

1 BILL NO. G-19-09-31 As Amended As Amended As Amended

2 General Ordinance No G-2519

3
4 AN ORDINANCE amending 35.01: "FIRE MERIT COMMISSION;
5 ORGANIZATION" in Chapter 35: Fire Department, of the
6 Fort Wayne Municipal Code of Ordinances
7

8 WHEREAS, the City of Fort Wayne Code of Ordinances ("FWCO") § 35.01 –
9 35.17 promulgates a fire merit system titled the Fire Merit Commission ("Commission"),
10 the organization of the Commission, and the operation of the Commission;
11

12 WHEREAS, Ind. Code § 36-8-3.5 et seq. outlines the establishment and
13 amendment of police and fire merit systems including the Commission;
14

15 WHEREAS, the Commission was established by Common Council under
16 ordinance G-08-04-15 with authority derived from Ind. Code § 36-8-3.5-3;
17

18 WHEREAS, Ind. Code § 36-8-3.5-1(a) states that a merit system established
19 under ordinance are not constrained by the parameters of Ind. Code § 36-8-3.5 et seq.
20 except for those restrictions contained in Ind. Code § 36-8-3.5-1(e);
21

22 WHEREAS, Ind. Code § 36-8-3.5-1(e) requires that at least one-third, or two
23 members in the case of the five member Commission, of the merit system's members
24 are elected by the active members of the department; and
25

26 WHEREAS, Common Council wishes to amend Chapter 35 of the FWCO to
27 revise the allocation of Commission selections.
28

29 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY
30 OF FORT WAYNE, INDIANA,
31

32 **SECTION 1.** That § 35.01: "FIRE MERIT COMMISSION; ORGANIZATION" in Chapter
33 35: Fire Department shall be amended and read as follows:
34

35 **§ 35.01 FIRE MERIT COMMISSION; ORGANIZATION.**

36 (A) The Fire Merit Commission, hereinafter referred to as the Commission, shall
37 consist of six commissioners, five voting and one non-voting. The commissioners are:

38 (1) Two persons, who must be of different political parties, elected by the active
39 members of the department;

40 (2) Two persons, who must be of different political parties appointed by the Mayor;

41 (3) One (1) person appointed by the unit's legislative body;

1 (4) One (1) person from the legislative body. This appointment will be a non-voting
2 member.

3 Notwithstanding IC 36-1-8-10, political affiliation shall be determined through the voters'
4 registration records of the three most recent primary elections.

5 (B) Each commissioner must have been a legal resident of the City of Fort Wayne for
6 three consecutive years immediately preceding the commissioner's term and must be a
7 person of good moral character. A commissioner must be at least 21 years of age. A
8 commissioner may not be an active member of the Fire Department and not more than
9 two of the commissioners may be past members of the Fire Department. In addition,
10 with the exception of the non-voting member set forth in Section Four (4) above, a
11 person may not serve on the commission if the person receives any remuneration as
12 salary from the City of Fort Wayne.

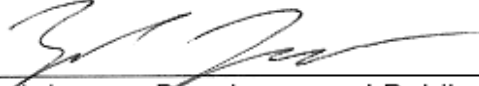
13 (C) Each commissioner shall take an oath of office to conscientiously discharge the
14 commissioner's duties. A signed copy of the oath shall be filed with the Board of Public
15 Safety and the City Clerk.

16 (D) Commissioners shall not receive any compensation for service as a
17 commissioner.

18
19 **SECTION 2.** Appointments to the Fire Department Command and Merit Commission
20 shall be made pursuant to G-19-09-31 shall be made within 30 days from passage of
21 said bill.

22
23 **SECTION 3.** That this Ordinance shall be in full force and effect from and after its
24 passage and any and all necessary approval by the Mayor.

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28 
29 Michael Barranda, Council Member

30 APPROVED AS TO FORM AND LEGALITY
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33 Zach Lange, Bonahoom and Bobilya, LLC

3
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5 ORGANIZATION" in Chapter 35: Fire Department, of the
6 Fort Wayne Municipal Code of Ordinances
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8 WHEREAS, the City of Fort Wayne Code of Ordinances ("FWCO") § 35.01 – 35.17
9 promulgates a fire merit system titled the Fire Merit Commission ("Commission"), the
10 organization of the Commission, and the operation of the Commission;

11
12 WHEREAS, Ind. Code § 36-8-3.5 et seq. outlines the establishment and amendment of
13 police and fire merit systems including the Commission;

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15 WHEREAS, the Commission was established by Common Council under ordinance G-
16 08-04-15 with authority derived from Ind. Code § 36-8-3.5-3;

17
18 WHEREAS, Ind. Code § 36-8-3.5-1(a) states that a merit system established under
19 ordinance are not constrained by the parameters of Ind. Code § 36-8-3.5 et seq. except for those
20 restrictions contained in Ind. Code § 36-8-3.5-1(e);

21
22 WHEREAS, Ind. Code § 36-8-3.5-1(e) requires that at least one-third, or two members in
23 the case of the five member Commission, of the merit system's members are elected by the
24 active members of the department; and

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26 WHEREAS, Common Council wishes to amend Chapter 35 of the FWCO to revise the
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37 commissioners, five voting and one non-voting. The commissioners are:

38 (1) Two persons, who must be of different political parties, elected by the active members
39 of the department;

40 (2) One (1) person appointed by the Mayor;

41 (3) One (1) person appointed by the unit's legislative body;

1 (4) One (1) person appointed by agreement between the Fire Merit Commission members
2 appointed pursuant to sections A(2) and (3) above;

3 a. If an agreement cannot be reached as to the appointment of the Commissioner set
4 forth in section (4), then the appointment will be made via vote from all existing
5 members of the Fire Merit Commission. In the event of a tie the Mayor will have
6 the deciding vote.

7 (5) One (1) person from the legislative body. This appointment will be a non-voting
8 member.

9 Notwithstanding IC 36-1-8-10, political affiliation shall be determined through the voters'
10 registration records of the three most recent primary elections.


11 (B) Each commissioner must have been a legal resident of the City of Fort Wayne for three
12 consecutive years immediately preceding the commissioner's term and must be a person of good
13 moral character. A commissioner must be at least 21 years of age. A commissioner may not be
14 an active member of the Fire Department and not more than two of the commissioners may be
15 past members of the Fire Department. In addition, a person may not serve on the commission if
16 the person receives any remuneration as salary from the City of Fort Wayne.

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18 commissioner's duties. A signed copy of the oath shall be filed with the Board of Public Safety
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20 (D) Commissioners shall not receive any compensation for service as a commissioner.
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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.



Michael Barranda, Council Member

Russell Jehl, Council Member

BILL NO. G-19-09-31

AA X3

REPORT OF COMMITTEE ON REGULATIONS

October 8, 2019

Tom Freistroffer Chair

Michael Barranda Co-Chair

All Council Members

An Ordinance amending 35.01: "Fire Merit Commission; Organization" in Chapter 35: Fire Department, of the Fort Wayne Municipal Code of Ordinances





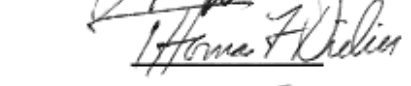
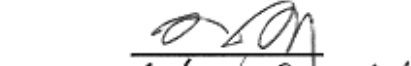
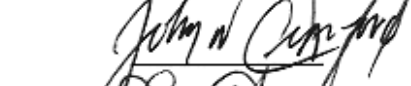
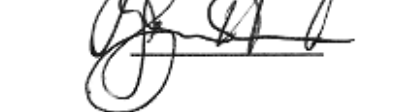
COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

DO PASS

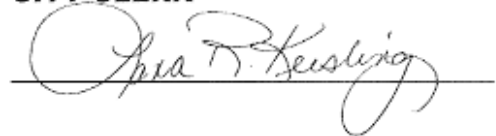
DO NOT PASS

ABSTAIN

NO REC

	_____	_____	_____
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**LANA R. KEESLING
CITY CLERK**



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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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"/>

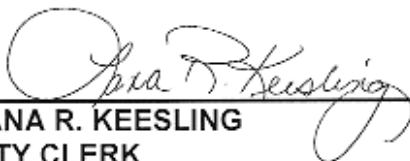
DATED: October 8, 2019



 LANA R. KEESLING, CITY CLERK

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

General Ordinance No. G-19-09-31 AAAAAA on the 8th day of October, 2019



 LANA R. KEESLING
 CITY CLERK



 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th of October 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 15th day of October 2019, at the hour of 2:00 o'clock Pm E.S.T.



 THOMAS C. HENRY, MAYOR

FORT WAYNE, INDIANA
RECEIVED
OCT 16 2019
 LANA R. KEESLING
 CITY CLERK