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**BILL NO. G-11-06-24**

**ORDINANCE NO. G- 22-11**

**AN ORDINANCE MODIFYING  
SECTION 37.17 OF THE FORT CODE OF ORDINANCES**

WHEREAS, certain construction contracts currently are required to come before Council for approval; and

WHEREAS, those same construction contracts are already required to be scrutinized by the Board of Works are subject to a public meeting and are subject to the State mandated bid process; and

WHEREAS, many of these contracts need to be agreed upon and put in place on an expedited basis in order to allow the contractor to whom the bid was awarded to commence work and keep its employees gainfully employed; and

WHEREAS, in light of these facts it is in the best interest of the City of Fort Wayne, its citizens, and in the interest of good and efficient government to amend local ordinance Section 37.17 to allow certain construction contracts to be entered into without approval of Common Council of the City of Fort Wayne.

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

**SECTION 1.** That Section 37.17 of the Fort Wayne Code of Ordinances: "APPROVAL OR RATIFICATION REQUIRED" shall be amended, deleted in its entirety, and restated as follows:

**§ 37.17 APPROVAL OR RATIFICATION REQUIRED**

(A) Whenever the city, including any city-owned or operated utilities:

(1) Makes any purchase, the contract for which purchase is not awarded to the lowest bidder, or is awarded to a single bidder;

(2) Enters into any lease; or

(3) 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 subsections

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(B) and (C) 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.

(B) Notwithstanding subsection (A), prior approval or subsequent ratification by Common Council shall not be required for contracts entered into by the City (including City-owned or operated utilities) for any construction contracts which (i) have a total value of One Hundred Fifty Thousand and No/100 Dollars (\$150,000.00) or less; (ii) have been processed through and reviewed by the Board of Works in accord with all State and local requirements; (iii) have been subject to a public meeting; and (iv) have been put out to public bid (in accord with the State statutes) and awarded to the lowest bidder.

(C) (1) Whenever the city, including any city-owned or operated utilities makes any purchase, enters into any lease, or executes a contract for the purpose of providing professional services, which purchase, lease, or contract over its life or term, in the aggregate is equal to or greater than \$75,000, then such purchases and/or leases or such contracts, shall only be entered into with the prior approval or subsequent ratification by 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.

(2) With regard to contracts for consultants only, in case of emergency the city, including any city-owned or operated utilities, may enter into a contract or agreement for the hiring and employment of consultant(s) without the necessity of obtaining the prior approval of Common Council.

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

**CONSULTANT(S).** Any person, firm and entity who executes a contract with the city or any of the city utilities for the purposes of providing professional or expert or technical advice to the city or any of its utilities including but not limited to the following: licensed

1 architect, professional engineer, land surveyor, urban planner, design consultant/ engineer,  
2 or computer/IT consultant/specialist.

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

7 **LOBBYIST(S).** Any person and/or agency that:

8 (a) Engages in lobbying; and

9 (b) In any registration year, receives or expends an aggregate of \$500 or more in  
10 compensation or expenditures reportable under IC 2-7-1 et seq., for lobbying, whether the  
11 compensation or expenditure is solely for lobbying or the lobbying is incidental to that  
12 individual's regular employment.

13 **PROFESSIONAL SERVICES.** Technical, or unique functions performed by  
14 individuals whose occupation is the rendering of such services, including but not limited to;  
15 consultants, lobbyists, accountants, appraisers, architects, attorneys, brokerage firms,  
16 business development managers, engineers, law firms, public relations professionals,  
17 recruiters, researchers, real estate brokers, translators, software engineers and web  
18 designers.

19 (E) Notwithstanding any of the foregoing, subsection (C) shall not apply to the  
20 following contracts for professional services:

21 (1) Contracts entered into by the Board of Works of the City of Fort  
22 Wayne;

23 (2) Contracts entered into by the Board of Parks Commission of the City  
24 of Fort Wayne; or

25 (3) Contracts pertaining to economic development projects for the City of  
26 Fort Wayne for the acquisition or sale of real property .

27 **SECTION 2.** That the City is directed to take all action necessary and proper for the  
28 implementation of this Ordinance.

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2           **SECTION 3.**   That this Ordinance shall be in full force and effect from and after its  
3 passage and any and all necessary approval by the Mayor.  
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5 \_\_\_\_\_  
6           *Karen E. Goldner*  
7 \_\_\_\_\_

Mitch V. Harper, Council Member

8           *Tom Didier*  
9 \_\_\_\_\_

Karen Goldner, Council Member

Tom Didier, Council Member

10           **APPROVED AS TO FORM AND LEGALITY**

11           *Joseph G. Bonahoom*  
12           \_\_\_\_\_  
13           Joseph G. Bonahoom, Attorney for City Council

Read the first time in full and on motion by Shoaff and duly adopted, read the second time by title and referred to the Committee on Regulation 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 \_\_\_\_\_, 2011, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.E.S.T.

DATED: 6-28-11

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK  
Didier

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

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>8</u>	_____	_____	<u>1</u>
<u>BENDER</u>	<u>✓</u>	_____	_____	_____
<u>BROWN</u>	<u>✓</u>	<u>1</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>SHOAFF</u>	<u>✓</u>	_____	_____	_____
<u>SMITH</u>	<u>✓</u>	_____	_____	_____

DATED: 7-12-11

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. D-22-11 on the 12th day of July, 2011

ATTEST:  
Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

SEAL  
Matthew Henry  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of July, 2011, at the hour of 11:30 o'clock A. M.E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 14th day of July 2011, at the hour of 11:00 o'clock A. M.E.S.T.

Thomas C. Henry  
THOMAS C. HENRY, MAYOR