

1 **BILL NO. G-13-05-15 (AS AMENDED)(AS AMENDED)**

2 **GENERAL ORDINANCE NO. G-15-13**

3 **AN ORDINANCE AMENDING CHAPTER 40:**
4 **COLLECTIVE BARGAINING OF THE CITY OF FORT**
5 **WAYNE, INDIANA, CODE OF ORDINANCES ADDING**
6 **§40.13 AND §40.36.**

7 **WHEREAS**, the implementation of property tax caps by the Indiana General
8 Assembly has resulted in a loss of \$53 million in revenue to the City of
9 Fort Wayne; and

10 **WHEREAS**, the loss of revenue has created a sustained and unprecedented
11 fiscal crisis that threatens to severely compromise the City's ability to
12 continue to provide essential services necessary to maintain the public
13 welfare; and

14 **WHEREAS**, Mayor Tom Henry has appointed a Fiscal Policy Group
15 comprised of local and state experts, members of City Council and
16 City staff to gain a full understanding of fiscal conditions and to identify
17 financial options available to the City to meet fiscal challenges in 2014
18 and beyond; and

19 **WHEREAS**, the Fiscal Policy Group has completed its review and has
20 developed a framework of ideas, which included a recommendation
21 that the benefits provided to City employees would align more closely
22 with those provided to employees in the private sector; and

23 **WHEREAS**, the City has the unilateral right to establish various terms and
24 conditions for employee health insurance including the right to
25 establish costs (premiums, out of pockets and deductibles), and to
26 determine the number of plans, vendors, plan design and co-pays;

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

1 **SECTION 1.** Chapter 40: Collective Bargaining of the City of Fort
2 Wayne, Indiana, Code of Ordinances is amended to add the following
3 Sections:

4 **§40.13 PROHIBITION ON PROVISIONS REGARDING HEALTH**
5 **INSURANCE**

6 (A) *Applicability.* This section shall be effective for all agreements or
7 contracts (including collective bargaining agreements) covering employees of
8 the City of Fort Wayne (excluding Police Officers or Firefighters as defined in
9 § 14.22) entered into after the effective date of this ordinance by the City of
10 Fort Wayne, or entered into by any City of Fort Wayne subdivision,
11 department, division, commission, authority, institution, establishment,
12 facility, or governmental unit under the supervision of the City of Fort Wayne.

13 (B) *Prohibition against provisions regarding spousal and/or retiree health*
14 *insurance.* The City of Fort Wayne, and any City of Fort Wayne subdivision,
15 department, division, commission, authority, institution, establishment,
16 facility, or governmental unit under the supervision of the City of Fort Wayne
17 is prohibited from entering into any agreement or contract (including
18 collective bargaining agreements) that includes any provision that purports to
19 establish the terms and conditions of eligibility or coverage, for spousal
20 health insurance, and/or retiree health insurance.

21 (C) Employees hired prior to January 1, 2014 who retire from the City of
22 Fort Wayne shall be provided health insurance subject to the same terms
23 and conditions, and with the same premium contributions, deductibles, and
24 co-pays as active employees.

25 (D) Nothing in this section shall limit the City's authority or ability to
26 contract for employee health insurance with a health insurance provider or
27 broker.

Public Hearing Date, if applicable

Read the first time in full and on motion by Councilman *Glynn Hines*
Read the second time by title and referred to the *Regulations Committee*
Committee. Read the third time in full and on motion by Councilman
Glynn Hines, placed on passage by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	6	2		1
BENDER				✓
CRAWFORD		✓		
DIDIER	✓			
HARPER		✓		
HINES	✓			
JEHL	✓			
PADDOCK	✓			
SHOAFF	✓			
SMITH	✓			

DATED: *6-25-13* *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. *6-15-13* on the *25th* day of
June, 2013

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

T. Thomas F. Didier
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the *26th* day
of *June*, 2013, 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 *27th* day of *June*
2013, at the hour of *10:30* o'clock *AM* . E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR



CITY OF FORT WAYNE

THE COMMONS OF FORT WAYNE

TO: MEMBERS OF COMMON COUNCIL

FROM: CAROL HELTON, CITY ATTORNEY *CA*

DATE: JUNE 17, 2013

RE: BILL NO. G-13-05-15 (AS AMENDED)

The ordinance has not been certified as to form and legality due to the amendment included by City Council last week. The amendment which deals with the procurement of services under Chapter 38 is not a proper amendment to an ordinance amending the collective bargaining ordinances. This violates City Code Section 32.41 that states "no matter or proposition on a subject different from that under consideration shall be admitted under color of an amendment". I offer no opinion as to whether the language could be introduced as a separate ordinance but is an improper amendment.

As you will note, there are additional amendments to the ordinance you considered last week regarding collective bargaining. A number of City Council members raised concerns about the language that dealt with the carve-out of all issues surrounding group health insurance. While the City continues to assert its existing right to establish plans, co-pays, etc. this language has been removed from the body of the ordinance. What remains carved out of group health insurance is spousal and retiree insurance. A second amendment addresses public safety members who terminate service due to a job related disability. It provides that under those circumstances they would receive free health insurance.

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~~Amendment by Patrick~~

G-13-05-15

Amended 2 times

Public Hearing Date, if applicable _____

Read the first time in full and on motion by Councilman _____

Read the second time by title and referred to the _____

Committee. Read the third time in full and on motion by Councilman _____

_____ placed on passage by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____
BENDER	✓	_____	_____	_____
CRAWFORD	✓	_____	_____	_____
DIDIER	_____	✓	_____	_____
HARPER	_____	✓	_____	_____
HINES	✓	_____	_____	_____
JEHL	_____	✓	_____	_____
PADDOCK	_____	✓	_____	_____
SHOAFF	_____	_____	_____	_____
SMITH	✓	_____	_____	_____

DATED: _____
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. _____ on the _____ day of _____, 2013

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

T. Thomas F. Didier
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 2013, at the hour of _____ o'clock _____ E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____ 2013, at the hour of _____ o'clock _____ E.S.T.

THOMAS C. HENRY, MAYOR

Hold
file next wk.
Committee
Session

Failed
4-4

BONAHOOM & BONAHOOM, LLP
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June 12, 2013

Via Email

sandra.kennedy@cityoffortwayne.org

Sandra Kennedy, City Clerk

Re: Bill No. G-13-05-15

Dear Sandy:

I am emailing to you and to City Attorney, Carol Helton, the above-referenced bill as it was amended last evening. I am sending this in both red-line and clean form.

The amendments in red-line form for Section 1 of the ordinance were adopted by Council. Those were the City's proposed amendments. The Section 2 amendment was the Harper amendment. Again, both amendments were approved but the bill did not receive a Do-Pass recommendation and was held until next Tuesday.

If you have any questions, please give me a call.

Very truly yours,

BONAHOOM & BONAHOOM, LLP



Joseph G. Bonahoom

JGB:pao

Attachment

Z:\wpdocs\JGB\City Council of Fort Wayne\Harper Ordinance - reports\2031.Kennedy.letter.G-13-05-15.doc

Cc: Carol Helton (via email – w/attachments)
Molly McCray (via email – w/attachments)