"An Ordinance to amend Sub-section N, entitled Police force under Department of Public Safety, of Section 608 entitled Designation of Officers and employees, of General Ordinance No. 121, 1925, being an ordinance concerning the government of the City of Indianapolis, providing penalties for its violation and with stated exceptions repealing all former ordinances."

Yours very truly,

J. L. DUVALL.

February 2, 1926.

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

Gentlemen—I have today approved with my signature and delivered to Wm. A. Boyce, Jr., City Clerk, Resolution No. 1, passed by the Council February 1, 1926, and General Ordinance No. 2, 1926, "An ordinance authorizing the City to make a Temporary Loan or Loans for the use of the Board of Health of the City of Indianapolis, Indiana, in anticipation of its current revenues of said Board of Health for the year 1926, authorizing the rate of interest to be charged therefore, providing for legal notice and fixing a time when the same shall take effect."

J. L. DUVALL,
Mayor.

REPORTS FROM STANDING COMMITTEES

Indianapolis, Ind., February 6, 1926.

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

Gentlemen—We, your Committee on Finance to whom was referred General Ordinance No. 5, 1926, entitled "An Ordinance transferring the sum of Five Hundred (\$500.00) Dollars, from the fund in the Department of Public Safety, Electrical Unit known as Fund No. 44, and reappropriating the same to Fund No. 36, in the Department of Public Safety, Administrative Unit, and declaring a time when the same shall take effect," beg leave to report we have had said ordinance under consideration, and recommend that the same be passed.

O. RAY ALBERTSON, Chairman
WALTER R. DORSETT
CLAUDE E. NEGLEY
OTIS E. BARTHOLOMEW
AUSTIN H. TODD.

Indianapolis, Ind., February 6, 1926.

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

Gentlemen—We, your Committee on Finance to whom was referred General Ordinance No. 8, 1926, entitled "An Ordinance authorizing the City Controller to make a Temporary Loan or Loans in the sum of Four Hundred Thousand (\$400,000.00) Dollars in anticipation of current revenues appropriating the sum of Four Hundred and Ten Thousand (\$410,000.00) Dollars for the payment thereof and fixing a time when the same shall take effect," beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

O. RAY ALBERTSON, Chairman
WALTER R. DORSETT
CLAUDE E. NEGLEY
OTIS E. BARTHOLOMEW
AUSTIN H. TODD.

Indianapolis, Ind., February 6, 1926.

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

Gentlemen—We your Committee on Public Works to whom was referred General Ordinance No. 9, 1926, entitled "An Ordinance

transferring the sum of Two Thousand (\$2,000.00) Dollars, from the fund in the Department of Public Works, Public Buildings Unit, Known as Fund No. 25, and reappropriating the same to Fund No. 38, in the Department of Public Works, 'Public Buildings Unit,' and declaring a time when the same shall take effect," beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

WALTER R. DORSETT, Chairman
 OTIS E. BARTHOLOMEW
 CLAUDE E. NEGLEY
 AUSTIN H. TODD
 O. RAY ALBERTSON.

Indianapolis, Ind., February 6, 1926.

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

Gentlemen—We, your Committee on Public Safety to whom was referred General Ordinance No. 6, 1926, entitled, "An Ordinance transferring the sum of One Hundred and Fifty (\$150.00) Dollars from the fund in the Department of Public Safety, Electrical Unit, known as Fund No. 44, and reappropriating the same to Fund No. 26 in the Department of Public Safety, Administration Unit, and declaring a time when the same shall take effect," beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

CLAUDE E. NEGLEY, Chairman
 OTIS E. BARTHOLOMEW
 WALTER R. DORSETT
 AUSTIN H. TODD.

Indianapolis, Ind., February 6, 1926.

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

Gentlemen—We, your Committee on Public Safety to whom was referred General Ordinance No. 10, 1926, entitled "An Ordinance transferring the sum of Seventy-five (\$75.00) Dollars from the fund in the Department of Public Safety, Weights and Measures Unit, known as Fund No. 72, and reappropriating the same to Fund No. 38 in the Department of Public Safety, Weights and Measures Unit, and transferring the sum of Twenty-five (\$25.00) Dollars from the fund in the Department of Public Safety, Weights and Measures Unit known as Fund No. 45, and reappropriating the same to Fund No. 36 in the Department of Public Safety, Weights and Measures Unit; and transferring the sum of Seventy-five (\$75.00) Dollars from the fund in the Department of Public Safety, Weights and Measures Unit, known as Fund No. 33, and reappropriating the same to Fund No. 24 in the Department of Public Safety, Weights and Measures Unit, and declaring a time when the same shall take effect," beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

CLAUDE E. NEGLEY, Chairman
 OTIS E. BARTHOLOMEW
 WALTER R. DORSETT
 AUSTIN H. TODD.

Indianapolis, Ind., February 6, 1926.

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

Gentlemen—We, your Committee on Law and Judiciary to whom was referred General Ordinance No. 11, 1926, entitled "An Ordinance authorizing and creating the position of Attorney for the Common Council of the City of Indianapolis, defining his duties, fixing the salary thereof and designating the time when the same shall take effect," beg leave to report that we have had said ordinance under consideration, and recommend that the same be called down for second reading.

AUSTIN H. TODD, Chairman
OTIS E. BARTHOLOMEW
CLAUDE E. NEGLEY.

On call of Mr. Dorsett, General Ordinance No. 9 was read a second time by the Clerk.

On motion of Mr. Dorsett, seconded by Mr. Negley, General Ordinance No. 9 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 9 was read a third time by the Clerk and passed by the following vote:

Ayes, 8, viz.: Messrs. Dorsett, Negley, Albertson, Todd, Bartholomew, Springsteen, Raub and President Boynton J. Moore.

On call of Dr. Todd, General Ordinance No. 5 was read a second time by the Clerk.

On motion of Mr. Bartholomew, seconded by Dr. Todd, General Ordinance No. 5 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 5 was read a third time by the Clerk and passed by the following vote:

Ayes, 8, viz.: Messrs. Dorsett, Negley, Albertson, Todd, Bartholomew, Springsteen, Raub and President Boynton J. Moore.

On call of Mr. Bartholomew, General Ordinance No. 6 was read a second time by the Clerk.

On motion of Mr. Bartholomew, seconded by Mr. Dor-

sett, General Ordinance No. 6 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 6 was read a third time by the Clerk and passed by the following vote:

Ayes, 8, viz.: Messrs. Dorsett, Negley, Albertson, Todd, Bartholomew, Springsteen, Raub and President Boynton J. Moore.

On call of Mr. Springsteen, General Ordinance No. 8 was read a second time by the Clerk.

On motion of Mr. Bartholomew, seconded by Dr. Todd, General Ordinance No. 8 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 8 was read a third time by the Clerk and passed by the following vote:

Ayes, 8, viz.: Messrs. Dorsett, Negley, Albertson, Todd, Bartholomew, Springsteen, Raub and President Boynton J. Moore.

On call of Mr. Negley, General Ordinance No. 10 was read a second time by the Clerk.

On motion of Mr. Bartholomew, seconded by Mr. Negley, General Ordinance No. 10 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 10 was read a third time by the Clerk and passed by the following vote:

Ayes, 8, viz.: Messrs. Dorsett, Negley, Albertson, Todd, Bartholomew, Springsteen, Raub and President Boynton J. Moore.

On call of Dr. Todd, General Ordinance No. 11 was read a second time by the Clerk.

Dr. Todd asked and received permission from the President of the Council at this time to make some extended remarks on General Ordinance No. 11. Dr Todd requested the Clerk to read two newspaper clippings showing a contradictory legal opinion rendered by the Corporation Counsel. The excerpts follow:

January 23, 1926.

WAY MAY BE FOUND TO PAY \$200,000 DEBTS

Rucker to Rule On Emergency Outside Budget

NEW CITY JOBS PROBABLE

Alvah J. Rucker, city corporation counsel, indicated Thursday, in advance of a written opinion he is preparing, that financial emergencies not provided for in the city budget may be met legally.

In giving this opinion Rucker will open the way for the building department to place on the pay roll several inspectors designated in the new building code, but not provided for in the 1926 budget, and will also provide a basis for the city to pay debts accumulated under the preceding administration, amounting to nearly \$200,000. There is also the possibility that the opinion may be construed by Mayor John L. Duvall and members of the board of safety to mean that more than 100 patrolmen, now under suspension because the budget does not provide salaries for them, may be put to work.

Outside Appropriations.

Pointing out that the last act passed by the state legislature pertaining to city budgets does not place any restrictions on making expenditures outside the budget, but simply specifies that one must be made, Rucker said that he would recommend that the city conduct its financial operations in conformity to a previous budget law which specifies that appropriations may be made, outside the budget, to pay salaries for offices created by ordinance, to pay judgments against the city and to meet other real emergencies.

"I have made an exhaustive study of the budget laws in other states and of our own laws on the subject, and can find no provision which requires the city to adhere strictly to the budget," Rucker said.

He expects to have the formal opinion ready for presentation to Mayor John L. Duvall and William C. Buser, City Controller, within a few days.

February 2, 1926.

PLAN FOR CITY COUNCIL ATTORNEY AGAIN HIT.

Rucker Gives Adverse Opinion on Renewed Attempt.

HEALTH LOAN APPROVED.

A renewed attempt to provide an attorney exclusively for the City Council, apart from the other members of the city legal department, received a setback Tuesday when Alvah J. Rucker, corporation counsel, in reply to a question concerning the legality of the plan, reiterated a former opinion that the controller could not legally pay a warrant drawn for the services of such an official.

William C. Buser, city controller, would be liable under his bond in the event he paid such a warrant, Rucker said. The opinion was based on the lack of provision for such an official in the 1926 budget.

An ordinance was introduced by Dr. Austin Todd at the session Monday night providing for the employment of an attorney for the council at a salary of \$1,500 a year.

Stricken From Files.

A similar ordinance had been stricken from the files last month after it was found that no provision was made in the budget for the payment of such an official.

Dr. Todd explained that other city departments, such as the zoning commission and the park department, had their own legal counselors and asserted the city council might be embarrassed if it was forced to depend on the corporation counsel and city attorney during an investigation of some city department, should such an occasion arise.

Dr. Todd also read a letter from the Corporation Counsel in which the Corporation Counsel expressed his legal opinion that the Common Council of the City of Indianapolis had no authority to create the position of attorney to the Council except where an emergency exists in line of its duty to investigate and examine into the functioning of the various city departments.

Mr. Raub followed Dr. Todd with a brief talk opposing the adoption of General Ordinance No. 11, stating that no emergency exists necessitating the creation of such an office as attorney to the Council. Before adjournment, President Moore of the Council asked the Clerk to read a public statement he had prepared which follows:

February 8, 1926.

Members of the Council, Ladies and Gentlemen:

I wish at this time to make a public statement in behalf of the Common Council of Indianapolis. By our action tonight in passing these five ordinances requested by the Executive Departments of the City we have shown that we do not desire to handicap or embarrass the city administration. It had always been the intentions of the majority of this Council to carry out to the letter the three major campaign promises of this administration, namely: economy, efficiency and strict law enforcement.

Now that this Council has demonstrated its willingness to co-operate with the Executive branch of the government we trust that the Executive department from the Mayor on down will likewise demonstrate their willingness to co-operate with this Council in its efforts to promote efficiency throughout the various departments of the city government.

BOYNTON J. MOORE.

Upon the completion of the reading of the statement by the Clerk, Mr. Raub made a motion to have the same stricken from the files which was seconded by Mr. Springsteen and when put to a vote failed to pass by the following vote:

Ayes, 2, viz.: Messrs. Raub and Springsteen.

Noes, 6, viz.: Messrs. Dorsett, Negley, Albertson, Todd, Bartholomew and President Boynton J. Moore.

On motion of Mr. Dorsett, seconded by Mr. Bartholomew, the Common Council of the City of Indianapolis, at 8:40 o'clock p. m., adjourned.

Boynton J. Moore

President.

Attest:

William A. Boyce

City Clerk.