

SPECIAL MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.,  
Saturday, January 12, 1918.

The Common Council of the City of Indianapolis met in the Council Chamber, Saturday, January 12, 1918, at 3:30 o'clock in special session, President Louis W. Carnefix in the chair, pursuant to the following call:

Saturday, January 12, 1918.

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

You are hereby notified that there will be a special meeting of the Common Council held in the Council Chamber on Saturday, January 12, 1918, at 3:30 o'clock P. M., the purpose of such meeting being to receive communications from the Mayor or City Controller of said City for the introduction of an Ordinance providing for the compensation of members of the Police Force and for members of the Fire Force, and repealing General Ordinance No. 67, 1917, and repealing General Ordinance No. 97, 1917, and declaring an emergency.

Respectfully,

CHARLES W. JEWETT,

*Mayor.*

I, George O. Hutsell, 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.

GEORGE O. HUTSELL,

*City Clerk.*

Which was read.

The Clerk called the roll.

Present: The Hon. Louis W. Carnefix, President of the Common Council, and 7 members, viz.: Messrs. Kirsch, Peake, Willson, Schmidt, Furniss, Pettijohn and Brown.

Absent 1, viz: Mr. Miller

COMMUNICATION FROM THE MAYOR.

*To the President and Members of the Common Council,  
Indianapolis, Indiana*

GENTLEMEN:

General Ordinance No. 67, 1917, providing for increased compensation for the City Fire Force, was passed by your Honorable Body on August 6th, 1917, over the veto of the Mayor.

There was no appropriation made to pay this increased compensation to firemen by Appropriation Ordinance No. 18, 1917, or by any other ordinance.

General Ordinance No. 97, 1917, providing for increased compensation for the City Police Force, was passed by your Honorable Body on December 3, 1917, over the veto of the Mayor.

The passage of Ordinance No. 97, 1917, was more than three months after the passage of said Ordinance No. 18, 1917, appropriating money to defray the current expenses of the fiscal year, 1918. Notwithstanding this fact, the Council did not appropriate any money whatsoever with which to pay the increased compensation provided for in General Ordinance No. 97, 1917.

In view of this unusual situation of an increase of over \$80,000.00 in salaries to Fire Force and over \$110,000.00 in salaries to Police Force for the year 1918, without any appropriation whatever having been made by the Council to pay the same, and with the entire estimated

revenues of the year 1918, having been otherwise appropriated for the necessary expenses of the different departments of the City, I have requested the Corporation Counsel, Mr. Ashby, to advise the City Controller as to his rights and duty in the premises. He has advised the City Controller in a written opinion as follows:

January 11, 1918.

Mr. Robert H. Bryson,  
City Controller,  
Indianapolis, Indiana.

DEAR SIR:

I have further considered the questions submitted to me by you:

1st, as to your right, under the law, to pay the City Fire Force the compensation fixed by General Ordinance No. 67, 1917, which was passed August 6, 1917, over Mayor Bell's veto.

2nd, as to your right, under the law, to pay the City Police Force the compensation fixed by General Ordinance No. 97, 1917, which was passed December 3, 1917, over Mayor Bell's veto.

Ordinance No. 67 was introduced July 16, 1917, and passed on the \_\_\_\_\_ day of July, 1917. In vetoing this ordinance, the Mayor said:

"Under the terms of this ordinance an increase of \$80,000 annually would be added to the salaries in the fire department.

In view of the fact that the city's income is limited to a levy of 75 cents upon each \$100 for general purposes, and we are now up to that limit, coupled with the fact that during the coming year the city's income from miscellaneous sources will be reduced to the extent of \$300,000 on account of the loss of fees from retail liquor licenses, it would be impossible for the city to meet the additional burden which this ordinance would impose without borrowing money to do so."

"It can not with reason be said that the ordinance is passed at this time in order that the increase of salaries in the fire department can be added in the budget, which is to be made up for the coming year because of the fact that the city tax levy is now 75 cents upon each \$100,

being the limit that can be made under the law, and this levy for general purposes will not produce sufficient revenue to meet the absolute needs of the city under conditions as they now exist.

Therefore the tax levy as it now stands will not permit the adding of additional amounts for the maintenance of the Fire Department because the levy will not produce revenue sufficient to meet these added amounts."

It clearly appears from the report of R. H. Sullivan, City Controller under date of August 27, 1917, that no provision was made for the increased compensation to the Fire Force provided in said Ordinance No. 67, in appropriation Ordinance No. 18, 1917, appropriating funds to pay the current expenses of the city government for the fiscal year beginning January 1, 1918, and ending December 31, 1918. For he said:

"The estimates for appropriations for the various city departments and payable out of the general fund aggregate the sum of \$2,275,908.03 leaving a balance unappropriated of \$19,757.97 to be used by the next administration as an emergency fund. The estimates for 1918, are \$222,009.63 less than the appropriation ordinance of 1917.

Because of the anticipated loss of liquor revenues in the year 1918, it has been necessary to make this very large reduction in the estimates.

I have not attempted to increase the pay of City Firemen after January 1, 1918, per a recent ordinance, for the reason that I believe it is only fair to the next administration that they either provide an ordinance for the raising of greater revenue with which to meet the increased pay or decide where they will further cut expenses in order to meet said increase. It is a situation which they should meet in the manner which they deem most fitting."

It therefore clearly appears that the Appropriation Ordinance No. 18, did not appropriate any money with which to pay the additional increase to the fire force provided for in said Ordinance No. 67, and it further appears that the appropriations made exhausted all the revenues of the city except a balance unappropriated of \$19,959.97, notwithstanding the fact that the estimates for 1918 were \$222,009.63 less than the

Appropriation Ordinance of 1917. There was no appropriation made for this purpose, and in fact no funds or revenue out of which to make it.

The Ordinance No. 97, increasing the compensation of the Police Force, made an increase of 20% in the salaries of the members of the department, which will amount to an increase of about \$110,000 a year. This ordinance was passed over the Mayor's veto December 3, 1917, more than three months after Appropriation Ordinance No. 18, providing for the current expenses for the year 1918, had been passed. No money was, or could have been, appropriated in said ordinance to pay this increased compensation, and the Common Council did not make any additional appropriation to pay this increased compensation to the Police Force. In vetoing said Ordinance No. 97, Mayor Bell said:

Therefore in the year 1918 the city will lose the liquor license revenue, which amounts to about \$300,000.00 a year.

With a loss of \$300,000.00 in the city's income, and an increase provided by this ordinance of \$110,000.00 it makes a practical shortage of the revenues for the coming year of \$400,000.00.

The city's income is limited by statute to a levy of 75 cents upon each one hundred dollars. We are now up to that limit, and therefore the city will have no way to provide for making up this loss of revenue and this increase of salaries.

Some time ago your Honorable Body passed an ordinance increasing the salaries of the members of the Fire Department to the extent of more than \$80,000.00 per year, which is not to take effect until January 1st, 1918.

It seems to me that an ordinance should not be passed providing for an increase of salaries, unless at the same time your Honorable Body will pass an ordinance which will provide revenues to meet this increase. Where an ordinance is passed providing for additional expenditures without providing a means of obtaining money with which to meet this increase, the hands of the administration are completely tied unless they go into the market and borrow money to pay salaries. This policy would be a most disastrous one and would not be adopted by any private institution.

The ordinance concerning the increase of salaries in the Fire Department provides for an increase of a little more than \$80,000.00.

The present police ordinance provides for an increase of \$110,000.00

A loss of revenue from liquor licenses will amount to more than \$300,000.00.

Therefore the next administration will be called upon to meet a deficit of almost a half million dollars caused by increase of salaries and a loss of license revenues.

My conclusion is that you have no right or power, under the law, to pay compensation to the Police Force, under said Ordinance No. 97, or to pay compensation to the Fire Force, under said Ordinance No. 67, for the reason that the appropriation made by Appropriation Ordinance No. 18, 1917, for defraying current expenses of the year 1918, both the Police Force and Fire Force was made on the basis of the compensation fixed for the Police Force and Fire Force by Section 983 of the Municipal Code of 1917, and not on the basis of said Ordinances No. 67 and 97. And the Common Council having failed to make any special appropriation with which to pay such increased compensation for such Police and Fire Force, and also having failed to provide for the raising of any additional revenues which could be appropriated or used to pay such increased compensation for Fire and Police Force, you, as Controller, therefore have no right to allow compensation of the Fire Force and of the Police Force to be paid on the basis of the compensation fixed in said Ordinances No. 67 and 97, for the reason that there has been no appropriation made with which to pay it, and for the further reason that there is now, and will be, no money in the city treasury in 1918 with which to pay the same, unless the Common Council should cause additional revenues to be raised, which has not already been appropriated for a special purpose. And you have under the law, no right to use the same for any other purpose.

The fact that the appropriations for the Fire Force and for the Police Force for the year 1918, are not now exhausted, does not give you the

right to use unspent money in such fund which had been appropriated to pay, as an illustration, to traffic men \$3.50 a day, to pay an additional amount of \$0.70 a day to make their compensation \$4.20 as provided in said Ordinance No. 97, for the reason that only \$3.50 a day for each traffic man has been appropriated for that purpose, and when that amount is paid for each day's compensation the appropriation is exhausted for such day and there has been no provision made for paying any additional compensation. The same rule applies to all members of the Police Force and of the Fire Force, whether the compensation is provided for by the day, month or year. If you pursued any other course than paying the amount for each day's compensation as provided, you would exhaust your appropriation for the Police and Fire Force long before the end of the year, and the city would be left without any means of paying for adequate police and fire protection. Section 8690 of the Burns R. S. 1914 of the City Charter, which defines the duty of Controller, provides:

"He shall not suffer any appropriation to be overdrawn, or for an appropriation for one item of expense to be drawn for any other purpose, or by any department other than that for which the appropriation was specifically made, except on transfer authorized by ordinance."

The same section further provides:

"In no case shall the Controller draw an order on the treasury, unless there be at the time money in the treasury properly applicable to the payment thereof."

And I advise you now that it is my opinion that there is now no money in the city treasury which is properly applicable to the payment of the increased compensation of either the Fire Force, under said Ordinance No. 67, or the Police Force, under said Ordinance No. 97. Said Section 8690, supra, provides:

"If any warrant presented to the Controller contains any item for which no appropriation has been made, or there shall not be sufficient balance or the proper fund for the payment thereof, or which for any other cause, should not be approved, he shall not approve the same

and shall notify the proper department of the facts. And if the Controller shall approve any warrant contrary to the provisions thereof, he shall be individually liable for the amount of the same to the holders thereof, and to the extent of his surety shall also be liable."

The conclusion reached is sustained by various provisions of the charter other than those quoted by the case, and also by the authorities in the case of County of Lake vs. Rollins, 130 U. S. 662, which was a suit against the County of Lake in the State of Colorado, based on a large number of warrants issued for the ordinary county expenses such as witnesses, jurors' fees, election costs, and for the board of prisoners, county treasurer's commission, etc., where the county had exceeded its debt limit and power to tax, the Court said:

"Neither can we assent to the position of the Court below that there is, as to this case, a difference between indebtedness incurred by contracts of the county and that form of debt denominated 'compulsory obligations.' The compulsion was imposed by the legislature of the state even if it can be said correctly that the compulsion was to incur debt; and the legislature could no more impose it than the county could voluntarily assume it, as against the disability of a constitutional prohibition. Nor does the fact that the constitution provided for certain county offices, and authorized the legislature to fix their compensation and that of other officials affect the question. There is no necessary inability to give both of the provisions their exact and literal fulfillment."

City of Indianapolis vs. Wann, 144 Ind. 175.

In the consideration of this question I have had the assistance of Mr. Stevenson, City Attorney and Mr. Yockey, Assistant City Attorney, and they each concur in the conclusions herein reached.

SAMUEL ASHEY,

*Corporation Counsel.*

The City has no funds of which additional appropriations could be made at this time to provide for said increases and compensation for Fire and Police Force. No power now exists to levy an additional tax from which to derive additional revenues, for the reason that the City's income from general taxes is limited to 75 cents on each one hundred



dollars for general purposes and we are now up to that limit. The revenues of the City will be reduced to the extent of approximately \$300,000.00 on the account of the loss of fees from retail liquor licenses for the year 1918. The appropriations for the year 1918 to the various departments were reduced by said Appropriation Ordinance No. 18, 1917, \$222,009.63, from what they were in 1917, so that, at this time, I am not prepared to suggest any way in which additional revenues may be secured with which to pay the increases for Fire and Police Force, made in General Ordinance No. 67, 1917 and General Ordinance No. 97, 1917.

I, therefore, submit for your consideration an ordinance which repeals said Ordinances No. 67, 1917, and No. 97, 1917, and which provides the same compensation for the Police Force and for the Fire Force as provided in Section 983, General Ordinance No. 12, 1917, upon which basis appropriations have been made for 1918.

I submit this matter for your consideration at this time and recommend the passage of said ordinance for the reason that this is, in my opinion, the best solution of the matter.

If this is not done, the only alternative left us is the reduction of the Fire Force and Police Force, in number of members, which would work a great hardship and injustice to a large number of the members of each force and greatly cripple the efficiency of both the Fire and Police Departments at a time when their full strength is needed for the protection of the City and its citizens.

I would be in favor of increased salaries for each of these forces if the City had the revenues with which to pay the increase at this time, and at such a time when the financial condition of the City will bear such an increase, I shall recommend to your Honorable Body that increases in compensation be made to each of these Forces. I should much prefer that the men now on the Forces be retained at the old rate of compensation rather than to be compelled to discharge a large

number of the members of each department in order that the remaining members could receive the increased compensation. I believe this is better for the men and I know it is better for the efficiency of each department.

CHARLES W. JEWETT,  
*Mayor.*

At 3:50 o'clock P. M., Mr. Miller entered the Council Chamber and took his seat.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES,  
BY THE MAYOR.

GENERAL ORDINANCE No. 2, 1918

An Ordinance amending clause (G) of Section 983 of General Ordinance No. 12, 1917, as amended by General Ordinance No. 97, 1917, pertaining to compensation of members of the Police Force of the City of Indianapolis, and amending clause (H) of Section 983, of General Ordinance No. 12, 1917, as amended by General Ordinance No. 67, 1917, pertaining to the compensation of the Fire Force of the City of Indianapolis.

BE IT ORDAINED BY THE COMMON COUNCIL OF INDIANAPOLIS.

Sec. 1. That Clause (G) of Section 983 of General Ordinance No. 12, 1917, pertaining to the compensation fixed for members of the Police Force, as the same was amended by General Ordinance No. 97, 1917, be and the same is hereby amended to read as follows:

(G) For the Police Force:

The Chief of Police—Four thousand dollars a year.

The Secretary to the Chief—Fifteen hundred dollars per year.

Inspector—Twenty-one hundred dollars per year.

Each Captain—Seventeen hundred and forty dollars per year.

Each Lieutenant—Fifteen hundred dollars per year.

Each Sergeant—Thirteen hundred and twenty dollars per year.

Each Detective—Thirteen hundred and twenty dollars per year.

Clerk Detective Department—Seventy-five dollars per month.

Each Patrolman, first year—Two dollars and seventy-five cents per day.

Each Patrolman, after first year—Three dollars per day.

Each Matron at Police Station—Eighty-five dollars per month.

Each Mounted Patrolman—Three dollars per day.

Each Bicycle Policeman—Three dollars and fifty cents per day.

Each Plain Clothes Man—Three dollars per day.

Traffic Man—Three dollars and fifty cents per day.

Each Deskman at Substation—Three dollars and twenty-five cents per day.

Police Officer assigned to Board of Children's Guardians—Six hundred and sixty dollars per year.

Each Humane Officer—Thirteen hundred and twenty dollars per year

Bertillon Clerk—Thirteen hundred and twenty dollars per year.

Each Turnkey—Three dollars per day.

Custodian Police Station—Two dollars and seventy-five cents per day.

Each Engineer at Police Station—Three dollars per day.

Each Janitor at Police Station—Fifty-five dollars per month.

Each Gamewell Operator at Police Station—Three dollars per day.

Each Telephone Operator at Police Station—Thirteen hundred and twenty dollars per year.

Surgeon Police and Fire Departments—Twelve Hundred dollars per year.

Assistant Surgeon Police and Fire Departments—Sixty dollars per month.

Each Wagon Man and Chauffeur at Police Station—Three dollars and twenty-five cents per day.

Sec. 2. That Clause (H) of Section 933 of General Ordinance No. 12, 1917, pertaining to the compensation fixed for members of the Fire Force, as amended by General Ordinance No. 67, 1917, be and the same is hereby amended to read as follows:

(H) For the Fire Force:

The Chief of the Fire Department—Thirty-two hundred dollars per year.

The First Assistant Chief—Eighteen hundred dollars per year.

The Second Assistant Chief—Seventeen hundred and forty dollars per year.

The Third Assistant Chief—Seventeen hundred and forty dollars per year.

The Fourth Assistant Chief—Seventeen hundred and forty dollars per year.

Chief Clerk—Thirteen hundred and fifty dollars per year.

Superintendent of Fire Alarm Telegraph—Eighteen hundred dollars per year.

Captains and Fire Inspector—Each three dollars and fifty cents per day.

Lieutenants, Engineers, Chauffeurs and Electricians—Each three dollars and thirty-five cents per day.

Firemen, first grade, after serving one year from regular appointment as a private—Three dollars per day.

Firemen, second grade, for the first year after appointment as a private—Two dollars and seventy-five cents per day.

Substitute Firemen—Two dollars and fifty cents per day.

Cable Splicer—Three dollars and fifty cents per day.

Veterinary Surgeon—Sixty dollars per month.

Sec. 3. This Ordinance shall be in full force and effect from and after passage.

Which was read a first time.

Mr. Willson moved that the rules be suspended and General Ordinance No. 2, 1918, be placed upon its passage.

The roll was called and the motion to suspend the rules carried by the following vote:

Ayes, 9, viz.: Messrs. Kirsch, Peake, Willson, Miller, Schmidt, Furniss, Pettijohn, Brown and President Louis W. Carnefix.

Mr. Willson called for General Ordinance No. 2, 1918, for second reading. It was read a second time.

Mr. Peake moved that General Ordinance No. 2, 1918, be made a special order of business at the next regular meeting of the Common Council.

Seconded by Mr. Schmidt.

Carried by the following vote.

Ayes, 6, viz.: Messrs. Kirsch, Peake, Schmidt, Pettijohn, Brown and President Louis W. Carnefix.

Noes, 3, viz.: Messrs. Willson, Miller and Furniss.

On motion of Mr. Willson the Common Council, at 4:20 o'clock P. M., adjourned.

After the meeting President Carnefix referred the Ordinance to Finance Committee.

*Louis W. Carnefix*

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*President.*

ATTEST:

*[Signature]*

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*City Clerk.*