

2
3 AN ORDINANCE amending “37.17: “Definitions” and “37.18: “Approval or Ratification
4 Required” in Chapter 37: Finance and Revenue, of the
5 Fort Wayne Municipal Code of Ordinances
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7

8 WHEREAS, Chapter 37 of the FWCO codifies finance and revenue-specific matters,
9 specifically, Section 37.18 requires prior approval or subsequent ratification of City (or any city-
10 owned utility) contracts by Common Council;
11

12 WHEREAS, Common Council desires to amend Section 37.18 to include all contracts for
13 Consultant Services that exceed \$25,000 in the category of contracts that require Common
14 Council’s prior approval or subsequent ratification and amend Section 37.17 to clarify the
15 definition of Consultant Services with regard to Legal Services; and
16

17 WHEREAS, Common Council desires to amend Section 37.18 in order to ensure that as
18 the Fiscal body that Council and the public are made aware of agreements the city and city-
19 owned utilities enter into for consulting services.
20

21
22 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
23 FORT WAYNE, INDIANA,
24

25 **SECTION 1.** That § 37.17: “Definitions” in Chapter 37: Finance and Revenue shall be
26 amended and read as follows:
27

28 **§ 37.17 DEFINITIONS.**
29

30 For purposes of this subchapter the following definitions shall apply unless the context clearly
31 indicates or requires a different meaning.
32

33 [...]
34

35 **CONSULTANT SERVICES.** **Service** by a firm that provides expertise in a specific field of
36 knowledge, including insurance **consultants** and other **consultants** whose fee is embedded in the
37 prices the city pays for the product or **service**, notwithstanding the forgoing, Legal Services shall
38 not be considered Consultant Services.
39

40 [...]
41

42 **SECTION 2.** That § 37.18: “Approval or Ratification Required” in Chapter 37: Finance and
43 Revenue shall be amended and read as follows:
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45
46

1 **§ 37.18 APPROVAL OR RATIFICATION REQUIRED.**

2 (A) Whenever the city, including any city-owned or operated utilities:

3 (1) Executes a contract which exceeds \$100,000 per year for the purpose of providing goods
4 and/or services to the city or any city-owned or operated utility, then, with the exception of those
5 contracts governed by division (B) herein, all such purchases and/or leases for real property or
6 such contracts shall be entered into with the prior approval or subsequent ratification by the
7 Common Council of the city by ordinance or resolution duly passed by the Common Council and
8 approved by the Mayor. All such purchases and/or leases and such contracts entered into without
9 such prior approval or subsequent ratification shall be null and void.

10 (B) Notwithstanding division (A), prior approval or subsequent ratification by Common
11 Council shall not be required for contracts entered into by the City (including any city-owned or
12 operated utilities) for any contracts which:

13 (1) Are construction contracts with a total value of \$150,000 or less that have been
14 processed through and reviewed by the Board of Works in accord with all state and local
15 requirements, have been subject to a public meeting and have been put out to public bid (in
16 accord with the state statutes) and awarded to the lowest bidder.

17 (2) Are for commodities that have been competitively bid according to state statute and
18 awarded to the lowest bidder. City Council shall receive a quarterly report from the
19 administration on the commodities contracts awarded only for purchases of \$100,000 or more.

20 (C) Notwithstanding division (A), a contract between the city (excluding any city-owned or
21 operated utility) and a third-party for a contract for Consultant Services which exceeds
22 \$25,000.00 shall be entered into with the prior approval or subsequent ratification by the
23 Common Council of the city by ordinance or resolution duly passed by the Common Council and
24 approved by the Mayor. All contracts for Consultant Services which exceed \$25,000.00 entered
25 into without such prior approval or subsequent ratification shall be null and void.

26 (D) *Collective bargaining agreement approval.* A collective bargaining agreement between
27 the city and a bargaining unit as provided by §§ 40.23 et seq., that is subject to approval by
28 Common Council shall be introduced no later than the first regular or special meeting of the
29 Common Council following receipt of notice to the city by the bargaining unit of ratification of
30 the agreement by the bargaining unit's membership.

31 **SECTION 3.** Upon passage and any and all necessary approval by the Mayor, the effective date
32 of this Ordinance shall be January 1, 2020.

33
34 
35 _____
36 Russ Jehl, Council Member

37
38 APPROVED AS TO FORM AND LEGALITY

39 
40 _____
41 Joseph G. Bonahoom, City Council Attorney

3
4 AN ORDINANCE amending "37.18: "Approval or Ratification
5 Required" in Chapter 37: Finance and Revenue, of the
6 Fort Wayne Municipal Code of Ordinances
7

8
9 WHEREAS, Chapter 37 of the FWCO codifies finance and revenue-specific matters,
10 specifically, Section 37.18 requires prior approval or subsequent ratification of City (or any city-
11 owned utility) contracts by Common Council;

12
13 WHEREAS, Common Council desires to amend Section 37.18 to include all contracts for
14 Consultant Services that exceed \$10,000 in the category of contracts that require Common
15 Council's prior approval or subsequent ratification; and

16
17 WHEREAS, Common Council desires amend Section 37.18 in order to ensure that the
18 Fiscal body that Council and the public are made aware of agreements the city and city-owned
19 utilities enter into for consulting services.

20
21
22 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
23 FORT WAYNE, INDIANA,

24
25 **SECTION 1.** That § 37.18: "Approval or Ratification Required" in Chapter 37: Finance and
26 Revenue shall be amended and read as follows:

27
28 **§ 37.18 APPROVAL OR RATIFICATION REQUIRED.**

29 (A) Whenever the city, including any city-owned or operated utilities:

30 (1) Executes a contract which exceeds \$100,000 per year for the purpose of providing goods
31 and/or services to the city or any city-owned or operated utility, then, with the exception of those
32 contracts governed by division (B) herein, all such purchases and/or leases for real property or
33 such contracts shall be entered into with the prior approval or subsequent ratification by the
34 Common Council of the city by ordinance or resolution duly passed by the Common Council and
35 approved by the Mayor. All such purchases and/or leases and such contracts entered into without
36 such prior approval or subsequent ratification shall be null and void.

37 (B) Notwithstanding division (A), prior approval or subsequent ratification by Common
38 Council shall not be required for contracts entered into by the City (including any city-owned or
39 operated utilities) for any contracts which:

40 (1) Are construction contracts with a total value of \$150,000 or less that have been
41 processed through and reviewed by the Board of Works in accord with all state and local
42 requirements, have been subject to a public meeting and have been put out to public bid (in
43 accord with the state statutes) and awarded to the lowest bidder.

1 (2) Are for commodities that have been competitively bid according to state statute and
2 awarded to the lowest bidder. City Council shall receive a quarterly report from the
3 administration on the commodities contracts awarded only for purchases of \$100,000 or more.

4 (C) Notwithstanding division (A), a contract between the city or any city-owned or operated
5 utility and a third-party for a contract for Consultant Services which exceeds \$10,000 shall be
6 entered into with the prior approval or subsequent ratification by the Common Council of the
7 city by ordinance or resolution duly passed by the Common Council and approved by the Mayor.
8 All contracts for Consultant Services which exceed \$10,000 entered into without such prior
9 approval or subsequent ratification shall be null and void.

10 (D) *Collective bargaining agreement approval.* A collective bargaining agreement between
11 the city and a bargaining unit as provided by §§ 40.23 et seq., that is subject to approval by
12 Common Council shall be introduced no later than the first regular or special meeting of the
13 Common Council following receipt of notice to the city by the bargaining unit of ratification of
14 the agreement by the bargaining unit's membership.

15 **SECTION 2.** That this Ordinance shall be in full force and effect from and after its passage and
16 any and all necessary approval by the Mayor.

17
18
19 
20 _____
21 Russ Jehl, Council Member

22 APPROVED AS TO FORM AND LEGALITY

23 
24 _____
25 Joseph G. Bonahoom, City Council Attorney

BILL NO. G-19-09-29

REPORT OF COMMITTEE ON REGULATIONS

October 1, 2019

Tom Freistroffer Chair

Michael Barranda Co-Chair

All Council Members

An Ordinance amending "37.18: "Approval or Ratification Required" in Chapter 37: Finance and Revenue, of the Fort Wayne Municipal Code of Ordinances

COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

DO PASS

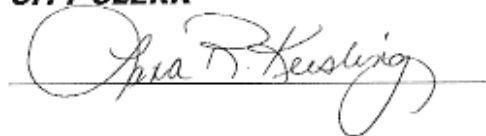
DO NOT PASS

ABSTAIN

NO REC

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**LANA R. KEESLING
CITY CLERK**



BILL NO. G-19-09-29

REPORT OF COMMITTEE ON REGULATIONS

October 15, 2019

*Held until
11-12-19*

Tom Freistroffer Chair

Michael Barranda Co-Chair

All Council Members

An Ordinance amending "37.18: "Approval or Ratification Required" in Chapter 37: Finance and Revenue, of the Fort Wayne Municipal Code of Ordinances

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

[Handwritten signatures in the DO PASS column]

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
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**LANA R. KEESLING
CITY CLERK**

[Handwritten signature of Lana R. Keesling]

BILL NO. G-19-09-29

REPORT OF COMMITTEE ON REGULATIONS

November 12, 2019

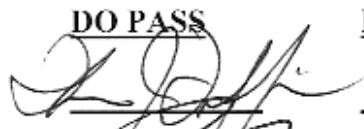

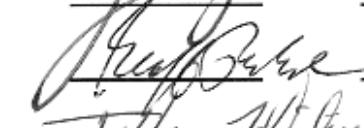
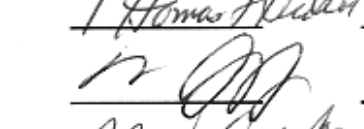
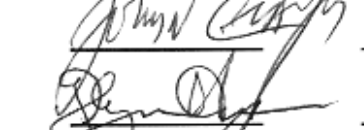

Tom Freistroffer Chair

Michael Barranda Co-Chair

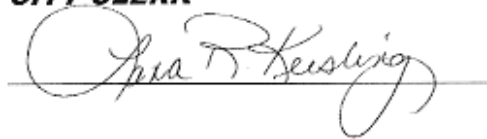
All Council Members

An Ordinance amending "37.18: "Approval or Ratification Required" in Chapter 37: Finance and Revenue, of the Fort Wayne Municipal Code of Ordinances

COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
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**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: N/A

Read the first time in full and on motion by Councilman Freistroffer.

Read the second time by title and referred to the Regulations Committee.

Read the third time in full and on motion by Councilman Freistroffer, placed on passage by the following vote:

<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
ARP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BARRANDA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRAWFORD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DIDIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENSLEY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
FREISTROFFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HINES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JEHL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: November 12, 2019


LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

General Ordinance No. G-19-09-29AA on the 12th day of November, 2019


LANA R. KEESLING
CITY CLERK


PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 20th of November 2019, at the hour of 10:35 o'clock A.M. E.S.T.


LANA R. KEESLING, CITY CLERK

Approved and signed by me this 20th day of November 2019, at the hour of 1:30 o'clock Pm E.S.T.

FORT WAYNE, INDIANA
RECEIVED
NOV 21 2019
LANA R. KEESLING
CITY CLERK


THOMAS C. HENRY, MAYOR