

SPECIAL MEETING

Thursday, March 11, 1943.

12:15 P. M.

The Common Council of the City of Indianapolis met in the Council Chamber at the City Hall, Thursday, March 11, 1943, at 12:15 p. m., with President Schumacher 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 Thursday, March 11, 1943, at 12:15 P. M., the purpose of such SPECIAL MEETING being to introduce G. O. No. 7, 1943—An ordinance of the City of Indianapolis, Indiana, authorizing the issuance and sale of Bonds for the purpose of refunding certain outstanding obligations of the City and matters connected therewith; and fixing a time when the same shall take effect.

Respectfully,

JOHN A. SCHUMACHER,
President, Common Council.

I, Frank J. Noll, 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.

FRANK J. NOLL, JR.,
City Clerk.

(SEAL)

Which was read.

President Schumacher called the meeting to order.

The Clerk called the roll.

Present: Mr. Bowers, Mr. Dauss, Mr. Jordan, Mr. Kealing, Mr. Manly, Dr. Meriwether, Mr. Sullivan, Mr. Worley, President Schumacher.

The reading of the Journal for the previous meeting was dispensed with on motion of Mr. Bowers, seconded by Mr. Kealing.

COMMUNICATIONS FROM CITY OFFICIALS

March 10, 1943.

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

Gentlemen:

Attached please find copies of General Ordinance No. 7, 1943, authorizing the issuance and sale of bonds for the purpose of refunding the following outstanding obligation of the City of Indianapolis:

Flood Bonds of 1913, in the total principal sum of \$150,000.00, the entire issue maturing on May 1, 1943, issued pursuant to G. O. No. 29, 1913.

Sufficient provision has not been made in the budget and tax levy adopted for the year 1943 to pay the principal of said bonds, and it will be necessary, in order to preserve the credit of the City, to refund said bonds.

I recommend that the Council authorize the issuance of refunding bonds in the amount of \$150,000.00 for the purpose of procuring funds to pay and redeem the above designated bonds, and that the proceeds of said refunding bonds be appropriated to the Department of Finance for that purpose.

Also, I would appreciate it very much if the Common Council will hold a special meeting on the 11th of March, 1943, to act upon this General Ordinance.

Respectmully submitted,

ROY E. HICKMAN,
City Controller.

President Schumacher asked if there was any one present who wished to speak on matters pending before the Council. Those present who desired were then given an opportunity to be heard on General Ordinance No. 7, 1943.

INTRODUCTION OF GENERAL ORDINANCES

GENERAL ORDINANCE No. 7, 1943

AN ORDINANCE OF THE CITY OF INDIANAPOLIS, INDIANA, authorizing the issuance and sale of Bonds for the purpose of refunding certain outstanding obligations of the City and matters connected therewith; and fixing a time when the same shall take effect.

WHEREAS, the City of Indianapolis, Indiana, now has outstanding certain bonds which will mature and be payable on the 1st day of May, 1943, for the payment of the principal of which no provision has been made in the existing budgets and tax levies; and

WHEREAS, it will be necessary to refund said outstanding bonds to preserve the credit of the City; and

WHEREAS, said bonds maturing on May 1, 1943, payment of which is to be provided for, are as follows, to-wit:

Floods Bonds of 1913, issued under date of May 1, 1913, pursuant to G. O. No. 29, 1913; the entire issue of One Hundred Fifty (150) bonds aggregating the sum of One Hundred Fifty Thousand Dollars (\$150,000.00) will mature and are payable on May 1, 1943, and bear interest at the rate of four (4%) per cent per annum; and

WHEREAS, the Common Council now finds that payment of the total amount of said outstanding bonds of the City of Indianapolis, in the aggregate sum of One Hundred Fifty Thousand Dollars (\$150,000.00) and which will mature and be payable on May 1, 1943, cannot be then made for the reason previously set out, and that there are no funds which will be available therefor, except as herein provided, and that the credit of the city will be seriously impaired in the event of failure to provide for the payment, at maturity, of said outstanding obligations; NOW, THEREFORE,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS, INDIANA:

Section 1. That for the purpose of obtaining funds with which to pay and cancel the said outstanding bonds of the city of Indianapolis, Indiana, hereinabove described, which will mature and be payable on the 1st day of May, 1943, and for the purpose of extending the time of payment of the indebtedness evidenced by said bonds, reducing the rate of interest thereon and equalizing the burden of taxation, there shall be issued and sold one hundred fifty (150) negotiable, direct, general obligation bonds of the City of Indianapolis, Indiana, in the sum of One Thousand Dollars (\$1,000.00) each, numbering from 1 to 150, both inclusive, and designated as "City of Indianapolis Refunding Bonds of May 1, 1943."

All of said refunding bonds shall be dated as of May 1, 1943. Said bonds shall mature and be payable as follows: Seven (7) bonds on July 1, 1944, and seven (7) bonds on each 1st day of July thereafter to and including July 1, 1962, and seventeen (17) bonds on July 1, 1963.

Said bonds shall bear interest at a rate not exceeding four (4%) per cent per annum, the exact rate to be determined by bidding

as hereinafter more particularly provided. The first interest shall be payable on January 1, 1944. Thereafter the interest on said bonds shall be payable semi-annually, on the 1st day of January and the 1st day of July of each year for the period of said bonds. Said installments of interest shall be evidenced by interest coupons attached to said bonds.

Section 2. Said Refunding Bonds and the interest coupons attached thereto shall be payable at the office of the Treasurer of the City of Indianapolis, Indiana, in said City and State, in lawful money of the United States of America. Said bonds shall be signed in the name of the City of Indianapolis by the Mayor of said City, countersigned by the City Controller of said City, and attested by the City Clerk, who shall affix the seal of the City to each of said bonds. The interest coupon attached to said bonds shall be executed by placing thereon the facsimile signature of the said Mayor, and the said City Controller, who, by the signing of said bonds, shall adopt as and for their own proper signatures, their facsimile signatures appearing on said coupons. Said bonds shall, in the hands of bona fide holders, have all of the qualities of negotiable instruments under the law merchant.

Section 3. The form and tenor of said refunding bonds and the interest coupons to be attached thereto shall be substantially as follows, (all blanks to be filled in properly prior to delivery), to-wit:

UNITED STATES OF AMERICA

STATE OF INDIANA

COUNTY OF MARION

No.

\$1,000.00

CITY OF INDIANAPOLIS REFUNDING BOND OF MAY 1, 1943.

The City of Indianapolis, in Marion County, State of Indiana, for value received, hereby acknowledges itself indebted and promises to pay to the bearer hereof the principal amount of

ONE THOUSAND DOLLARS

on the.....day of....., 19....., and to pay interest thereon from the date hereof until the principal is paid, at the rate of% per

annum, payable on the 1st day of, 1944, and semi-annually thereafter on the 1st day of and the 1st day of in each year, which interest to maturity is evidenced by and payable upon presentation and surrender of the attached interest coupons as they severally become due.

The principal and interest of this bond are payable at the office of the treasurer of the City of Indianapolis, in said City, in lawful money of the United States of America.

This bond is one of an authorized issue aggregating One Hundred Fifty Thousand Dollars (\$150,000.00), numbered consecutively from 1 to 150, both inclusive, of like denomination, tenor and effect as this bond, except as to date of maturity, issued by the City of Indianapolis, Indiana, pursuant to an ordinance entitled "An Ordinance of the City of Indianapolis, Indiana, authorizing the issuance and sale of bonds for the purpose of refunding certain outstanding obligations of said city, and matters connected therewith; and fixing a time when the same shall take effect", duly adopted by the Common Council of said city on the day of....., 1943, and an Act of the General Assembly of the State of Indiana, entitled "An Act concerning Municipal Corporations," approved March 6, 1905, and all acts amendatory thereof and supplemental thereof, for the purpose of providing funds for the payment of a like amount of valid and enforceable bonds of the City of Indianapolis maturing on May 1, 1943.

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the execution, issuance and delivery of this bond have been done and performed in regular and due form as provided by law, and that this bond and said total issue of bonds are within every limit of indebtedness prescribed by the Constitution and laws of the State of Indiana. The full faith and credit of the City of Indianapolis are hereby irrevocably pledged to the punctual payment of the principal and interest of this bond according to its terms.

IN WITNESS WHEREOF, the City of Indianapolis, in Marion County, State of Indiana, has caused this bond to be signed in its corporate name by its mayor, countersigned by its city controller, its corporate seal to be hereunto affixed, and attested by the city clerk, and the interest coupons hereto attached to be executed by

placing thereon the facsimile signatures of said mayor and said city controller, as of the first day of May, 1943.

CITY OF INDIANAPOLIS

By.....
Mayor

Countersigned:

.....
City Controller

Attest:

.....
City Clerk

(FORM OF INTEREST COUPON)

No..... \$.....

On the.....day of....., 19....., the City of Indianapolis, in Marion County, Indiana, will pay to bearer, at the office of the City treasurer in said city,Dollars, being the interest due on said date on its Refunding Bond of May 1, 1943, No.....

CITY OF INDIANAPOLIS

.....(Facsimile)
Mayor

.....(Facsimile)
City Controller

Section 4. On final adoption of this ordinance, the City Clerk shall immediately cause to be published and posted, in the manner required by law, a notice to taxpayers of the determination of the

City of Indianapolis to issue all of the refunding bonds authorized by this ordinance. Said notice shall be published once each week for two consecutive weeks in two newspapers published in the City of Indianapolis, and representing the two leading political parties, and said notice shall also be posted in three public places in said city, all as provided by law.

Section 5. Said refunding bonds shall be offered for sale by the City of Indianapolis as soon as may be done after the final adoption of this ordinance, in order that there may be no default in the payment of the outstanding bonds hereinabove described, which mature on May 1, 1943. Prior to the sale of said refunding bonds the City Controller shall cause to be published a notice of the sale of said bonds, once each week for two consecutive weeks in two local newspapers. The date fixed for the sale of said bonds shall be not earlier than eight (8) days after the last of said publications. Said bond sale notice shall state the time and place of sale, the purpose for which the bonds are issued, the total amount to be sold, the maximum rate of interest thereon, the time and place of payment, and the terms and conditions upon which bids will be received and the sale made, and all such other information as the City Controller shall deem necessary.

Among other things, said notice shall advise the bidders that all bids for said bonds shall be filed with the City Controller in his office in said city, in sealed envelopes marked "Bid for Refunding Bonds of May 1, 1943"; that each bid shall be accompanied by a certified check payable to the City of Indianapolis in an amount equal to two and one-half per cent ($2\frac{1}{2}\%$) of the amount of said bonds to guarantee the good faith of the bidder, and that in the event the bidder to whom the bonds were awarded shall fail to comply with the provisions of the bid, then said check and the proceeds thereof shall be and become the property of the City of Indianapolis and shall be taken and considered as the liquidated damages of the city on account of such failure or refusal. Said notice shall also provide that bidders for said bonds shall be required to name the rate of interest which said refunding bonds are to bear, not exceeding the maximum rate herein provided, and that such interest must be in multiples of one-fourth ($\frac{1}{4}$) of one per cent ($\%$), and not more than one interest rate shall be named by each bidder; that the city controller will award said bonds to the highest qualified bidder who has submitted his bid in accordance with the notice of sale, and that the highest bidder will be the one who offers the lowest net interest to the city, determined by computing the total interest on all of the

bonds to their maturities and deducting therefrom the premium bid, if any.

Section 6. No bid for less than the par value of said bonds, including the accrued interest from the date of said bonds to the date of delivery thereof, at the rate named in the bid, shall be considered. The City Controller shall have the full right to reject any and all bids. In the event the City Controller shall receive no satisfactory bid for said bonds at the time fixed in said notice of sale, he shall be authorized to continue to receive bids thereafter from day to day until a satisfactory bid is received, and in the event of the continuation of the sale, the City Controller shall open all bids filed, at the same hour each day, as stated in the bond sale notice.

Section 7. The City Controller is hereby authorized and directed to have said bonds and coupons prepared, and the Mayor and the City Controller and the City Clerk are hereby authorized and directed to execute said bonds and the interest coupons to be attached thereto in the form and manner herein provided, and the City Controller shall, after the execution of said bonds, deliver the same to the City Treasurer and shall take his receipt therefor. Upon the consummation of the sale of said bonds, the City Controller shall certify to the Treasurer the amount which the purchaser is to pay for the same, and thereupon said Treasurer shall be authorized to receive from the purchaser the amount so certified by the Controller, and to deliver the bonds to such purchaser.

Section 8. This ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

It was read the first time and referred to the Committee on Finance.

Mr. Bowers made the following motion:

"I move that the rule of the Common Council prohibiting the passage of ordinances upon the same day as introduced be suspended and that General Ordinance No. 7, 1943, be read a second time, be considered engrossed, and placed upon its passage."

The motion was seconded by Mr. Manly and passed by the following roll call vote:

Aye, 9, viz: Mr. Bowers, Mr. Dauss, Mr. Jordan, Mr. Kealing, Mr. Manly, Dr. Meriwether, Mr. Sullivan, Mr. Worley, President Schuacher.

The rules were suspended.

The Council reverted to previous order of business.

COMMITTEE REPORT

Indianapolis, Ind., March 11, 1943.

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. 7, 1943, entitled:

AN ORDINANCE of the City of Indianapolis, Indiana, authorizing the issuance and sale of Bonds for the purpose of refunding certain outstanding obligations of the City and matters conneced therewith; 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 under suspension of rules.

HERMAN E. BOWERS, Chairman
EDWARD R. KEALING
R. C. DAUSS
LUCIAN B. MERIWETHER
ROSS MANLY

ORDINANCES ON SECOND READING

Mr. Bowers called for General Ordinance No. 7, 1943, for second reading. It was read a second time.

On motion of Mr. Bowers, seconded by Mr. Manly, General Ordinance No. 7, 1943, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 7, 1943, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 9, viz: Mr. Bowers, Mr. Dauss, Mr. Jordan, Mr. Kealing, Mr. Manly, Dr. Meriwether, Mr. Sullivan, Mr. Worley, President Schumacher.

On motion of Mr. Dauss, seconded by Mr. Kealing, the Common Council adjourned at 12:35 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, held on the 11th day of March, 1943, at 12:15 p. m.

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

President.

Attest:

City Clerk.

(SEAL)