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BILL NO. G-14-05-17 – (AS AMENDED)

General Ordinance No. G-17-14

**AN ORDINANCE FOR THE REPEAL OF SECT. 40.20 to
40.37 OF THE
CODE OF FORT WAYNE**

WHEREAS, it is the responsibility of the City of Fort Wayne (the “City”) to provide services in the most efficient and fiscally responsible manner for the benefit of its residents; and

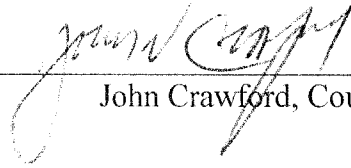
WHEREAS, the City finds it in its best interest to move forward with meaningful reforms to its collective bargaining procedures;

WHEREAS, nothing in this ordinance is intended to take away or infringe on the right of city employees to organize into a local union or association, or to continue their organization in a presently existing local union or association;

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

SECTION 1. That Chapter 40 of the Fort Wayne Code of Ordinances: “COLLECTIVE BARGAINING” SHALL BE AMENDED to add a new Section 40.37. The city may not make membership in a labor organization a condition of employment or a condition of continued employment.

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.



John Crawford, 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 Mitch Harper.
Read the second time by title and referred to the Regulation
Committee. Read the third time in full and on motion by Councilman
Mitch Harper, placed on passage by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>6</u>	<u>2</u>	_____	<u>1</u>
BENDER	<u>✓</u>	_____	_____	_____
CRAWFORD	<u>✓</u>	_____	_____	_____
DIDIER	<u>✓</u>	_____	_____	_____
HARPER	<u>✓</u>	_____	_____	_____
HINES	_____	<u>✓</u>	_____	_____
JEHL	_____	_____	_____	<u>✓</u>
PADDOCK	_____	<u>✓</u>	_____	_____
SHOAFF	<u>✓</u>	_____	_____	_____
SMITH	<u>✓</u>	_____	_____	_____

DATED: 7-8-14 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. 6-17-14 on the 8th day of
July, 2014

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

Thomas A. Bender
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day
of July, 2014, at the hour of 4:30 o'clock PM. E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____
2014, at the hour of _____ o'clock _____ E.S.T.

THOMAS C. HENRY, MAYOR

*Mayor did not sign because he plans to veto.

ORDINANCE VETO BY THE MAYOR

BILL NO. G-14-05-17 (AS AMENDED)

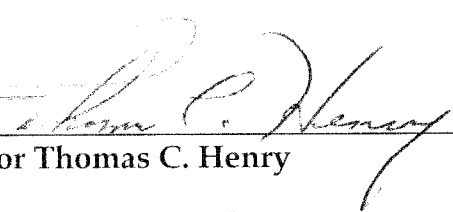
GENERAL ORDINANCE NO. G-17-14

THE ABOVE ORDINANCE WAS VETOED BY MAYOR HENRY ON FRIDAY,
JULY 18, 2014. A 2/3RD VOTE IS NEEDED TO OVERRIDE THE MAYOR'S VETO.
THIS VOTE WILL TAKE PLACE ON TUESDAY, JULY 22, 2014.

CHAPTER 40 OF THE FORT WAYNE CODE OF ORDINANCES: "COLLECTIVE
BARGAINING" SHALL BE AMENDED TO ADD A NEW SECTION 40.37.

The City may not make membership in a labor organization a condition of
employment or a condition of continued employment.

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



Mayor Thomas C. Henry

Date 7-18-2014



CITY OF FORT WAYNE

THOMAS C. HENRY, MAYOR

For release: Friday, July 18, 2014

Contact: John Perlich, (260) 427-6957, john.perlich@cityoffortwayne.org

Mayor's Veto Message

July 18, 2014

Once again, City Council has presented an ordinance that I had to veto because of the disrespect it shows the great employees of our City - this time, the public safety officers.

The last time I vetoed an ordinance, the voices of our non-public safety employees obviously fell on deaf ears. On July 8, when Council approved G-14-05-07 (as amended) impacting the employment of public safety officers, they clearly neglected to talk to those affected.

It's unfortunate that Council amended an ordinance that had been tabled for weeks rather than going through the process of introduction, discussion, and passage. This approach did not allow taxpayers and public safety personnel, particularly the Fort Wayne Police Department, the opportunity to gain a full understanding of the impact of Council's decision.

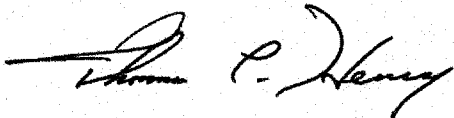
I openly worked with the firefighters' union prior to the recent passage of their contract to eliminate the membership requirement because that's what they requested. Had the police unions asked for this, I would have respected their wishes and could have signed a letter of agreement with them as well.

To my knowledge, no Council member ever talked with the police unions about a plan to amend this ordinance. No warning was given. I truly believe that is bad governing. This ordinance alienates those who put their lives on the line to keep all of us safe.

Hiding from dialogue, especially when making substantial changes, is a precedent that must not be set. It is also unprofessional. Every worker, union or non-union, deserves to be treated with respect. Council has chosen to take away the voice of many of our employees. Not only do our employees deserve to be heard, but so do residents and taxpayers.

At a time when we're experiencing unprecedented momentum by working together, a majority of Council members continue to send a message that promoting their philosophy on unions is more important than investing in our future, attracting and retaining jobs, and being a leader in quality of life and neighborhood enhancements.

Despite Council's efforts to steer our City in a different direction, we will win the future by overcoming this obstacle. By working together with our award-winning City employees, we will continue to build on our multitude of successes that we're seeing in our City and provide the best services possible to our residents.

A handwritten signature in black ink, appearing to read "Tom Henry". The signature is fluid and cursive, with a large initial "T" and "H".

Tom Henry, Mayor

Roll call on Mayor's veto, 7/22/14

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:

*eye - missed
no -*

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

DATED: July 22, 2014 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. G-17-14 on the 22nd day of
July, 2014

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

Thomas C. Bender
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day
of _____, 2014, 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 _____
2014, at the hour of _____ o'clock _____ E.S.T.

THOMAS C. HENRY, MAYOR

BILL NO. G-14-05-17 - AS AMENDED (See Attached)

REPORT OF COMMITTEE ON REGULATIONS

July 8, 2014

Mitch Harper, Chair
Tom Didier, Co-Chair
All Council Members

AS AMENDED

AN ORDINANCE for the Repeal of Sect. 40.20 to 40.34 of the Code of Fort Wayne.
COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under
consideration and beg leave to report back to the Common Council that said
ordinance

Table with 4 columns: DO PASS, DO NOT PASS, ABSTAIN, NO REC. Contains handwritten signatures of council members under the DO PASS and DO NOT PASS columns.

SANDRA E. KENNEDY
CITY CLERK

Proposed language to Amend Proposed Ordinance Bill No. G-14-05-17.

Mitch Harper
July 7, 2014

First would require that there be a motion to 'untable' Bill No. G-14-05-17.

The purpose of the amendment is to:

- a) Insert language to memorialize that the City may not make labor organization membership a condition of employment. This would make parallel the provisions regarding prohibition of discrimination against an employee whether for an employee's membership in a labor organization or for an employee's non-membership in a labor organization;
- b) Strikes certain "Whereas" clauses in the preamble to the ordinance; and,
- c) Removes the propose current language of the Bill.

PROPOSED AMENDMENT:

That Ordinance Bill No. G-14-05-17 BE AMENDED AS FOLLOWS:

1. Strike the 2nd, 3rd, 4th and 5th "Whereas" clauses;
2. Strike the following in Section 1.: "to delete Section 40.20 through 40.34 in their entirety" ; and,
3. Insert the following in Section 1. after the words "SHALL BE AMENDED" :
"to add a NEW Section 40:37 The city may not make membership in a labor organization a condition of employment or a condition of continued employment."
4. Section 2. shall be retained as worded in its present form.

Note: Council attorney may wish to advise that the new "Section 40:34" be denominated as "Section 40:37" so as to avoid confusion with "Section 40:34 and Section 40:35" which were repealed last year.

Angie Davis

From: Mitch Harper <mitchvharper@gmail.com>
Sent: Monday, July 07, 2014 3:29 PM
To: Angie Davis
Cc: John Crawford Councilman; Martin Bender; Joe Bonahoom; Jeremy Bush
Subject: Bill No. G-14-05-17

Hi Angie -

As discussed earlier, President Bender has agreed that this may be placed on the agenda for both consideration and for passage. I have also consulted Council Attorney Joe Bonahoom and Council member John Crawford.

I have a draft of particular language that is now with Joe Bonahoom. I have forwarded the initial draft and memorandum to other council members of our caucus and to President Jeremy Bush of the Firefighters.

Would like to have the initial draft of the amendment to be posted before tomorrow's meeting and will try to have that approved as soon as Joe may do so.

"Bill No. G-14-05-17 - placed on agenda for consideration of a motion to place it back on the table and for consideration of an amendment"

Believe the preceding should suffice for the agenda.

Thank you.

Best -

Mitch Harper

G-14-05-17 Roll Call

Common Date (Tabled)

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>	<u>5</u>	<u>4</u>	_____	_____
BENDER	<u>✓</u>	_____	_____	_____
CRAWFORD	<u>✓</u>	_____	_____	_____
DIDIER	<u>✓</u>	_____	_____	_____
HARPER	_____	<u>✓</u>	_____	_____
HINES	_____	<u>✓</u>	_____	_____
JEHL	<u>✓</u>	_____	_____	_____
PADDOCK	_____	<u>✓</u>	_____	_____
SHOAFF	_____	<u>✓</u>	_____	_____
SMITH	<u>✓</u>	_____	_____	_____

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 _____, 2014

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

Thomas C. Bender
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 2014, 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 _____ 2014, at the hour of _____ o'clock _____ E.S.T.

THOMAS C. HENRY, MAYOR

BILL NO. G-14-05-17

Tabled

REPORT OF COMMITTEE ON REGULATIONS

MAY 27, 2014

*Tom Didier, Chair
Mitch Harper, Co-Chair
All Council Members*

AN ORDINANCE for the Repeal of Sec. 40.20 to 40.34 Collective Bargaining of the Code of Fort Wayne. **COMMITTEE ON REGULATIONS 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

**SANDRA E. KENNEDY
CITY CLERK**