

SPECIAL MEETING

Friday, December 21, 1928

1 o'Clock, P. M.

The Common Council of the City of Indianapolis met in the Council Chamber at 1 o'clock P. M., Friday, December 21, 1928, President Edward B. Raub 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 Friday, Dec. 21, 1928, at 1 o'clock p. m., the purpose of such Special Meeting being to receive communications from the Mayor regarding the matter of employing counsel to represent the City in the matter of protecting its interests in the acquisition of the Citizens Gas Company and to provide authorization for the payment of such counsel.

Also to receive the report of the Special Committee appointed to consider Resolution No. 7, 1928, regarding a site for a municipal airport.

Also to consider on second reading and for passage, General Ordinance No. 97, 1928, and Special Ordinance No. 8, 1928.

Respectfully,

EDWARD B. RAUB,

President, Common Council.

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 such Special Meeting, pursuant to the rules.

In witness whereof, I have hereunto affixed my signature and caused the seal of the City of Indianapolis to be affixed.

WILLIAM A. BOYCE, JR.,

City Clerk.

Which was read.

The Clerk called the roll.

Present: Edward B. Raub, President, and eight members, viz: Earl Buchanan, Edward B. Harris, Herman P. Lieber, Albert F. Meurer, Meredith Nicholson, Paul E. Rathert, Robert E. Springsteen, John F. White.

On motion of Mr. Buchanan, seconded by Mr. Rathert, the reading of the Journal for the previous meeting was dispensed with.

COMMUNICATIONS FROM THE MAYOR

December 20, 1928.

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

Gentlemen:

I have this day approved with my signature and delivered to William A. Boyce, Jr., City Clerk, the following ordinances:

GENERAL ORDINANCE NO. 88, 1928

AN ORDINANCE transferring moneys from certain funds and re-appropriating the same to other numbered funds and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 89, 1928

AN ORDINANCE amending Subsection 41 of Section 476 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," and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 90, 1928

AN ORDINANCE amending Sections 10, 11, and Subsection 5 of Section 476 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," and fixing a time when the same shall take effect.

Very truly yours,
L. ERT SLACK,
Mayor.

December 21, 1928.

Mr. Edward B. Raub, President of the Common Council of the City of Indianapolis, Indiana:

Dear Sir:

I am forwarding to you and the members of the Common Council of the City of Indianapolis, for your consideration, a resolution authorizing me, as Mayor of the City of Indianapolis, to employ special legal counsel in connection with the Citizens Gas Company matter, and a resolution providing and directing and authorizing me to expend a portion of the Reserve Contingency Fund for the reasonable and necessary expenses thereof. The resolution also provides the method of payment for the special counsel to be employed by the city.

Mr. Sterling R. Holt, the City Controller, joins me in forwarding this resolution and we both respectfully request that the same be adopted and passed by your honorable body.

Respectfully yours,
L. ERT SLACK,
Mayor;
STERLING R. HOLT,
City Controller.

INTRODUCTION OF RESOLUTIONS

By the City Comptroller and Mayor:

RESOLUTION NO. 8, 1928

WHEREAS, an emergency has arisen of great importance to the people of the City of Indianapolis, Indiana, involving its rights, title and interest in and relations to the Citizens Gas Company, of Indianapolis, Indiana, and to the trustees, directors and stockholders thereof, arising out of certain contracts, franchises, permits of the Public Service Commission, and proceedings as shown by the public records and records of said City, State of Indiana, and Company, and the protection, assertion and preservation of said City's rights, title and interest now requirese the expenditure of public funds for the reasonable an d necessary expenses made necessary thereby and in connection therewith; and

WHEREAS, the Common Council of the City of Indianapolis, by Appropriation Ordinance No. 4, 1928, has heretofore duly appropriated to the Department of Finance for the year 1929 the sum of Fifty Thousand Dollars (\$50,000.00), as a reserve for contingencies listed under Item 2-26 in the budget for that department, and said fund will become available on and after January 1, 1929, for the payment of all the expenses aforesaid; and

WHEREAS, the Mayor and Controller of said City have joined in a recommendation to the Common Council that two special legal counsel for such matters should forthwith be selected by the Mayor, by his appointment effective January 1, 1929, upon his certification of such appointment to the Common Council, at a total compensation for such counsel so hereafter appointed of not to exceed Fifteen Thousand Dollars (\$15,000.00) for each year, payable to them in equal shares, and appropriations of said total each month by warrant of the Controller, and that if said employment be terminated by the completion of their services, or otherwise, before the expiration of the year 1929, then any unpaid balance of said total sum shall be then due and payable to them as retainers for their services in full, and that if said matters are not finally disposed of at the end of the year 1929 said employment shall be continued until all matters aforesaid are finally closed, at the same rate of compensation, to be computed and paid each year or part thereof until the close of said services; and the Mayor and Controller shall be authorized to execute, in behalf of the City, with such special counsel, such contracts on said terms, and that this resolution shall constitute an approval thereof and of its subsequent renewals for successive years; subject, however, to an appropriation being made for each year subsequent to the year 1929 and available for this purpose; and that said special counsel shall act as special assistants to and in co-operation with the Legal Department of said City. **THEREFORE,**

Resolved by the Common Council of the City of Indianapolis, Indiana:

First. That an emergency now exists and should forthwith be, and the same hereby is, met in all respects as set out in the preamble, which is hereby adopted and included herein by this reference thereto.

Second. The Mayor and Controller of said City be, and they hereby are, authorized and directed to employ and execute contracts with special legal counsel to represent said City, in co-operation with the Legal Department thereof, in all matters whatsoever pertaining to the relations, contracts, franchises, obligations and duties now or hereafter existing between the City of Indianapolis and the Citizens Gas Company of Indianapolis, Indiana, and the trustees thereof; the

total compensation and the payment thereof and therefor for the year 1929 and subsequent years or parts thereof to be in all respects as set out in the preamble, and subject in subsequent years to an appropriation being made and available for the payment of such compensation of said counsel in such years.

Third. This resolution shall become effective upon its passage and approval by the Mayor.

Which was read a first time and referred to the committee on Law and Judiciary.

On motion of Mr. White, seconded by Mr. Harris, the Council recessed for thirty minutes at 1:45 P. M.

The Council reconvened from its recess at 2:15 P. M., with the same members present as before.

COMMITTEE REPORT

Indianapolis, Indiana, December 21, 1928.

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 Resolution No. 8, 1928, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed as amended.

MEREDITH NICHOLSON,
Chairman;

E. W. HARRIS,
PAUL E. RATHERT,
ROBT. E. SPRINGSTEEN,
EARL W. BUCHANAN.

On motion of Mr. Harris, seconded by Mr. White, the rules were suspended for the second reading, consideration and passage of Resolution No. 8, 1928.

Mr. Nicholson called for Resolution No. 8, 1928, for second reading. It was read a second time.

Mr. Nicholson presented the following written motion to amend:

Indianapolis, Indiana, December 21, 1928.

Mr. President:

I move that Resolution No. 8, 1928, be amended to read as follows:

RESOLUTION NO. 8, 1928

WHEREAS, an emergency has arisen of great importance to the people of the City of Indianapolis, Indiana, involving its rights, title and interest in and relations to the Citizens Gas Company, of Indianapolis, Indiana, and to the trustees, directors and stockholders thereof, arising out of certain contracts, franchises, permits of the Public Service Commission, and proceedings as shown by the public records and the records of said City, State of Indiana, and Company, and the protection, assertion and preservation of said City's rights, title and interest now requires the expenditure of public funds for the reasonable and necessary expenses made necessary thereby and in connection therewith; and

WHEREAS, the Common Council of the City of Indianapolis, by Appropriation Ordinance No. 4, 1928, has heretofore duly appropriated to the Department of Finance for the year 1929 the sum of Fifty Thousand Dollars (\$50,000.00) as a reserve for contingencies listed under Item 2-26 in the budget for that department, and said fund will become available on and after January 1, 1929, for emergency purposes including the matters herein; and

WHEREAS, the Mayor and Controller of said City have joined in a recommendation to the Common Council that two special legal counsel for such matters should forthwith be selected by the Mayor, by his appointment effective January 1, 1929, upon his certification of such appointment to the Common Council, at a total compensation for such counsel so hereafter appointed of not to exceed Fifteen Thousand Dollars (\$15,000.00) for the year 1929, payable to them in equal shares, and equal proportions of said total each month by warrant of the Controller and that if said employment be terminated by the completion of their services, or otherwise, before the expiration of the year 1929, then any unpaid balance of said total sum shall be then due and payable to them as retainers for their services in full, and that if said matters are not finally disposed of at the end of the year 1929 said employment may be continued, subject to the approval of the governing body of the City of Indianapolis, until all

matters aforesaid are finally closed, at the same rate of compensation, to be computed and paid each year or part thereof until the close of said services; and the Mayor and Controller shall be authorized to execute, in behalf of the City, with such special counsel, such contracts on said terms, and that this resolution shall constitute an approval thereof; and that said special counsel shall act as special assistants to and in co-operation with the Legal Department of said City. THEREFORE,

Resolved by the Common Council of the City of Indianapolis, Indiana:

First. That an emergency now exists and should forthwith be, and the same hereby is, met in all respects as set out in the preamble, which is hereby adopted and included herein by this reference thereto.

Second. The Mayor and Controller of said City be, and they hereby are, authorized and directed to employ and execute contracts with special legal counsel to represent said City, in co-operation with the Legal Department thereof, in all matters whatsoever pertaining to the relations, contracts, franchises, obligations and duties now or hereafter existing between the City of Indianapolis and the Citizens Gas Company of Indianapolis, Indiana, and the trustees thereof; the total compensation and the payment thereof and therefor for the year 1929 and subsequent years or parts thereof to be in all respects as set out in the preamble, and subject in subsequent years to the approval of the governing body of the City of Indianapolis, and subject also to an appropriation being made and available for the payment of such compensation of said counsel in such years.

Third. This resolution shall become effective upon its passage and approval by the Mayor.

MEREDITH NICHOLSON,
Councilman.

The motion to amend was adopted by unanimous vote.

On motion of Mr. Nicholson, seconded by Mr. Rathert, Resolution No. 8, 1928, was ordered engrossed, read a third time, and placed upon its passage.

Resolution No. 8, 1928, was read a third time by the Clerk, and passed by the following roll-call vote:

Ayes, 9, viz: Mr. Buchanan, Mr. Harris, Mr. Lieber,

Mr. Meurer, Mr. Nicholson, Mr. Rathert, Mr. Springsteen, Mr. White, President Raub.

On motion of Mr. White, seconded by Mr. Rathert, the Common Council adjourned at 2:30 P. M.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the Common Council of the City of Indianapolis, Indiana, held on the 21st day of December, 1928, at 1 o'clock, P. M.

In witness whereof, we have hereunto subscribed our signatures and caused the seal of the City of Indianapolis to be affixed.

Edward B. Raub,

President.

William A. Boyce,

(SEAL)

City Clerk.