

SPECIAL MEETING.

COUNCIL CHAMBER,  
CITY OF INDIANAPOLIS,  
January 28, 1895. }

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, January 28, 1895, at 8 o'clock, in special session, pursuant to the following call:

INDIANAPOLIS, IND., January 27, 1895.

*Mr. W. H. Cooper, President of the Common Council:*

The undersigned members of the Common Council of the City of Indianapolis, request you to call a special meeting in the Council Chamber Monday evening, January 28, 1895, at 8 o'clock, for the purpose of transacting such business as may come before it for consideration.

GEO. MERRITT.  
A. A. YOUNG.  
J. R. ALLEN.  
JAS. H. COSTELLO.  
WM. HENNESSY.

INDIANAPOLIS, IND., January 28, 1895.

*Lee Nixon, Esq., City Clerk:*

In compliance with the request of five members, I hereby call a special session of the Common Council to meet in the Council Chamber January 28, 1895, at 8 o'clock P. M., to transact such business as may come before said meeting.

W. H. COOPER,  
*President.*

I, Lee Nixon, Clerk of the Common Council, do hereby certify that I have served above notice upon the President and each member of the Common Council prior to the time of meeting, pursuant to the rules.

LEE NIXON,  
*City Clerk.*

Present, Hon. Wm. H. Cooper, President of the Common Council, in the chair, and 15 members, viz: Messrs. Allen, Colter, Costello, Hennessy, Kaiser, Koehring, Magel, Merritt, Murphy, O'Brien, Puryear, Schmid, Shaffer, Stott and Young.

Absent, 5—viz: Messrs. Drew, Krauss, Rauh, Ryan and Stein.

The Clerk proceeded to read the Journal, whereupon Councilman Shaffer moved that the further reading of the Journal be dispensed with.

Which motion prevailed.

## REPORTS, ETC., FROM STANDING COMMITTEES.

Mr. Stott, on behalf of the Committee on Finance, to whom was referred :

G. O. No. 3, 1895. An ordinance to amend Section One of an ordinance entitled "An ordinance to amend Section Nine of an ordinance entitled 'An ordinance providing for a license upon vehicles drawn upon the streets of the city of Indianapolis, Indiana; regulating the construction and dimensions of tires to be used on such vehicles, and providing penalties for enforcing the same; also, for the publication thereof, and the date when the same shall take effect,' being General Ordinance Number Sixty-one, 1893, passed by the Common Council of the City of Indianapolis, November 20, 1893, providing for the publication thereof, and fixing the time when the same shall take effect," being General Ordinance Number Seventeen, 1894, passed by the Common Council of the City of Indianapolis February 20, 1894, providing for the publication thereof, and fixing the time when the same shall take effect.

Made the following report :

INDIANAPOLIS, IND., January 28, 1895.

*Mr. President and Members of the Common Council :*

The Finance Committee, to whom was referred G. O. No. 3, 1895, would respectfully recommend the passage of the same.

GEO. MERRITT.

J. R. ALLEN.

GEO. R. COLTER.

JAS. H. COSTELLO.

ED. G. STOTT.

Which was read and concurred in.

## REPORTS FROM SELECT COMMITTEES.

Mr. Merritt, on behalf of the Special Committee on Investigation and Impeachment,

Made the following report :

INDIANAPOLIS, IND., January 28, 1895.

*Mr. President:*

Your special committee, appointed December 3, 1894, to make a thorough and impartial investigation of the affairs of the Department of Public Works of the City of Indianapolis and its subordinates, and to examine witnesses under oath, and to report charges to the Common Council, if the foundation exists therefor, respectfully reports that it has made a thorough and impartial investigation of all matters referred to it, and fully and impartially investigated all rumors of carelessness, negligence, incompetency and corruption of said Board of Public Works, or its subordinates.

Your committee has held eighteen meetings, which were open to the public. We have given the fullest opportunity to all persons who had any evidence to offer to come before the committee and testify. We have taken the testimony of all persons whom we had reason to believe had any knowledge of facts bearing on the matters under investigation. Some witnesses voluntarily appeared, others were brought in by subpoenas. All witnesses testified under oath. Your committee has spared no effort to ascertain the truth. It has examined witnesses, and herewith submits a long hand report of the testimony taken, consisting of 1,129 pages.

A careful analysis of the evidence shows that there has been no dishonesty or corruption on the part of the Board of Public Works, or any member thereof, or on the part of any subordinate or employe of such Board, and we herein neither make nor intend any reflection on the integrity of any person. It is apparent, however, from the evidence that there have been errors of judgment, irregularities and negligence, and it is also clear that there has been in some cases imperfect execution of correct plans, as hereinafter stated.

The power given the Common Council by the City Charter to "supervise" as well as "investigate all departments, officers and employes," makes it the duty of your committee to report herein such errors, irregularities, negligence and imperfect execution of plans as in our opinion the evidence discloses. We leave open for further consideration the question as to whether or not there is sufficient evidence to justify the presentation of charges for the impeachment or removal of any officer or employe.

The evidence shows there has been an error in the plan adopted for the letting of street-sweeping contracts. Bids are called for per lineal foot on each street to be swept in a certain district, and the contract awarded to the bidder whose bids for the entire district are the lowest in the aggregate. This plan often results in the contract being let to the contractor whose bids on one or more streets in the district are the highest instead of the lowest. In the letting of sweeping contracts the Board has been careless in that they did not tabulate the different bids and ascertain the aggregate amount of each bid in the several districts. The evidence shows that the change from letting street-cleaning contracts by streets to letting them by districts was a mistake. There has been no effective effort to compel contractors to comply with the specifications of the sweeping contracts. The Sweeping Inspector has failed to perform his duty. He has not made a single deduction for improper or poorly performed work, or for work not done during the season, while the evidence shows that certain streets under sweeping contracts have been closed for sewer building and for other purposes for weeks at a time, and that other deductions should have been made for work poorly done. Under the terms of the sweeping contracts the streets are to be kept in a "cleanly condition to the satisfaction of the Board of Public Works or its authorized agent." For each day not so kept the cost of two days' pay is to be deducted, and all deductions made by the Board of Public Works shall be final. Notwithstanding the above provisions in the contract, and the fact that complaints were frequently made, and contracts were not complied with, no deduction for poor work, or for work not done, have been made.

The evidence shows that in one instance a sweeping contract for one district was awarded to the lowest bidder and such bidder refused to enter into such contract, claiming that he was unable to secure bondsmen, and by such refusal forfeited his right to the certified check for \$500 which accompanied his bid as a guaranty that it was a good faith bid. That simply on his representation that he was unable to enter into the contract and furnish the bond, and was a poor man, and unable to lose the \$500, the Board returned him his check. This was contrary to law, and in violation of all business principles.

The evidence is conflicting as to whether there has been any improvement in the cleaning of the streets since the first of June, the date of the present contracts, but the improvement, if any, has not been in proportion to the increased cost. It is to be noted, however, that there are over ninety miles of streets to be sprinkled, and over thirty miles of paved streets to be cleaned, all of which one man is supposed to inspect.

The charge, or rumor, that the Superintendent of Street Repairs has received commissions on the purchase of stone or other supplies for the city is not sustained, and we do not find any evidence of dishonesty. The evidence shows, however, that an attempt was made to corrupt another of the city officials, but that the attempt failed. Dirt has been sold by some subordinate employes under the Superintendent of Street Repairs, and said employes have been discharged therefor. We are of opinion that a plan should be devised for the sale of dirt taken from the streets, when it can be sold at a profit, and thus be made a source of revenue for the city.

Your committee has made as thorough an investigation into the rumor concern-

ing defective sewer work as was possible. The evidence, in the opinion of your committee, does not justify the wide-spread impression that a great deal of defective sewer work has been done.

The evidence shows that the Merrill-street sewer, before completion, was damaged by a storm and high water. For a distance of about seventy-five feet a crack was caused in the crown of the arch varying in width from one-fourth to three-fourths of an inch, and at one point from twelve to twenty bricks had fallen out from the top of the inner ring. There was a depression in another place in the top of the sewer, causing the sides to spread. The inspector in charge reported the damage to the Engineer, who thereupon ordered the section taken out. It seems from the evidence that the assistant engineers, Jeup and Dill, then took charge of the inspection, and by a misunderstanding of orders, or for some other reason, the sewer was not repaired as ordered, but the fallen bricks were replaced from the inside, and the crack in the crown of the arch filled with cement, and the work accepted.

The Morton-street drain has been much in evidence. From the evidence in regard to it your committee is of the opinion that while some poor materials were used in its construction, it is in fair condition, and will answer the purpose for which it was built.

The evidence is conflicting as to whether the work in the above mentioned cases is such as to jeopardize their durability. In the twenty (20) miles of sewers proper constructed during the past year, there is no evidence of serious defects in any work except in the cases above mentioned:

The evidence shows that during the winter of 1893 and 1894 numerous catch-basins were very imperfectly constructed. The specifications were not followed, and many catch-basins were villainous frauds. They were built in the night by sub-contractors, and at a time when the engineers and inspectors were new to their duties. There is no evidence that the inspectors were present when they were built. It is also in evidence that many other catch-basins are leaky, and have other minor imperfections, and all such work should be thoroughly inspected and located, and contractors should be compelled to put the same in first-class condition before the expiration of their guarantees.

The evidence also shows that there is much imperfect work in making house connections.

The evidence discloses the fact that much of the cement sidewalk work has not been constructed in accordance with the specifications. It is evident that contracts for this class of work have been let at about the cost of the labor and material required to build them. This work should have been closely inspected. The Engineer called the attention of the Board to this situation of affairs, but no effort was made for more rigid inspection.

It is clearly shown by the evidence that the force of inspectors has been inadequate for the work done. Each inspector had at times three or four different jobs to inspect at the same time. These jobs were frequently several squares apart making close inspection impossible. The Board of Public Works should have taken cognizance of the situation, and either have had additional appropriations for more inspectors, or stopped the work. The force of inspectors should also have some technical knowledge of the work they are required to inspect, and the best possible means should be adopted in their selection to secure the most competent men. Their pay should be graded by the degree of experience and education required. We think it would be well to leave the selection and employment of assistant engineers and inspectors with the City Engineer, and then make him responsible for their faithful performance of duty.

It is shown that the City Engineer favored contractors in accepting work and allowing assessment rolls to be approved before the work was fully completed. But it is not shown by the evidence that the City Engineer favored any one contractor more than another. It is shown, however, in connection with inspection of materials proposed to be furnished for public work, and when necessary to visit other cities or places for such purpose, that he and his assistants have been the guests of and have accepted the hospitality of different firms, companies and persons who furnished materials to contractors for city work, which materials they were to be called on to accept or reject. Such practice is calculated to create distrust in the minds of the people and should be discontinued.

It is shown that specifications and plans have not in cases been strictly followed. The people cannot feel assured that they get what they pay for unless plans and specifications are carefully drawn and strictly adhered to. Specifications denote the standard of work, and when the work does not come up to the standard it should not be accepted. Contractors who persistently try to do work not according to the specifications should not in the letting of contracts be considered the "best" bidders even if the "lowest."

The evidence shows that the present City Engineer is a capable and efficient engineer, but that he has not used a sufficient degree of firmness in dealing with contractors and subordinates.

The evidence shows that the Clerk of the Board of Public Works and the Clerk of the City Engineer have charged and received from contractors and others compensation for making copies of specifications and other records. We believe that the practice should be stopped. That the city employes should either not make copies of specifications or records, or when made the compensation therefor should be paid into the City Treasury, except where otherwise provided in the City Charter.

The evidence shows that the Board of Public Works has violated the provisions of the City Charter by following the practice of the preceding Board in letting contracts without advertisement; that the Board allowed the City Engineer to let contracts without advertising and allowed him to receive and open bids for minor contracts.

Your Committee believes that small jobs of work should be done by employes of the city where allowable, but in any case the provisions of the Charter should be strictly followed. It is also shown that the Board has not had the assessment rolls made at the time prescribed by the Charter.

The evidence shows that the Board of Public Works have departed from the specifications in the Fourteenth-street sewer, and had extra work done not provided for therein, viz., by putting in a "Y" connection at a cost of \$500.00 and have assessed the cost thereof against property not benefitted by such extra work; that the Board in violation of Section 85 of the City Charter allowed persons to construct a private sewer opening into a local sewer when such persons had not been assessed for such local sewer; that the Board has been negligent in not compelling contractors and corporations who open streets to put them back in as good condition as they found them and they erred in causing the Superintendent of Street Repairs to do such work after contractors and in not making claims against such contractors and enforcing collection of same.

From the evidence concerning the Assesment Roll Bureau your committee finds that the work of said department has been remarkably free from errors considering the magnitude of it; that there is no evidence that a single piece of property was ever omitted from the roll intentionally.

We submit the foregoing facts and conclusions as they seem to us to be supported by the evidence. Inasmuch as the Mayor has the power of removal we do not deem it necessary to submit any specific charges or recommendations at this time.

All of which is respectfully submitted.

GEO. MERRITT.  
J. R. ALLEN.  
A. A. YOUNG.  
JAS. H. COSTELLO.  
WM. HENNESSY.

Mr. Young offered the following motion:

*Moved,* That the report of the committee be received and approved, and that the copy of the evidence be filed with the City Clerk for future reference, but not printed in the proceedings, and that the committee be continued.

Which motion prevailed.

## ORDINANCES ON SECOND READING.

On motion of Mr. Stott, the following entitled ordinance was taken up, read a second time, ordered engrossed, and then read a third time:

G. O. No. 3, 1895. An ordinance to amend Section One of an ordinance entitled "An ordinance to amend Section Nine of an ordinance entitled 'An ordinance providing for a license upon vehicles drawn upon the streets of the city of Indianapolis, Indiana; regulating the construction and dimension of tires to be used on such vehicles, and providing penalties for enforcing the same; also, for the publication thereof, and the date when the same shall take effect,' being General Ordinance Number Sixty-one, 1893, passed by the Common Council of the City of Indianapolis, November 20, 1893, providing for the publication thereof, and fixing the time when the same shall take effect," being General Ordinance Number Seventeen, 1894, providing for the publication thereof, and fixing the time when the same shall take effect.

And was passed by the following vote:

AYES 16—viz: Messrs. Allen, Colter, Costello, Hennessy, Kaiser, Koehring, Magel, Merritt, Murphy, O'Brien, Puryear, Schmid, Shaffer, Stott, Young and President Cooper.

NAYS—None.

On motion of Mr. Hennessy, the Common Council, at 8:25 o'clock P. M., adjourned.

ATTEST:

*W. H. Cooper*

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President.

*Lee Nixon*

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City Clerk.