

1 BILL NO. G-13-06-17 *As Amended*

2 General Ordinance No. G- 16-13

3 AN ORDINANCE MODIFYING SECTION 33.130,  
4 ESTABLISHMENT AND MEMBERSHIP OF THE  
5 FORT WAYNE COMMISSION ON AFRICAN  
6 AMERICAN MALES, OF THE FORT WAYNE  
MUNICIPAL CODE OF ORDINANCES

7 WHEREAS, there exists the Fort Wayne Commission on African  
8 American males as codified at Section 33.130, et al., in the Fort Wayne Code of  
9 Ordinances; and

10 WHEREAS, Council wishes to modify the aforementioned ordinance to  
11 change the makeup of the membership of the Commission itself.

12  
13 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL  
14 OF THE CITY OF FORT WAYNE, INDIANA:

15 SECTION 1. Subparagraphs (B) and (C) of Section 33.130,  
16 Establishment and Membership of the Fort Wayne Commission on African  
17 American Males, shall be deleted in their entirety and replaced with a  
subparagraph (B) only as follows:

18 (B) The Fort Wayne Commission on African American males shall  
19 consist of fourteen (14) members. Each member shall be selected by the  
20 group or organization whom he or she represents unless otherwise specified.  
21 The appointments shall be appointed as follows:


- 22 1. One member of the Mayor's Office;
- 23 2. One member of Fort Wayne City Council;
- 24 3. One member from higher education in Allen County;
- 25 4. One member from Fort Wayne Community Schools;
- 26 5. One small business owner or minority business owner;
- 27 6. Two members of the Faith Based community;
- 28 7. One member from the Law Enforcement community;

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- 8. One member from the Health/Medical community;
- 9. One member from the Allen County Minority Health Coalition;
- 10. Two members selected as "at large" representatives (community activist, Urban League representative, NAACP representative, or Neighborhood Association representative;
- 11. One member from a not-for-profit organization or social service provider that focuses on serving minorities, especially black males.
- 12. As a substitute to one of the business owners a member may be affiliated with the local chamber of commerce or economic development commission;
- 13. As non-voting members to the Commission youth member(s) (age 25 or younger) are encouraged to assist the commission and offer suggestions or recommendations.

**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.

  
Glynn Hines, Council Member

  
Thomas Dicier, Council Member

APPROVED AS TO FORM AND LEGALITY

  
Joseph G. Bonahoom, City Council Attorney

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				1
BENDER				✓
CRAWFORD	✓			
DIDIER	✓			
HARPER	✓			
HINES	✓			
JEHL	✓			
PADDOCK	✓			
SHOAFF	✓			
SMITH	✓			

DATED:

*10-25-13*

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

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as  
(ANNEXATION) (AMPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE  
(RESOLUTION) NO. *G-16-13* on the *25<sup>th</sup>* day of  
*June*, 2013

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

*T. Hines & Didier*  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the *26<sup>th</sup>* 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 *27<sup>th</sup>* day of *June*

2013, at the hour of *10:30* o'clock *A.M.* . E.S.T.

*Thomas C. Henry*  
THOMAS C. HENRY, MAYOR

**BILL NO. G-13-06-17**

**REPORT OF THE COMMITTEE ON REGULATIONS  
JUNE 25, 2013**

**GLYNN HINES - CHAIR  
RUSSELL JEHL- CO-CHAIR  
ALL COUNCIL MEMBERS**

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN ORDINANCE MODIFYING SECTION 33.130, ESTABLISHMENT AND MEMBERSHIP OF THE FORT WAYNE COMMISSION ON AFRICAN AMERICAN MALES, OF THE FORT WAYNE MUNICIPAL CODE OF ORDINANCES. HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE

DO PASS

DO NOT PASS

ABSTAIN

NO REC

*[Handwritten signatures and initials under "DO PASS"]*

SANDRA E. KENNEDY  
CITY CLERK

**BONAHOOM & BONAHOOM, LLP**  
**ATTORNEYS AT LAW**

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June 24, 2013

**VIA EMAIL**

[glynnhines@aol.com](mailto:glynnhines@aol.com)

Councilman Glynn Hines

**Re: Ordinance Regarding Commission on African American Males**

Dear Glynn:

I am passing the enclosed ordinance on to City Clerk, Sandy Kennedy, as well as Diane Brown. I am attempting to get this on the introduction agenda for tomorrow evening. I have spoken with Council President Didier and he has indicated his acquiescence to having this placed on the introduction agenda. I apologize for the delay in this. I was unaware that you had an individual coming to speak on Tuesday evening as that is somewhat unusual when matters are only being introduced. Additionally, there has been significant City Council matters taking place over the last 30 days or more with regard to fiscal policy, the local option income taxes, city utilities, etc., and so quite frankly I have been inundated with Council work in addition to the 2 to 3 hour meetings that we are having each Tuesday.

A couple of items that were unclear to me in your proposed ordinance are at Items 12 and 13. The ordinance itself calls for 14 members to the Commission. There are 13 appointments set out in Items 1 through 11. Item 12 seems to indicate that the appointment designated there is a substitute. I'm not sure what your intentions are but it seems to me that language is not completely clear. If you count Item 12 as an additional member then we get up to the 14 that we are designating. If, however, the appointee under 12 is a substitute member for Item 5 then we would only have 13 members unless you intend for the non-voting youth member to be the 14<sup>th</sup> member. You will need to advise as to what your intention is in that regard.

Also at Item 13 there is a call for non-voting youth members and there is a section where you are to indicate the age limitation. This is something I assume you have an idea on, but I did not want to include an age at that point without your input.

Councilman Glynn Hines

June 24, 2013

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A matter that may also need to be addressed is in the subsequent Section 33.131(I). That is the governing section of this regulation and it specifies that 9 members of the Commission shall constitute a quorum. This 9 member quorum was set when the Commission was 17 members. I'm not sure if you want to change the quorum requirements. Obviously for a majority of 14 we need to require 8 members to constitute a quorum, however, if 8 constitutes a quorum it would lend itself to a 4/4 vote on matters and no tie breaker (also, I am not clear on whether the youth member is the 14<sup>th</sup> member. If he is we have 13 voting members). That would leave you with options of either 7 or 9 to constitute a quorum. If you are inclined to leave it at 9 then we don't need to have any change. I would not recommend moving it to 7 because then you're only requiring 7 members of a 14 (or 13) member panel and it would only take 4 favorable votes to pass any policy. Of course it is completely up to you.

Also, Glynn, I was not clear as to whether or not you wanted this introduced and passed in the same evening. If you do, you will need to let me know as soon as possible as then this matter will need to be put on the agenda showing that it will be introduced and passed in the same evening. Also, since this is an ordinance, you will recall that you ~~have to suspend the rules (7 votes)~~, then get a unanimous vote of those present to both introduce and place this on passage, and then it will require 6 votes in the regular session.

Very truly yours,

BONAHOOM & BONAHOOM, LLP



Joseph G. Bonahoom

JGB:pao

Attachment

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