

**AN ORDINANCE AMENDING THE
SOLID WASTE AND RECYCLING FUND**

Whereas the City of Fort Wayne believes that its responsibility to provide the best services at affordable prices to its citizens is paramount; and

Whereas the City of Fort Wayne Code of Ordinances, Section 50.03, established the Solid Waste Fund which currently serves as a repository for clean-up costs and missed collection liquidated damage penalty fees that are to be used for collecting, disposing and recycling of solid waste; and

Whereas the current recycling contract between the City of Fort Wayne and the recycling contractor now provides revenues from the share of profits derived solely from citizens' recycling efforts and from promotional fees paid to the City by the contractor; and

Whereas these revenues were anticipated in the formation of said contract such that they would be used to offset the solid waste disposal and recycling costs that are incurred, through this contract, to the citizens of Fort Wayne; and

Whereas these recycling and promotional revenues currently are not required to be deposited in the Solid Waste Fund and are therefore available to be spent to offset other expenses or new projects, unrelated to the citizens' solid waste and recycling costs; and

Whereas in order to segregate the recycling and promotional revenues into a separate perpetual fund, Section 50.03 should be modified to include said revenues;

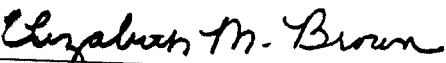
**NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF
THE CITY OF FORT WAYNE, INDIANA;**

Section 1. Section 50.03 of the Code of Ordinances for the City of Fort Wayne shall be deleted in its entirety and replaced with the following:

50.03 All revenues collected by the city from (i) the monthly user fees; (ii) any reimbursement for clean-up costs; (iii) missed collection liquidated damage penalty fees; (iv) the sale of recycled materials and (v) promotional fees, and any other revenues associated with the city's solid waste and recycling contracts shall be deposited in a separate, non-reverting, perpetual fund. This fund shall be established for the purpose of accounting and paying for the costs of collecting, disposing, and recycling of solid waste.

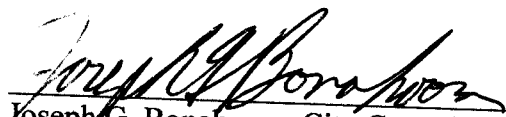
When necessary, the Common Council may approve additional operating transfers into this fund.

Section 2. That this ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.



Liz Brown, Council Member

APPROVED AS TO FORM AND LEGALITY



Joseph G. Bonahoom, City Council Attorney

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Read the first time in full and on motion by Didier (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 8-9-11, 2011, at 10:00 o'clock 10:00 the 8th day of August, M.E.S.T.

DATED: 8-9-11
 Read the third time in full and on motion by Didier and duly adopted, read the second time placed on its passage. PASSED by the following vote:
 SANDRA E. KENNEDY, CITY CLERK

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>9</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>SHOAFF</u>	<u>✓</u>	_____	_____	_____
<u>SMITH</u>	<u>✓</u>	_____	_____	_____

DATED: 9-13-11
 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-35-11 on the 13th day of September, 2011

ATTEST: SANDRA E. KENNEDY, CITY CLERK
 SEAL: Mitchell Henry PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of September, 2011, at the hour of 11:30 o'clock PM M.E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 15th day of September, 2011, at the hour of 2:30 o'clock PM, E.S.T.

THOMAS C. HENRY, MAYOR