

## SPECIAL MEETING

Tuesday, November 25, 1975

A Special Meeting of the City-County Council of Indianapolis, Marion County convened in Council Chambers of the City-County Building at 5:15 p.m., Tuesday, November 25, 1975. President SerVaas in the chair. Councilman Schneider opened the meeting with a prayer, followed by the Pledge of Allegiance.

## ROLL CALL

President SerVaas instructed the Clerk to take the roll. Twenty-six members being present, he announced a quorum. *Present:* Mr. Bayt, Mr. Boyd, Mr. Campbell, Mr. Cantwell, Mr. Caplinger, Mrs. Chandler, Mr. Clark, Mr. Cottingham, Mr. Dowden, Mr. Durnil, Mr. Elmore, Mrs. Gibson, Mr. Giffin, Mr. Gilmer, Mr. Gorham, Mr. Griffith, Mr. Hawkins, Mr. Kimbell, Mr. Miller, Mr. Robbins, Mr. Ruckelshaus, Mr. Schneider, Mr. SerVaas, Mr. Tinder, Mr. Tintera and Mr. West. *Absent:* Mr. Brown, Mr. McPherson and Mr. Patterson.

## SPECIAL NOTICES

President SerVaas instructed the Clerk to read any pertinent Special Notices. The Clerk read the following:

TO THE MEMBERS OF THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS-MARION COUNTY, INDIANA:

Ladies and Gentlemen:

You are hereby notified that there will be a SPECIAL MEETING of the

City-County Council held in the City-County Building in the Council Chambers on Tuesday, November 25, 1975, at 5:00 p.m., the purpose of such SPECIAL MEETING being to introduce and take action on a Council Resolution.

Respectfully,

BEURT SERVAAS  
President  
City-County Council

November 25, 1975

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY—  
COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS-MARION  
COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the Indianapolis Commercial on November 24, 1975, and November 25, 1975, and in the Indianapolis News on November 23, 1975, and November 24, 1975, a "Notice of Special Meeting" of the City-County Council on Tuesday, November 25, 1975, at 5:00 p.m., in the City-County Building.

Respectfully,

JEAN A. WYTENBACH  
City Clerk

/vlw

The Clerk indicated that all City-County Councilman had been notified of the Special Meeting of the City-County Council by hand delivered notices, carried by officers of the Indianapolis Police Department and delivered before 5:00 p.m., on Saturday, November 22, 1975.

### MOTION TO ADOPT SPECIAL ORDER OF BUSINESS

The President called for any motions for Special

Order of Business, and Councilman Miller moved, seconded by Councilman Kimbell the following:

“Mr. Chairman: I move that a Special Order of Business be adopted for the introduction of and action on Proposal No. 464, 1975, and Proposal No. 465, 1975, and that no other business be conducted at this meeting.”

The *motion was passed* on the following roll call vote; viz: 26 Ayes: Mr. Bayt, Mr. Boyd, Mr. Campbell, Mr. Cantwell, Mr. Caplinger, Mrs. Chandler, Mr. Clark, Mr. Cottingham, Mr. Dowden, Mr. Durnil, Mr. Elmore, Mrs. Gibson, Mr. Giffin, Mr. Gilmer, Mr. Gorham, Mr. Griffith, Mr. Hawkins, Mr. Kimbell, Mr. Miller, Mr. Robbins, Mr. Ruckelshaus, Mr. Schneider, Mr. SerVaas, Mr. Tinder, Mr. Tintera and Mr. West. *No Noes.*

### SPECIAL ORDERS — FINAL ADOPTION

The President called for Proposals eligible to be heard under Special Orders — Final Adoption.

*PROPOSAL NO. 464, 1975.* Mr. Gary Landau, Corporation Counsel for the City of Indianapolis explained the action taken by the Center Township Trustee, that he has spent above and beyond amounts approved and allocated by the City-County Council and that Poor Relief is a mandatory item under the laws of the State of Indiana. Mr. Landau indicated that an over expenditure of this nature could be considered a violation of law of a criminal stature and an act of maleficence. Mr. Fred Armstrong, Director, Department of Administration answered all questions of

Council concerning monetary records and indicated the City's position.

President SerVaas called for a question and answer session, during which all members of the City-County Council of audience could participate.

Following considerable discussion, Councilman Miller moved, seconded by Councilman Giffin to amend Proposal No. 464, 1975, as follows:

#### CITY-COUNTY COUNCIL MOTION

Mr. President:

I move that City-County Council Proposal No. 464, 1975, be amended as follows:

- a) That a new Section 2 be added to read as follows:

Section 2. The Center Township Trustee shall provide, as collateral to Marion County for such advance, the property at 863 Massachusetts Avenue, Indianapolis, Indiana, owned by Center Township, Marion County, Indiana.

- b) That Section 2 be renumbered as Section 3.

DONALD W. MILLER  
Councilman

By consent, the motion to amend and the second to the motion were withdrawn. No vote count was taken.

Councilman Griffith then moved, seconded by Councilman Clark, that Council recess for a five minute period for private deliberation. The motion was defeated by a show of hands.

Councilman Griffith moved, seconded by Councilman Gorham Previous Question on the main motion, that being passage of Proposal No. 464, 1975.

The motion was carried by voice vote.

*The Question being called on the main motion, Proposal No. 464, 1975, was passed on the following roll call vote; viz: 16 Ayes: Mr. Bayt, Mr. Boyd, Mr. Campbell, Mr. Cantwell, Mr. Caplinger, Mrs. Chandler, Mr. Cottingham, Mrs. Gibson, Mr. Griffith, Mr. Hawkins, Mr. Kimbell, Mr. Robbins, Mr. SerVaas, Mr. Tinder, Mr. Tintera and Mr. West. 10 Noes: Mr. Clark, Mr. Dowden, Mr. Durnil, Mr. Elmore, Mr. Giffin, Mr. Gilmer, Mr. Gorham, Mr. Miller, Mr. Ruckelshaus and Mr. Schneider. Proposal No. 464, 1975, was retitled General Resolution No. 16, 1975, and reads as follows:*

CITY-COUNTY GENERAL RESOLUTION NO. 16, 1975

A GENERAL RESOLUTION authorizing the advance and transfer of Four hundred fifty thousand dollars (\$450,000) to the Poor Relief Fund, Center Township, from the unencumbered balances of the State Revenue Sharing Trust Fund.

WHEREAS, the Center Township Trustee and Center Township Advisory Board have determined that the necessary expenses for poor relief in Center Township for the calendar year 1975 are exceeding the amount of revenue currently available for such purposes; and

WHEREAS, the County Auditor has reported to the Mayor, as county executive, that the anticipated claims for poor relief for Center Township exceeds the amount available for such claims in the County Poor Relief Fund, and that it will be necessary for the county to borrow or otherwise provide these funds; and

WHEREAS, the County Auditor and Mayor report that there are no available funds for appropriation and advancement of the necessary amounts from the County General Fund; and

WHEREAS, there are unencumbered balances in the State Revenue Sharing Trust Fund which may be advanced to the Poor Relief Fund; and

WHEREAS, such action is deemed preferable to issuing poor relief bonds; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA;

Section 1. The City-County Council, pursuant to I.C. 19-11-2-2, hereby authorizes the County Auditor, County Treasurer, and City Controller to advance and transfer the sum of Four hundred fifty thousand dollars (\$450,000) from the revenues received pursuant to Section 5 of Public Law 343, 1975, "State Revenue Sharing Trust Fund," to the County Poor Relief Fund, Center Township, such amount to be returned and repaid on or before December 31, 1975.

Section 2. This Ordinance shall be in full force and effect from and after adoption and approval by the Mayor.

At this point, Councilman Ruckelshaus was excused and left Council Chambers.

*PROPOSAL NO. 465, 1975.* Following discussion, during which Councilman Tinder reiterated the danger of such irresponsible spending, Councilman Kimbell moved, seconded by Councilman Gorham, the Previous Question on passage of Proposal No. 465, 1975.

*The motion for Previous Question on passage of Proposal No. 465, 1975, failed on the following roll call vote; viz: 7 Ayes: Mr. Cottingham, Mr. Dowden, Mr. Giffin, Mr. Gilmer, Mr. Gorham, Mr. Griffith and Mr. Kimbell. 17 Noes: Mr. Bayt, Mr. Boyd, Mr. Campbell, Mr. Cantwell, Mr. Caplinger, Mrs. Chandler, Mr. Clark, Mr. Durnil, Mr. Elmore, Mrs. Gibson, Mr. Hawkins, Mr. Miller, Mr. Robbins, Mr. SerVaas, Mr. Tinder, Mr. Tintera and Mr. West. (Mr. Schneider abstained from voting.)*

Following further discussion, Councilman Tintera called for the Previous Question on the main motion, seconded by Councilman Kimbell.

The motion carried by voice vote.

The *Question being called on the main motion, Proposal No. 465, 1975*, was passed on the following roll call vote; viz: *17 Ayes: Mr. Caplinger, Mr. Clark, Mr. Cottingham, Mr. Dowden, Mr. Durnil, Mr. Giffin, Mr. Gilmer, Mr. Gorham, Mr. Griffith, Mr. Kimbell, Mr. Miller, Mr. Robbins, Mr. Schneider, Mr. SerVaas, Mr. Tinder, Mr. Tintera and Mr. West. 8 Noes: Mr. Bayt, Mr. Boyd, Mr. Campbell, Mr. Cantwell, Mrs. Chandler, Mr. Elmore, Mrs. Gibson and Mr. Hawkins. Proposal No. 465, 1975*, was retitled Council Resolution No. 18, 1975, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 18, 1975

A COUNCIL RESOLUTION requesting investigation and examination of the spending procedures of the Center Township Trustee.

WHEREAS, the present Center Township Trustee, on his own initiative, has recently expended the sum of approximately Five hundred thousand dollars (\$500,000) for the purchase and furnishing of buildings at 863 Massachusetts Avenue, Indianapolis, Indiana, for use as offices of the Trustee without providing for it in his annual budget; and

WHEREAS, the said Center Township Trustee thereafter deliberately and knowingly issued poor relief purchase orders to applicants exceeding his authorized budget by a total sum of approximately Six hundred thousand dollars (\$600,000); and

WHEREAS, it is the opinion of the City-County Council members that such actions by the Center Township Trustee constitute serious acts of fiscal irresponsibility by such elected Township official, and that such irresponsible spending by such official, if continued unchecked, could rapidly lead to bankruptcy of local municipal government; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

Section 1. That an investigation is requested by the Marion County Grand Jury into the said acts of such Center Township Trustee under its authority granted by the provisions of I.C. 1971, 35-1-15-21 (Third).

Section 2. That the Indiana State Board of Accounts make an

examination of any books, papers, and documents of the said Center Township Trustee involving all receipts and expenditures of public funds by such official during the fiscal period when such actions were taken by him, under the Board's authority granted by I.C. 1971, 5-11-1-9.

Section 3. That a certified copy of this Resolution be forwarded with an appropriate letter by the President of this Council to both the Foreman of the Marion County Grand Jury and to the State Examiner of the State Board of Accounts.

### ADJOURNMENT

Upon motion made by Councilman Griffith, seconded by Councilman Kimbell, the meeting adjourned at 6:20 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the City-County Council of Indianapolis-Marion County held at it's Special Meeting on the 25th day of November, 1975.

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



ATTEST:

*President*



(SEAL)

*Clerk of the City-County Council*