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1 **BILL NO. G-11-08-30**

2 **ORDINANCE NO. G-39-11**

3 **AN ORDINANCE AMENDING SECTION 32.58,**
4 **DISPOSITION WITHIN COUNCIL AND COMMITTEE,**
5 **OF THE FORT CODE OF ORDINANCES**

6 WHEREAS, under the current ordinance and introduction and
7 disposition process, an ordinance or resolution could be properly
8 introduced and if never withdrawn, defeated, or passed, would still be
9 eligible for discussion years or even decades subsequent to introduction;
10 and

11 WHEREAS, the Fort Wayne Common Council is always
12 considered in session and therefore there is no automatic end to a session
13 which in and of itself would likely result in ordinances and resolutions
14 not otherwise acted upon to be considered withdrawn; and

15 WHEREAS, with most of the legislative bodies Bills, resolutions,
16 and the like expire either at the end of a calendar term, the close of
17 legislative body's session or the end of a term of office after a
18 superseding election; and

19 WHEREAS, the City of Fort Wayne has no procedure that causes
20 a resolution or ordinance to expire as a result of the passage of any
21 timeframe, and therefore the resolutions once introduced remain eligible
22 so long as there is no final disposition such as passage, withdrawal, or
23 defeating of the bill;
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1 WHEREAS, this causes practical concerns for staff and members
2 of Council in that ordinances introduced become stale and otherwise
3 generally cumbersome from a recordkeeping standpoint; and
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5 WHEREAS, in light of all these facts there should exist an
6 automatic cutoff or expiration after which an ordinance or resolution
7 which has been introduced, is not eligible for further action without
8 being appropriately reintroduced.

9 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON
10 COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:
11

12 **SECTION 1.** That Section 32.58 of the Fort Wayne Code of
13 Ordinances: “DISPOSITION WITHIN COUNCIL AND
14 COMMITTEE” shall be amended to add Section (F) as follows:
15

16 **§ 32.58 DISPOSITION WITHIN COUNCIL AND**
17 **COMMITTEE**

18 (F) Once properly introduced, no proposed ordinance or
19 proposed resolution shall be eligible for further action after the last day
20 of the calendar year following the year of introduction. Any such
21 ordinance or resolution which has not been finally disposed of by the
22 last day of the calendar year following the year of introduction will
23 expire and be considered withdrawn.
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25 **SECTION 2.** That the City is directed to take all action necessary
26 and proper for the implementation of this Ordinance.
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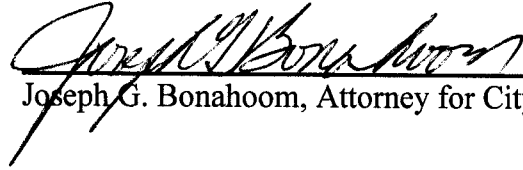
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SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.



Mitch V. Harper, Council Member

APPROVED AS TO FORM AND LEGALITY



Joseph G. Bonahoom, Attorney for City Council

Read the first time in full and on motion by Didier, and duly adopted, read the second time by title and referred to the Committee on Delegations, (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: 8-23-11

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____, and duly adopted, placed on its passage. PASSED 208 by the following vote:

	<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: 10-11-11

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. 2-39-11 on the 11th day of October, 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 12th day of October, 2011, at the hour of 11:30 o'clock PM M.E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 12th day of October, 2011, at the hour of 2:00 o'clock PM M.E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

MEMORANDUM

FROM: MITCH HARPER

RE: Ordinance Cleaning Up Eligibility Time Period

August 19, 2011

Currently, proposed ordinances that are once introduced are eligible indefinitely for action by a subsequent City Council if not otherwise disposed of by passage, defeat, or withdrawal. The ordinance I am introducing provides a common sense rule that provides a set time period during which action must be taken .

The substance of the proposed ordinance is that no proposed ordinance or proposed resolution be eligible for further action after the last day of the calendar year following the year of introduction.

Theoretically, an ordinance could be introduced in 2004, 1974 or even 1954 and, if never withdrawn, defeated or passed, would still be eligible years or decades later. My interest was piqued when an ordinance introduced during the Richard Administration was placed on the agenda during this term of the Council.

I thought that this did not comport with procedure followed by Congress, the Supreme Court and other bodies when bills or cases would expire at the end of a calendar term (in the case of the Supreme Court or many legislative bodies) or at the end of a term of office where there had been a superseding election.

While I consulted many persons including past city attorneys of Fort Wayne as well as attorneys in other municipal jurisdictions, no one had dealt with this particular question. My own research revealed that, indeed, municipal bodies are different than other legislative bodies in that matters, once introduced, remain forever eligible for further action so long as there is no final disposition such as passage, defeat or withdrawal.

This causes some practical concerns for the staff and members of the Council. At some point, introduced ordinances become so 'stale' that there should exist some sort of automatic cutoff after which the introduced ordinance is not eligible for further action and such ordinance should be re-introduced.

There are several options available to set that automatic cut-off.

One option is that the time should the term of the Council or when a year's session expires. Under that scenario, ordinances that had not passed, defeated or been withdrawn by the time a new Council was seated would expire. That would be analogous to what happens when the Supreme Court ends its term or the General Assembly adjourns sine die. However, such a rule would mean that certain items before the Council in December of 2011 would not be eligible

after January 1, 2012. This might cause certain problems related to contract approvals and other matters which would be difficult to revive because of the subject matter, certain bidding processes that had already take place, or certain negotiations that had already taken place.


I think the better option is to set a definite – but generous - time period for action on an ordinance. **The proposal as delineated in this proposed ordinance is that no proposed ordinance or proposed resolution be eligible for further action after the last day of the calendar year following the year of introduction.** That is, the ordinance would be treated as if it had been automatically withdrawn and would only be eligible if it were reintroduced.

That would give an ample amount of time for a matter to be moved before Council and would provide a date certain and a date easily understood. If the requirement were that no proposed ordinance or proposed resolution would be eligible for further action after, say, 18 months following introduction the result would be a record keeping burden for the Clerk and might lead to confusion.

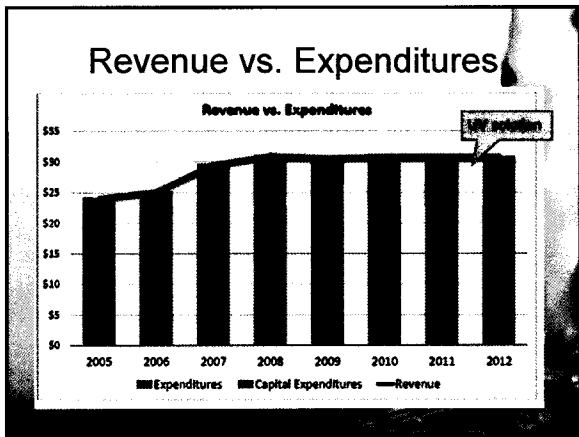
That being said, I am not intrinsically tied to the time limit of one calendar year following the date of introduction. If it pleases the members of Council to set it as two calendar years or three calendar years, for example, I would not have any particular objection.

One of the considerations in drafting it in this manner to occur on a set calendar day rather than a 'rolling' standard of two years after the date of introduction is to ease the work of the Clerk's office in that compliance with the intent of the ordinance could be monitored much more easily than putting a new requirement on the Clerk. The limitation on future consideration would be met by a simple examination of the Ordinance number as to the date of introduction.

Fort Wayne Drinking Water:
Superior Quality
Reliable
Affordable



February 7, 2012

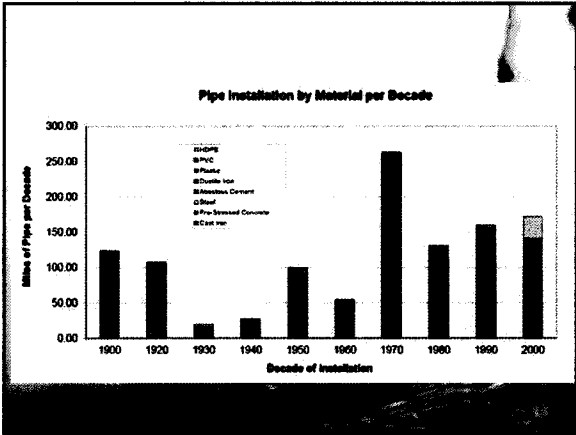


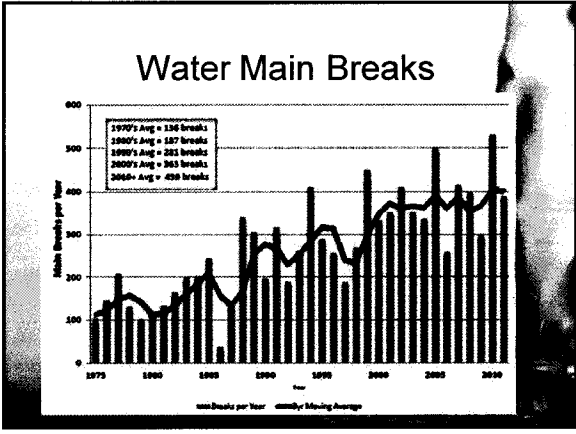
Costs for Supplies and Services
2006 - 2012

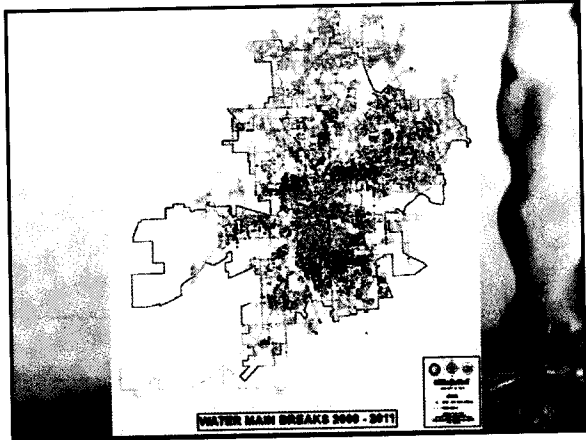
Expense	Increase
Electricity	50%
Fuel	61%
Health Insurance Premiums	66%
Chemical Costs	81%
State retirement plan funding	84%

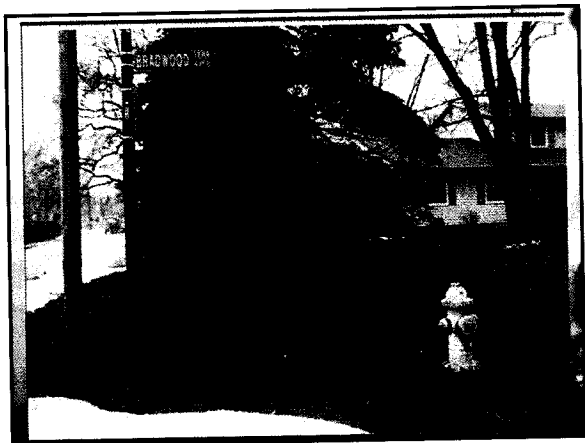
Efficiencies and Savings

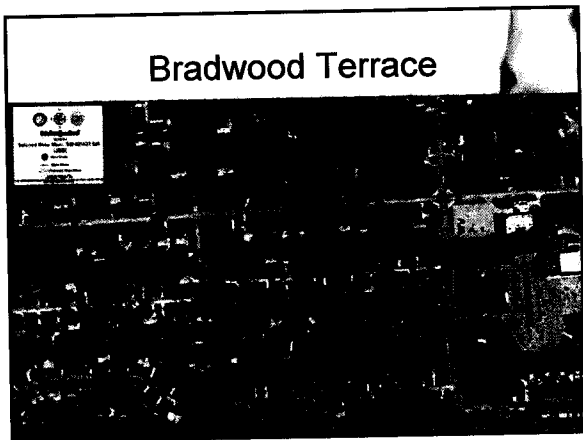
Chemical usage reductions	\$190,000
Electricity usage reductions	\$ 25,000
In-Sourcing cut restorations	\$ 75,000
Reduced staff levels	
by more than 10%	\$ 500,000
<u>Conversion to radio read meters</u>	<u>\$ 175,000</u>
Total Annual Savings approximately \$1 Million	
Capital Savings	\$4.5 Million

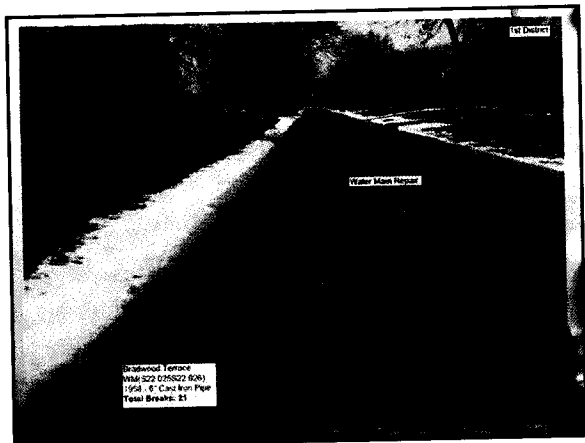


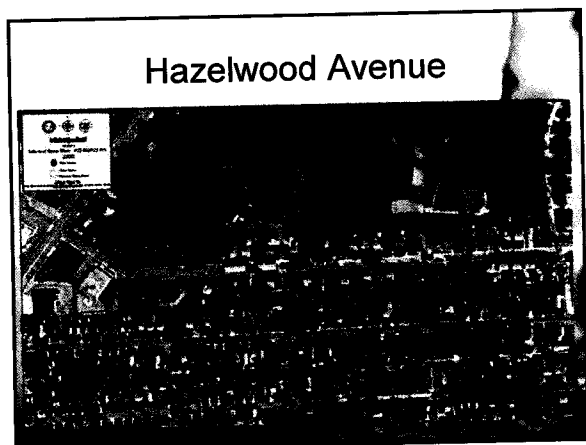




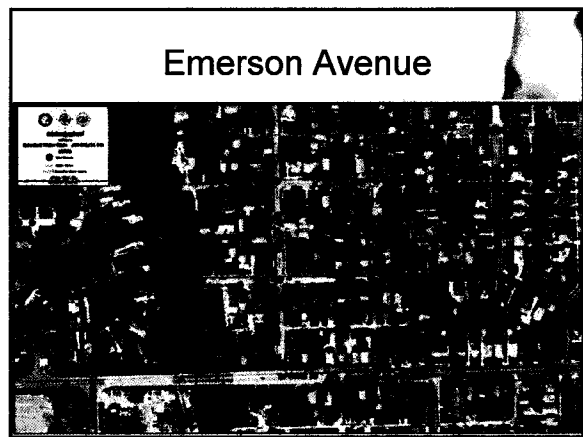


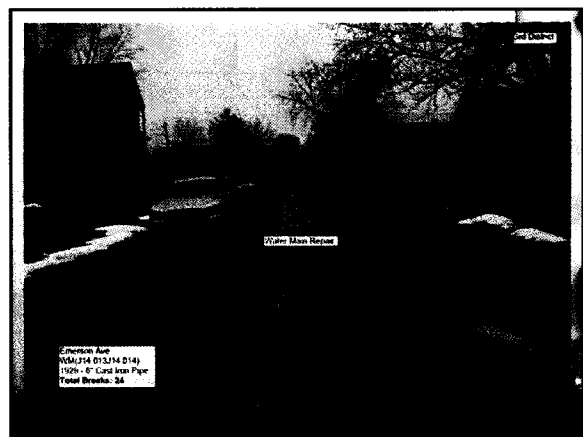


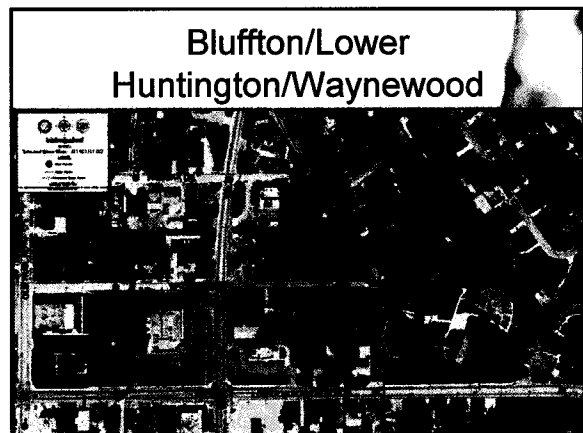


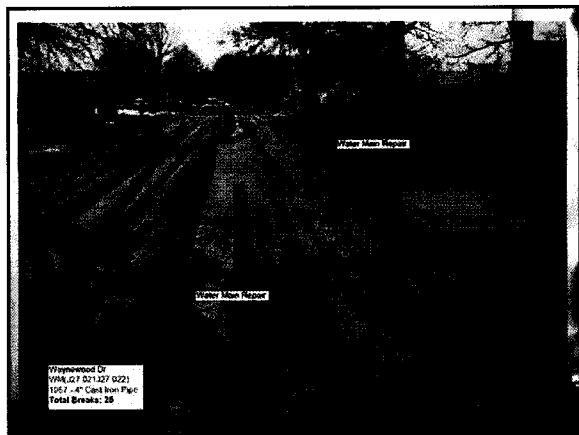


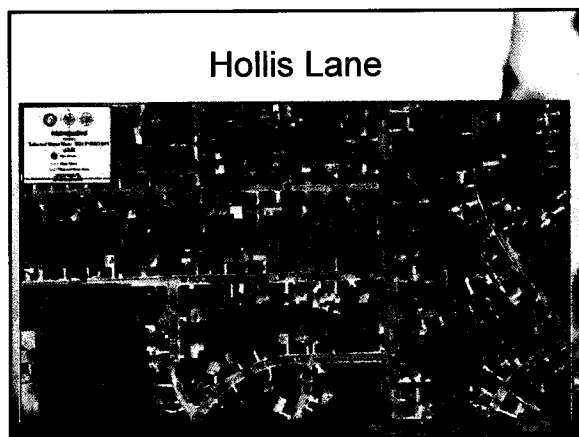


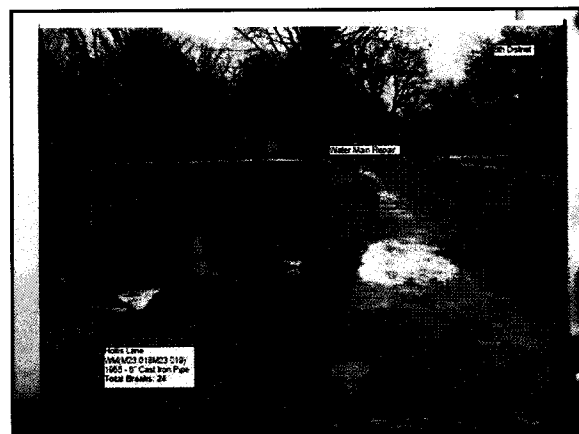


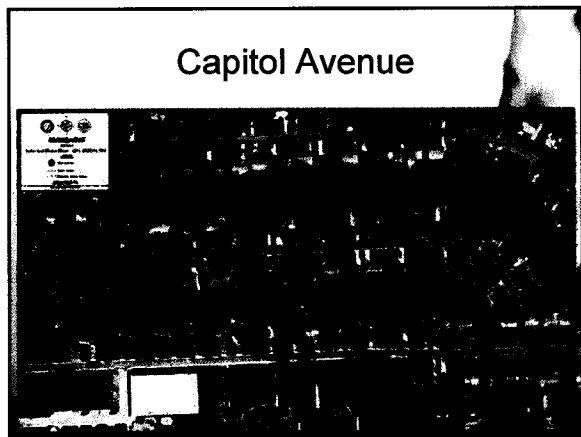


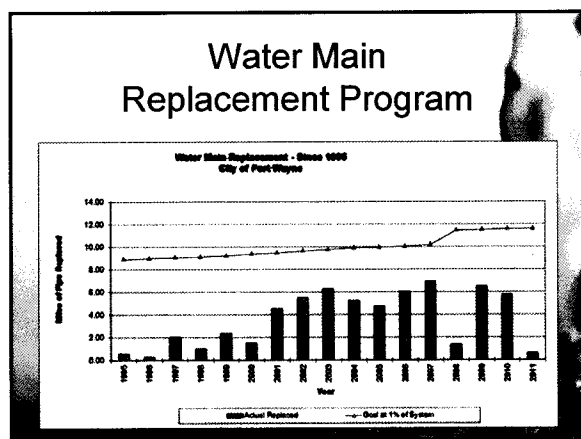


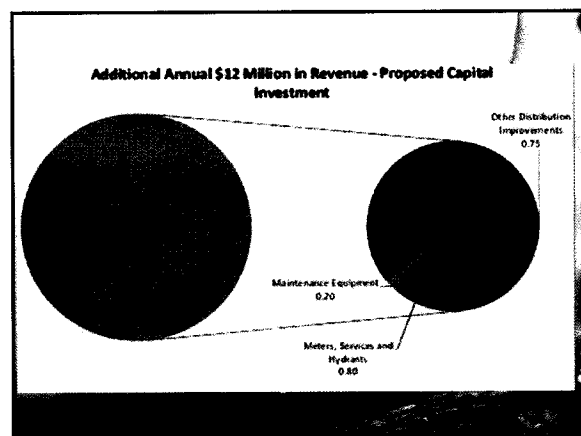


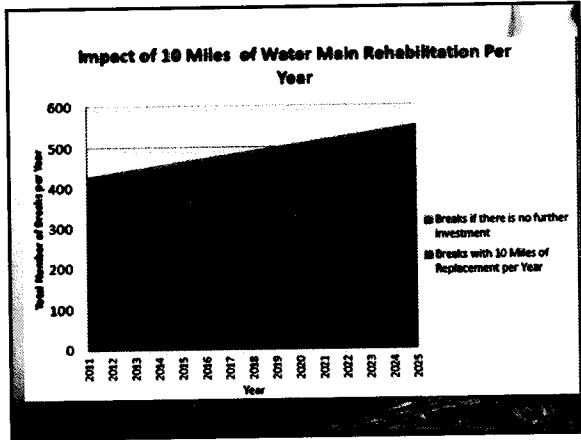


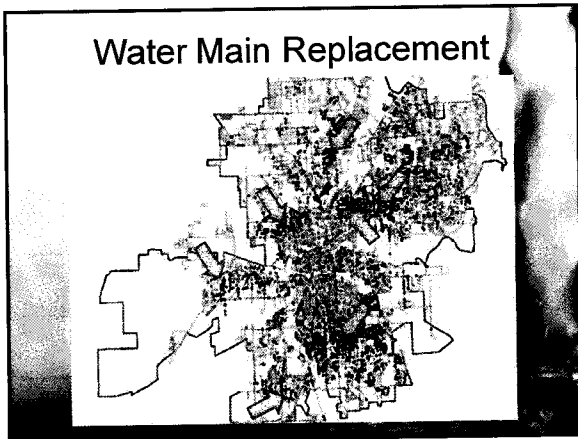










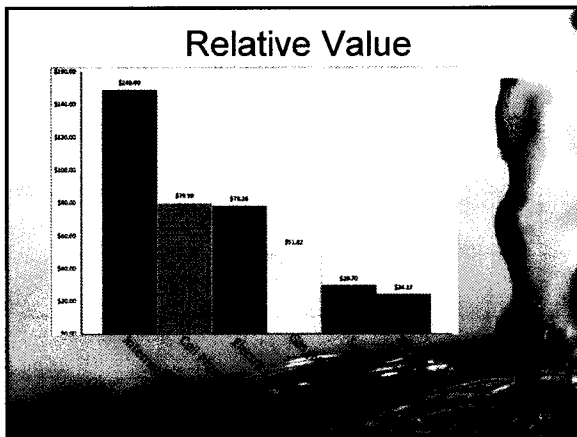


Benefits of Reliability

- Supports public health and safety
- Cooperation with Fire Department for hydrant maintenance
- Better ISO rating can mean reduced homeowner insurance costs
- Estimated total homeowner savings per year \$5.5 million

Monthly Water Bill Residential

	2011	2012	2014
Consumption 5,000 gallons	\$ 9.95	\$ 12.16	\$ 13.89
Monthly service fee - 3/4 inch meter	\$ 7.30	\$ 8.93	\$ 10.23
	\$ 17.25	\$ 21.09	\$ 24.12
7% sales tax	\$ 1.21	\$ 1.48	\$ 1.69
Total	\$ 18.46	\$ 22.57	\$ 25.81



Water Bills – 12 County Region

City/Town	Water Provider	Residential Monthly Water Billing for 5,000 gallons	2011/Pre-tax	2013	2014
Churubusco (Whitely)	Municipal	\$	40.43		
Defiance, OH (Defiance)	Municipal	\$	37.52		
Huntington (Huntington)	Municipal	\$	35.86		
Aqua Indiana	Private	\$	35.28		
Hurertown (Allen)	Municipal	\$	31.65		
Bluffton (Wells)	Municipal	\$	30.12		
Ashley (DeKalb)	Municipal	\$	29.53		
Stryker, OH (Williams)	Municipal	\$	28.73		
New Haven (Allen)	Municipal	\$	28.43		
Kendalville (Noble)	Municipal	\$	27.78		
Angola (Stauben)	Municipal	\$	27.70		
Butler (DeKalb)	Municipal	\$	27.30		
Van Wert, OH (Van Wert)	Municipal	\$	25.68		
Columbie City (Whitely)	Municipal	\$	23.70 going to \$34.24		
Paoli, OH (Paulding)	Municipal	\$	23.09		
Auburn (DeKalb)	Municipal	\$	22.31		
Warren (Huntington)	Municipal	\$	22.22		
Decatur (Adams)	Municipal	\$	22.14		
Garrett (DeKalb)	Municipal	\$	21.60	2013	2014
Borne (Adams)	Municipal	\$	11.65		
