

1 **BILL NO. G-10-07-26 (As Amended)**

2 **General Ordinance No. G- 16-10**

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4 **AN ORDINANCE AMENDING CHAPTER 37, FINANCE AND**  
5 **REVENUE CODE, and CHAPTER 38;**  
6 **“CITY POLICIES”; OF THE CITY OF FORT WAYNE, INDIANA**  
7 **CODE OF ORDINANCES**

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Whereas, The Fort Wayne Common Council is the determinative fiscal body for the City of Fort Wayne; and,

Whereas, The City of Fort Wayne must budget with a reduced revenue stream due to property tax caps enacted by the state Legislature; and,

Whereas, The City of Fort Wayne must also budget with reduced income tax revenue streams and strives to maintain current levels of service to its citizens; and,

Whereas, The Common Council is committed to being a scrupulous financial steward on behalf of the taxpaying citizens,

**NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:**

**SECTION 1.** That Chapter 37 of the Fort Wayne Code of Ordinances: “FINANCE AND REVENUE” SHALL BE AMENDED to delete Section 37.17 and replace it with the following:

**§ 37.17 APPROVAL OR RATIFICATION REQUIRED.**

(A) Whenever the city, including any city-owned or -operated utilities, (i) makes any purchase, the contract for which purchase is not awarded to the lowest bidder, or is awarded to a single bidder, (ii) enters into any lease, or (iii) executes a contract which exceeds \$100,000 per year for the purpose of providing services to the city or any city-owned or -operated utility, then, with the exception of those contracts governed by subsection (B) herein, all such purchases and/or leases or such contracts shall be entered into with the prior approval or subsequent ratification by the Common Council of the city by ordinance or resolution duly passed by the Common Council and approved by the Mayor. All such purchases and/or leases and such contracts entered into without such prior approval or subsequent ratification shall be null and void.

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2 (B) Whenever the city, including any city-owned or operated utilities  
3 makes any purchase, enters into any lease, or executes a contract for the purpose of  
4 providing "Professional Services," which purchase, lease, or contract over its life or  
5 term, in the aggregate is equal to or greater than Seventy-Five Thousand and No/100  
6 Dollars (\$75,000), then such purchases and/or leases or such contracts, shall only be  
7 entered into with the prior approval or subsequent ratification by Common Council  
8 of the city by ordinance or resolution duly passed by the Common Council and  
9 approved by the Mayor. All such purchases and/or leases and such contracts entered  
10 into without such prior approval or subsequent ratification shall be null and void.

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12 With regard to contracts for "Consultants" only, in case of "Emergency" the  
13 city, including any city-owned or operated, may enter into a contract or agreement  
14 for the hiring and employment of Consultant(s) without the necessity of obtaining  
15 the prior approval of Common Council.

16 (C) For purposes of this section, the following definitions shall apply  
17 unless the context clearly indicates or requires a different meaning:

18 **CONSULTANT(S).** Any person, firm and entity who executes a  
19 contract with the city or any of the city utilities for the purposes of providing  
20 professional or expert or technical advice to the city or any of its utilities  
21 including but not limited to the following: licensed architect, professional  
22 engineer, land surveyor, urban planner, design consultant/engineer, or  
23 computer/I.T. consultant/specialist.

24 **EMERGENCY.** An extraordinary situation or condition, whether  
25 caused by nature or otherwise, that would require an unusually high provision  
26 of governmental services or that would disrupt or interfere or threaten to  
27 disrupt or interfere with the prompt and proper provision of governmental  
28 services and/or protection of the general public.

29 **LOBBYIST(S).** Any person and or agency that 1) engages in  
30 lobbying; and 2) in any registration year, receives or expends an aggregate of Five  
Hundred Dollars (\$500.00) or more in compensation or expenditures reportable  
under I.C. 2-7-1, *et seq.*, for lobbying, whether the compensation or expenditure  
is solely for lobbying or the lobbying is incidental to that individual's regular  
employment.

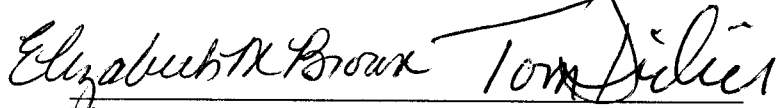
**PROFESSIONAL SERVICES.** Technical, or unique functions performed  
by individuals whose occupation is the rendering of such services, including but  
not limited to: Consultants, Lobbyists, accountants, appraisers, architects, attorneys,  
brokerage firms, business development managers, engineers, law firms, public  
relations professionals, recruiters, researchers, real estate brokers, translators,  
software engineers and web designers. (D) Notwithstanding any of the foregoing,  
Subsection (B) of this Ordinance shall not apply to the following contracts for

1 Professional Services: (i) contracts entered into by the Board of Works of the City of  
2 Fort Wayne; (ii) contracts entered into by the Board of Parks Commission of the City  
3 of Fort Wayne; or (iii) contracts pertaining to economic development projects for the  
4 City of Fort Wayne for the acquisition or sale of real property .

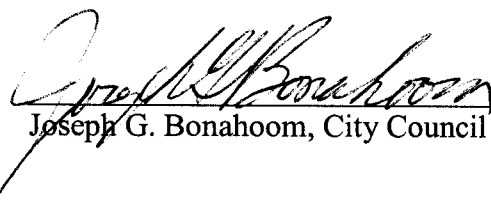
5 **SECTION 2.** That Chapter 38 of the Fort Wayne Code of  
6 Ordinances: "CITY POLICIES" SHALL BE AMENDED to delete §38.03  
7 and §38.04 in their entirety.

8 **SECTION 3.** That the City is directed to take all action necessary and  
9 proper for the implementation of this Ordinance.

10 **SECTION 4.** That this Ordinance shall be in full force and effect  
11 from and after its passage and any and all necessary approval by the Mayor.

12   
13 Liz Brown, Tom Didier and ~~Glynn Hines~~  
14 Council Members

15 APPROVED AS TO FORM AND LEGALITY

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17 Joseph G. Bonahoom, City Council Attorney

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Read the first time in full and on motion by Harper, and duly adopted, read the second time by title and referred to the Committee on \_\_\_\_\_ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 2010, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATED: 9-14-10

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Harper, and duly adopted, placed on its passage. **PASSED** LOST  
by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>7</u>	<u>1</u>	_____	<u>1</u>
<u>BENDER</u>	<u>✓</u>	_____	_____	_____
<u>BROWN</u>	<u>✓</u>	_____	_____	_____
<u>DIDIER</u>	<u>✓</u>	_____	_____	_____
<u>GOLDNER</u>	_____	<u>✓</u>	_____	_____
<u>HARPER</u>	<u>✓</u>	_____	_____	_____
<u>HINES</u>	<u>✓</u>	_____	_____	_____
<u>PAPE</u>	_____	_____	_____	<u>✓</u>
<u>SHOAF</u>	<u>✓</u>	_____	_____	_____
<u>SMITH</u>	<u>✓</u>	_____	_____	_____

DATED: 9-14-10

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE (RESOLUTION) NO. 9-16-10 on the 14th day of September, 2010

ATTEST:

SEAL

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Marvin A. Bender  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 20th day of September, 2010, at the hour of 4:00 o'clock P M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 21<sup>st</sup> day of September, 2010, at the hour of 10:00 o'clock \_\_\_\_\_ AM, E.S.T.

Thomas C. Henry  
THOMAS C. HENRY, MAYOR