

**AN ORDINANCE AMENDING CHAPTER 33:  
DEPARTMENTS BOARDS AND OTHER  
ADMINISTRATIVE BODIES**

**WHEREAS**, the City of Fort Wayne recognizes and accepts responsibility for the beautification of its public areas, finding that such investments add greatly to the enhancement of the quality of life of its citizens, attract tourism, and provide incentives to business to locate in the city, thereby expanding Fort Wayne's economic base;

**WHEREAS**, The Common Council of the City of Fort Wayne, on March 27, 2018 established by resolution the Fort Wayne Public Art Program;

**WHEREAS**, The Fort Wayne Public Art Program is an effective means of curating and managing a collection of public art that authentically reflects the Fort Wayne community in which people of diverse generations, nationalities, cultures, interests and lifestyles choose to live, work and play.

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

**SECTION 1.** THAT CHAPTER 33: DEPARTMENTS BOARDS AND OTHER ADMINISTRATIVE BODIES; of the City of Fort Wayne, Indiana, Code of Ordinances of be amended as follows:

**AMEND SECTION §33.185 (A)**

**§33.185 MEMBERSHIP; TERMS**

(A) *Membership.* The Public Art Commission will consist of thirteen (13) members. Members serve without compensation. Members shall consist of the following representatives:

- (1) One appointment each by the governing bodies of Arts United of Greater Fort Wayne, Fort Wayne Museum of Art, Artlink, University of Saint Francis School of Creative Arts, ~~Indiana University~~-Purdue University Fort Wayne College of Visual and Performing Arts, Fort Wayne Parks and Recreation, and the City of Fort Wayne Department of Planning and Policy, for a total of seven (7) members. These appointments shall be the executive director, Dean or President of each organization or his/her appointee.

- (2) Two (2) residents appointed by the Fort Wayne City Council. Representatives must be residents of Fort Wayne.
- (3) Two (2) representatives appointed by the Mayor of Fort Wayne. Representatives must be residents of Fort Wayne.
- (4) Two (2) practicing artists or design professionals appointed by the other members of the Commission. Representatives must ~~by~~be residents of Fort Wayne.
- (5) Additional individuals may be included on the Commission in an advisory role and may not vote. Advisory members may include, but not be limited to individuals with specialized expertise such as City staff representatives, public relations professionals, and members ~~of~~of other city boards or commissions.

(B) *Terms.* Members will serve for four-year terms and may be reappointed for one consecutive four-year term. No member may serve more than two (2) consecutive four-year terms, but he or she is eligible to be elected to the PAC again after at least a one-year absence. A member may resign at any time by delivering written notice to the chair of the Public Art Commission and the chair of the body that originally appointed the member. The term of a member who fills a vacancy pursuant to this section shall be for the remainder of the predecessor's term. Initially, terms will be staggered as follows:

- (1) Five (5) members serving four-year terms
- (2) Four (4) members serving three-year terms
- (3) Four (4) members serving two-year terms

(C) *Chair.* The Chair of the Public Art Commission is a current member of the Public Art Commission. The Chair of the Commission will be elected by the members of the Commission. The Chair will serve a term of two (2) years and shall be eligible for re-election to a second consecutive term. The Chair may not serve more than two (2) consecutive terms as Chair.

**AMEND SECTION §33.187 (B)**

**§33.187 FUNDING SOURCES AND USES FOR THE PUBLIC ART PROGRAM**

(A) There is hereby created a special fund, to be designated as the "Public Art Fund." This fund shall be a continuing, non-reverting fund, with all balances remaining therein at the end of the year, and such balances shall not revert to the City general funds. The fund shall be contained within the City of Fort Wayne Department of Community Development.

1 (B) ~~Sources of Funding. With oversight from the Public Art Commission, in~~  
2 ~~consultation with the Public Art Program Manager, t~~The primary sources of the  
3 Public Art Fund may include, but are not limited to, the following:

4 (1) *Private Grants and Donations.* Arts United may act as a fiscal agent for  
5 the receipt of private grants and donations to the Public Art Program.

6 (2) *Public Art Giveback Program.* The Public Art Giveback Program is a  
7 funding instrument for the Public Art Program based upon contributions  
8 from certain City-supported Eligible Redevelopment Projects, as  
9 described in Section 33.188.

10 (3) *Other municipal contributions or funds.* The City of Fort Wayne may  
11 choose to dedicate other sources of funds for projects and administration.  
12 Such contributions are subject to the standard processes and policies  
13 that govern the City of Fort Wayne's budgeting and expenditures.

14 (C) *Uses of Funding.* The primary uses of the Public Art Fund shall be consistent  
15 with the purposes and goals of the Public Art Program as stated in Section  
16 33.181.

17 (D) *Limitations and Exclusions*

18 (1) In general, privately-owned artworks will be funded by private  
19 contributions, insured by the private owner, and maintained by the private  
20 owner.

21 (2) In general, City-owned artworks may be funded by any source listed in  
22 Section 33.187(B). City-owned artworks will be insured by the City of Fort  
23 Wayne.

24 (3) In general, the Public Art Fund may not be expended for expenses  
25 related to the ongoing operation of the artwork such as electrical, water or  
26 mechanical service required to activate or display the artwork(s).

27 (4) In general, the Public Art Fund may not be spent on land acquisition,  
28 professional graphics, mass produced works, works not produced by an  
29 artist, artistic details designed by the architect, and reproductions of other  
30 works.

**AMEND SECTION § 33.188 (E), (F)**

**§ 33.188 PUBLIC ART GIVEBACK PROGRAM**

(A) *Establishment.* This policy establishes the Public Art Giveback Program for the  
purpose of creating a funding source for Public Art based upon contributions  
from certain City-supported Eligible Redevelopment Projects.

1 (B) *Definitions.* For the purpose of this subchapter, the following definitions shall  
2 apply unless the context clearly indicates or requires a different meaning:

3 **AFFORDABLE HOUSING.** A residential rental housing project owned by  
4 a governmental entity, a non-profit entity described in Section 501(c)(3)  
5 or any other entity which operates the project in compliance with the  
6 provisions of Section 142(d)(1)(A) or (B) or Section 42 (g) of the Internal  
7 Revenue Code of 1986, as amended, and which serves one or more of  
8 the following purposes:

- 9 (a) To benefit low-income and moderate-income persons;
- 10 (b) To prevent or eliminate slums or blight; or
- 11 (c) To respond to community development needs having a  
12 particular urgency because existing conditions pose a serious  
13 and immediate threat to the health or welfare of the community.

14 **DEVELOPMENT AGREEMENT.** An agreement between the City of Fort  
15 Wayne or its authorized agent and a Recipient stipulating the  
16 responsibilities and/or requirements that must be fulfilled in order to  
17 receive an Economic Incentive for an Eligible Redevelopment Project.

18 **ECONOMIC INCENTIVE.** Any direct or indirect use of tax increment  
19 funds for the benefit of a Recipient, including but not limited to grants,  
20 loans, pledges, and bond sale proceeds.

21 **ELIGIBLE REDEVELOPMENT PROJECT.** Any project located within the  
22 City of Fort Wayne for which the City has provided or agreed to provide  
23 an Economic Incentive to a Recipient, provided, however, that the term  
24 does not include the portion of a project that consists of Affordable  
25 Housing.

26 **RECIPIENT.** Any individual, partnership, association, organization,  
27 corporation or other entity, whether public or private, whether for profit or  
28 not for profit, which receives an Economic Incentive from the City for an  
29 Eligible Redevelopment Project.

30 (C) *Funds for works of art.* This section applies only to Development Agreements  
executed on or after the effective date of this ordinance. If the City has provided  
or agreed to provide an Economic Incentive for an Eligible Redevelopment  
Project, then as part of the Development Agreement, the Recipient must agree to  
contribute, from non-incentive funds, an amount equal to one (1) percent of the  
estimated value of the Economic Incentive to the Public Art Fund, up to a  
maximum contribution of \$100,000 (one hundred thousand dollars). Terms for

1 the payment of Giveback Program contributions shall be contained in the  
2 Development Agreement. To the extent the Recipient agrees to spend funds on  
3 Public Art as part of a particular Eligible Redevelopment Project, the Recipient  
4 shall receive a dollar for dollar credit up to an amount equal to \$50,000 or one-  
5 half (0.5) percent of the estimated value of the Economic Incentive, whichever is  
6 less. Public Art proposed at the site of an Eligible Redevelopment Project, as  
7 part of the project, shall be approved by the Public Art Commission and shall be  
8 subject to the policies and procedures set forth in the Public Art Program  
9 Guidelines. In cases where a Recipient wishes to relocate an existing artwork to  
10 the project site, the value of the artwork shall be determined by an appraisal  
11 conducted by a certified art appraiser.

12 (D) *Voluntary Public Art Contributions.* Recipients of real and/or business personal  
13 property tax abatement shall be encouraged to make a tax-deductible  
14 contribution to the Public Art Program of one (1) percent of the total estimated  
15 amount of property tax abated for the entire abatement period.

16 (E) *Use of Public Art Giveback Funds*

17 (1) Funds received from Recipients shall be deposited into the Public Art  
18 Fund.

19 (2) Funds received from Eligible Redevelopment Projects and from other  
20 sources can be combined and used at locations anywhere in the city.

21 (3) The Public Art Commission's guidelines shall establish protocols to  
22 ensure that the Public Art Giveback Program is geographically balanced  
23 and provides opportunities for neighborhood-driven Public Art projects.  
24 Public Art Projects may be located anywhere within the City of Fort  
25 Wayne.

26 (4) No more than twenty (20) percent of funds collected through the Public  
27 Art Giveback Program shall be devoted to the maintenance of Public Art.  
28 Maintenance funds are not limited to projects funded through the Public  
29 Art Giveback Program.

30 ~~(5) This Ordinance shall terminate and sunset on March 20, 2022~~

(F) *Reporting and oversight.* The Public Art Commission, ~~with support from the  
Public Art Manager,~~ shall provide an annual written report to the City Council on  
the use of funds received from the Public Art Giveback Program. This report  
shall be provided to the president of the council and all council members by  
December 4 31 of each year that appropriations were made to administer the  
program.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

**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.

  
\_\_\_\_\_  
Council Member

APPROVED AS TO FORM AND LEGALITY

  
\_\_\_\_\_  
Carol Helton, City Attorney

## CHAPTER 33: DEPARTMENTS, BOARDS AND OTHER ADMINISTRATIVE BODIES

### Section

#### ***General Provisions***

- 33.001 Review of boards, commissions or committees
- 33.002 Interdepartmental reporting of violation of ordinances, rules or regulations

#### ***Department of Public Parks***

- 33.020 Adoption of state laws governing Department

#### ***Department of Internal Audit***

- 33.030 Establishment
- 33.031 Director of Internal Audit
- 33.032 Audit committee established; responsibilities; membership; terms
- 33.033 Auditing standards
- 33.034 Responsibilities of Director and Department
- 33.035 Audit reports
- 33.036 Report of irregularities
- 33.037 Contract auditors, consultants and experts

#### ***City Plan Commission***

- 33.050 Establishment; composition

#### ***Development Commission***

- 33.060 Establishment
- 33.061 Appointment of Commissioners
- 33.062 Organization; scope of powers

#### ***Housing and Neighborhood Development Services, Inc.***

- 33.075 Establishment; territorial jurisdiction
- 33.076 Policy
- 33.077 Purpose
- 33.078 Composition
- 33.079 Managing Director

- 33.080 Terms of office of members
- 33.081 Powers
- 33.082 Vacancy in Board of Directors
- 33.083 Executive Committee
- 33.084 Use of funds or property for private benefit
- 33.085 Dissolution
- 33.086 Joint or cooperative projects
- 33.087 Annual report of activities, expenditures
- 33.088 Articles of incorporation generally; fees for organization
- 33.089 Debarment of contractors

***City Utilities Citizen's Advisory Committee***

- 33.100 Establishment

***Mayor's Commission on Domestic Violence, Rape and Sexual Harassment***

- 33.120 Establishment
- 33.121 Purpose
- 33.122 Membership terms; officers
- 33.123 Powers and duties
- 33.124 Establishment of a special trust and agency fund
- 33.125 Staffing
- 33.126 Funding appropriations

***Commission on African-American Males***

- 33.130 Establishment and membership of the Fort Wayne Commission on African-American Males

- 33.131 Governing regulations of the Commission
- 33.132 Duties and responsibilities of the Commission

***Adult School Guard System***

- 33.150 Establishment
- 33.151 Definitions
- 33.152 Administration subject to approval of Mayor

- 33.153 Adult school guards; requirements
- 33.154 Use of stop signs; compliance required by pedestrians

***Redevelopment Authority***

- 33.160 Establishment
- 33.161 Board of Directors

***Economic Improvement Board***

- 33.170 Establishment

***Public Art Program***

- 33.180 Establishment
- 33.181 Purpose and goals
- 33.182 Definitions
- 33.183 Public Art Commission established
- 33.184 Responsibilities
- 33.185 Membership; terms
- 33.186 Meetings
- 33.187 Funding sources and uses for the Public Art Program
- 33.188 Giveback Program

***Cross-reference:***

*Department of Redevelopment, see § 30.06*

*Emergency Medical Foundation, see §§ 112.75 et seq.*

*Establishment of executive divisions (departments), see § 30.01*

*Establishing separate Board of Public Works and Public Safety, see § 30.02*

*Three Rivers Ambulance Authority, see § 112.77 et seq.*

**GENERAL PROVISIONS**

**§ 33.001 REVIEW OF BOARDS, COMMISSIONS OR COMMITTEES.**

(A) *Definition.* **BOARD** means any city government commission, board, or committee to which the Common Council of the city makes board appointments.

(B) *Reports to Common Council.*

(1) The respective chairperson of any city board shall be responsible for forwarding all reports, minutes, studies and the like, to the President of the Common Council upon their completion. An attendance list and minutes of each board meeting is required to be documented and sent to the President of the Common Council. A copy of these materials shall be kept on file in the office of the City Clerk for the purpose of review in accordance with this chapter, and in compliance with state law.

(2) In addition, each person appointed by Common Council to any board or commission shall submit annually either a written report to the President of Common Council or come before the Council to give a verbal report prior to the end of the next to last calendar month of the anniversary of the board member's appointment. Such reports, written or verbal, shall contain brief, candid detail on progress being made toward goals and objectives set by the board or commission, and the amount of time the appointee dedicates to the board in accomplishing the board's endeavors. For purposes of review, written reports shall be kept in the office of the City Clerk for five years and posted on the city's website for a minimum of one month.

(C) *Reports to Mayor.* The respective Chair of any city board or commission, of which any of its members are appointed by the Mayor, shall be responsible for forwarding all reports, minutes, studies, and the like to the office of the Mayor of the city upon their completion. An attendance list and minutes of each board/commission meeting is required to be documented and sent to the Mayor, and in compliance with state laws.

(D) *Establishment of special committee of Common Council.* The President of the Common Council may annually appoint a special committee to review applications for new appointments to boards, consisting of three members of the Common Council who shall report to the Common Council prior to any appointments by Common Council to such board. The special committee may also perform an annual review of all reports, minutes, studies, attendance, lists, etc., submitted by the chairperson of the respective board for the purpose of evaluating appointees and board and commission activities.

(E) *Special committee of the Common Council evaluation.* The elements that the special committee of the Common Council uses in making its determination of the need for continuance of a board shall include but are not limited to:

(1) Identification of the objectives intended for the board and the problem or need which the agency was intended to address;

(2) Assessment of the degree to which the original objectives of the board have been achieved expressed in terms of performance, impact, or accomplishments of the committee and of the problem or need which it was intended to address;

(3) Assessment of the performance and accomplishments of the board during the last three-year period of the budgetary costs incurred in the operation of the committee;

(4) Assessment of the degree to which overall policies and procedures of the board meet the goals and objectives of the Common Council in the establishment and/or approval of the board;

(5) Assessment of the effect of the board on the city economy, including costs to consumers and businesses;

(6) Assessment of the extent to which another public or private program, board, or entity can better or more economically meet the need;

(7) Evaluation of the reporting requirements and activities of the board, including the management and control of information and records and the value of the information gathered;

(8) Assessment of the effects of altering or terminating the board;

(9) Analysis of the services and performance estimated to be achieved if the board were continued;

(10) The extent to which any information required to be furnished to the special committee has been omitted, misstated, or refused, and the extent to which conclusions reasonably drawn from this information is adverse to the legislative intent or is inconsistent with present or projected public demands or needs;

(11) The extent to which the operation of the board has been efficient and responsive to the public;

(12) The extent to which complaints, if any, have been expeditiously processed to completion in the public interest;

(13) The extent to which reorganization of the board is needed to effect economy and efficiency;

(14) Any other relevant criteria which the special committee, in its discretion, deems necessary and proper in reviewing and assessing the sufficient public need for continuance of the board.

(F) *Special committee of the Common Council Report.* The special committee of the Common Council shall submit a written report to the Common Council containing its findings and recommendations.

(1) If the special committee of the Common Council recommends that the board continue in existence, a vote from Common Council ratifying the decision will be taken. A simple majority of the full Common Council is needed for passage.

(2) If the special committee of the Common Council recommends the board be terminated, the report shall contain proposed legislation to revise the statutes to reflect this termination and to provide for disposition of records, equipment, and related items. A vote from Common Council ratifying the decision will be taken. A simple majority of the full Common Council needed for passage.

(G) *Reestablished boards.* In the event a board is ordered dissolved by the Common Council, the Mayor and/or the affected department may petition the Common Council for the establishment of a new board with redefined goals and objectives. Existing established procedures for passage of a new board will be utilized.

(H) *Delay of termination date by Mayor.* The Mayor, by executive order, may delay the date on which a board is abolished for one year beyond the date of termination specified by the Common Council, if in his opinion this delay will have a beneficial effect within the city on:

- (1) The orderly and adequate provision of government services;
- (2) The safety of persons or property;
- (3) The economy;
- (4) The natural government;
- (5) The well being of individuals;

In the event the Mayor delays the date of abolition, the same sum from the same sources of funds that it received for its appropriation in the fiscal year before its original date of abolition is appropriated. All powers, duties and functions of the board for which the Mayor delays the date of abolition continues in full force and effect during the delay period.

(I) *Effect on function of departments of the city.* Nothing in this section relating to the review of boards shall be construed as interfering with functions of the various departments of city government and their supervision and control as a power of the executive branch of city government.

('74 Code, § 2-8.2.5) (Ord. G-29-84, passed 10-9-84; Am. Ord. G-33-88, passed 12-13-88; Am. Ord. G-21-96, passed 9-10-96; Am. Ord. G-08-09, passed 4-14-09; Am. Ord. G-11-10, passed 7-27-10)

### **§ 33.002 INTERDEPARTMENTAL REPORTING OF VIOLATION OF ORDINANCES, RULES OR REGULATIONS.**

(A) *Duty to alert other departments.* When an enforcement employee or a representative of a department or agency of the city is called upon to observe or review a possible violation of or further the enforcement or application of a municipal ordinance, rule or regulation of particular concern to that particular agency or department, but has reason to believe there may exist a matter of concern to another department or agency of municipal government, upon completion of the function relating to his or her agency or department, that employee shall have an affirmative duty to alert other agencies or departments of matters of possible concern to them.

(B) *Reporting notice form.* The enforcement representative or employee shall be required to complete an interdepartmental reporting notice form, which form shall be developed by the Office of the Citizen's Advocate, advising other agencies or departments of matters of possible concern to them.

(C) *Affected departments.* Employees and representatives of the following departments shall be subject to the requirements of this section:

- (1) Board of Health.

- (2) S.H.E.D.
- (3) Zoning Enforcement.
- (4) Board of Works.
- (5) Humane Shelter.
- (6) Park Department.
- (7) Citizens' Advocate.

('74 Code, § 1-9.1) (Ord. G-37-84, passed 12-11-84)

## **DEPARTMENT OF PUBLIC PARKS**

### **§ 33.020 ADOPTION OF STATE LAWS GOVERNING DEPARTMENT.**

The city does hereby adopt IC 36-10-4 et seq.

('74 Code, § 2-4) (Ord. G-22-83, passed 8-23-83)

## **DEPARTMENT OF INTERNAL AUDIT**

### **§ 33.030 ESTABLISHMENT.**

The Department of Internal Audit is hereby established.

('74 Code, § 2-141) (Ord. G-12-90, passed 4-24-90)

### **§ 33.031 DIRECTOR OF INTERNAL AUDIT.**

(A) The Director of Internal Audit shall be named by the Mayor and ratified by a majority vote of the Audit Committee.

(B) The Director of Internal Audit shall be a person knowledgeable in public administration, public financial practices and internal controls, and governmental accounting and auditing procedures. The Director of Internal Audit shall be a Certified Public Accountant (CPA), or a Certified Internal Auditor (CIA), or the equivalent. (CPA and/or CIA certification preferred.)

(C) The Director of Internal Audit shall not be actively involved in partisan political activities.

(D) The Director of Internal Audit may be removed for cause by the Mayor if removal is ratified by at least a two-thirds vote of the Audit Committee.

('74 Code, § 2-142) (Ord. G-12-90, passed 4-24-90; Am. Ord. G-18-99, passed 9-28-99; Am. Ord. G-5-13, passed 3-26-13)

### **§ 33.032 AUDIT COMMITTEE ESTABLISHED; RESPONSIBILITIES; MEMBERSHIP; TERMS.**

(A) An Audit Committee is hereby established to:

- (1) Consult with the Department of Internal Audit regarding technical issues;
- (2) Approve annual audit plans and review individual audit plans;
- (3) Review and approve internal audit reports before final distribution;
- (4) Provide review and oversight of the financial reporting practices and internal financial, compliance and operational controls of the city and city utilities;
- (5) Review the results of annual financial and compliance audits conducted by the Indiana State Board of Accounts and independent auditing firms;
- (6) Follow-up on management's resolution of audit issues;
- (7) Work to assure maximum coordination between the work of the Director of Internal Audit and the needs of the Mayor and the Common Council;
- (8) Recommend to the Mayor an annual budget sufficient to fund the Department of Internal Audit after a comprehensive review of the auditing and consulting needs of the city and city utilities;
- (9) Report annually to Common Council how it has discharged its duties and met its responsibilities.

(B) The Audit Committee shall consist of the following members:

- (1) A member of the Allen County Chapter of the Institute of Internal Auditors and recommended to the Mayor by that body for a three-year term;
- (2) A chief financial officer, controller, or director of finance of a local governmental unit as recommended to the Mayor by the State Board of Accounts' local office for an initial one-year term (with subsequent terms to be for three years);
- (3) A representative from the Mayor's office appointed by the Mayor for a one-year term;
- (4) One member to be appointed by the Common Council who is licensed as a CPA by the Indiana State Board of Accountancy for a one year term and may not be an employee of a local unit of government;
- (5) One member to be appointed by the Common Council for a one-year term;
- (6) One division director to be appointed by the Mayor on a rotating basis for a one calendar year term, to serve as an ad hoc member with no voting privileges.

(C) Members may be reappointed.

('74 Code, § 2-143) (Ord. G-12-90, passed 4-24-90; Am. Ord. G-5-13, passed 3-26-13)

### **§ 33.033 AUDITING STANDARDS.**

The Director of Internal Audit and the Department of Internal Audit will adhere to generally accepted government auditing standards in conducting their work and will be considered independent as defined by those standards.

('74 Code, § 2-144) (Ord. G-12-90, passed 4-24-90)

### **§ 33.034 RESPONSIBILITIES OF DIRECTOR AND DEPARTMENT.**

(A) The Director of Internal Audit and the Department of Internal Audit shall have such assistants and employees as are necessary to perform duties provided by the Audit Committee or Mayor.

(B) *Scope of audits.*

(1) The Director of Internal Audit shall have responsibility to conduct expanded scope audits of all departments, offices, boards, activities and agencies of the city and city utilities.

(2) Audits shall be conducted in accordance with generally accepted government auditing standards applicable to financial and performance audits.

(C) *Annual audit plan.*

(1) At the beginning of each calendar year, the Director of Internal Audit shall submit an annual audit plan to the Audit Committee for approval. The plan shall include the departments, offices, boards, activities and agencies scheduled for audit during the year. This plan may be amended during the year after review and approval by the Audit Committee.

(2) In the selection of audit areas, the determination of audit scope and the timing of audit work, the Director of Internal Audit should consult with federal and state auditors, independent auditors, and city and city utilities management so that the desirable audit coverage is provided and audit efforts may be properly coordinated.

(3) On an annual basis, the Director of Internal Audit shall hold a training session for Division and Department Heads who are included in the current year's audit plan. Training will cover the audit process.

(D) The Mayor, or the Controller may request, or the Common Council by a two-thirds vote of that body, may direct the Director of Internal Audit to perform special audits that are not included in the annual audit plan. After approval of the Audit Committee, a special audit requested by the Mayor Controller shall become an amendment to the annual audit plan. After consultation with the Audit Committee, a special audit property requested by the Common Council shall become an amendment to the annual audit plan.

(E) Sufficient funds shall be provided to carry out the responsibilities specified herein. City utilities will reimburse the Department of Internal Audit for the reasonable expenses of the Department attributed to the conduct of internal audit functions of the city utilities. The Audit Committee shall recommend a budget to the Mayor for submission to the Common Council.

(F) The Department of Internal Audit shall retain for at least six years a complete file of each audit report and each report of other examinations, investigations, surveys and reviews made under legislative authority. The file should include audit work papers and other supportive materials directly pertaining to the audit report.

(G) All officers and employees of the city and city utilities shall furnish the Director of Internal Audit with requested information any records within their custody regarding powers, duties, activities, organization, property, financial transaction and methods of business required to conduct an audit or otherwise perform audit duties. In addition, they shall provide access for the Director of Internal Audit to inspect all property, equipment and facilities within their custody.

(H) Each audited department shall establish an audit liaison that will serve as the primary point of contact for information through the audit process and will gather and route information including documentation requests and management's responses to audit recommendations.

(I) Upon completion of each internal audit, the Director, of Internal Audit shall issue a survey to the department manager. The survey shall include instructions for response delivery to the Audit Committee Chair and the mayoral appointment. Submission of the survey is mandatory.

('74 Code, § 2-145) (Ord. G-12-90, passed 4-24-90; Am. Ord. G-5-13, passed 3-26-13)

### **§ 33.035 AUDIT REPORTS.**

(A) Each audit will result in a written report.

(B) The Director of Internal Audit shall submit each audit report to the audited agency, City Council, Mayor and Audit Committee and shall retain a copy in his or her office as a permanent record.

(C) If appropriate, the audit report shall contain the professional conclusions of the audit regarding the management activities audited. Financial statements issued shall contain the professional opinion of the contract auditor.

(D) The Director of Internal Audit shall include in the audit reports:

(1) A precise statement of the scope encompassed by the audit;

(2) A statement that the audit was performed

in accordance with generally accepted government auditing standards;

(3) A statement that an examination for compliance with applicable laws, policies and regulations was conducted, and presentation of the findings associated with that examination;

(4) A statement of the significant audit findings, including a statement of the underlying cause, evaluative criteria used and the current and prospective significance of the findings;

(5) A statement that internal control systems were examined and a report of any material weaknesses found.

(6) Statements of response submitted by the audited department, board or agency relevant to the audit findings;

(7) A concise statement of the corrective actions previously taken or contemplated as a result of the audit findings and a timetable for their accomplishment;

(8) Recommendations for additional necessary or desirable action.

(E) *Agency response.* A final draft of the audit report will be forwarded to the audited agency and the Mayor for review and comment before it is released. The agency must respond in writing, specifying agreement with audit findings and recommendations or reasons for disagreement with findings and/or recommendations, plans for implementing solutions to identified problems and a timetable to complete such activities. The response shall be forwarded to the Director of Internal Audit within 30 days. The Director of Internal Audit will include the full text of the agency's response in the report. The draft and response will be taken to the Audit Committee for approval. The report shall then be available for public release. If a response is not received, the report will be reviewed for approval and may be issued without a response.

('74 Code, § 2-146) (Ord. G-12-90, passed 4-24-90; Am. Ord. G-5-13, passed 3-26-13)

### **§ 33.036 REPORT OF IRREGULARITIES.**

If the Director of Internal Audit detects apparent violations of law or apparent instances of misfeasance or nonfeasance by an officer or employee or information that indicates derelictions may be reasonably anticipated, the Director of Internal Audit shall report the irregularities in writing to the Audit Committee and to the Mayor. If the irregularity is suspected to be criminal in nature, the Director of Internal Audit shall notify the appropriate prosecuting authority in addition to those previously cited.

('74 Code, § 2-147) (Ord. G-12-90, passed 4-24-90; Am. Ord. G-5-13, passed 3-26-13)

### **§ 33.037 CONTRACT AUDITORS, CONSULTANTS AND EXPERTS.**

(A) Upon approval of the Audit Committee, and in accordance with the City of Fort Wayne consulting ordinance, the Director of Internal Audit may obtain the services of certified or registered public accountants, certified or registered in the state, qualified management consultants or other professional experts necessary to perform the Director of Internal Audit's duties.

(B) An audit that is performed by contract must be conducted by persons who have no financial interests in the affairs of the governmental unit or its officers. The Director of Internal Audit will coordinate and monitor auditing performed by public accounting or other organizations employed under contract by the city and city utilities to assist with audit related activities.

('74 Code, § 2-148) (Ord. G-12-90, passed 4-24-90)

## **CITY PLAN COMMISSION**

### **§ 33.050 ESTABLISHMENT; COMPOSITION.**

(A) The City Plan Commission is hereby established in conformance with IC 36-7-4-200 et seq.

(B) The City Plan Commission shall consist of nine members. Four official members shall be appointed as follows: One member selected by the Common Council from its membership; one member selected by the Board of Park Commissioners from its membership; any one member or designated representative selected by the Board of Public Works; the City Engineer. The Mayor shall appoint five citizen members, not more than three of whom shall be members of the same political party. ('74 Code, § 2-54) (Ord. 2267, passed - - )

## **DEVELOPMENT COMMISSION**

### **§ 33.060 ESTABLISHMENT.**

There is hereby created a Department of Economic Development as an additional executive department of the city. Such department shall be under the control of a board of five members to be known as the Fort Wayne Development Commission.

('74 Code, § 2-56) (Ord. S-19-72, passed - -72)

### **§ 33.061 APPOINTMENT OF COMMISSIONERS.**

The Mayor of the city is hereby authorized to appoint a board of five members to be known as Development Commissioners.

('74 Code, § 2-57) (Ord. S-19-72, passed - -72)

### **§ 33.062 ORGANIZATION; SCOPE OF POWERS.**

The nomination and appointment of the Development Commissioners, the organization of the Development Commission, the scope of the powers to be exercised by the Commission, the manner in which such powers are to be exercised and all of the other functions of the economic development commission shall be as set forth in IC 36-7-12-1 et seq. and all acts amendatory and supplemental thereto, as well as any other applicable laws of the state.

('74 Code, § 2-58) (Ord. S-19-72, passed - -72)

## **HOUSING AND NEIGHBORHOOD DEVELOPMENT SERVICES INC.**

### **§ 33.075 ESTABLISHMENT; TERRITORIAL JURISDICTION.**

A not-for-profit Corporation shall be organized in accordance with the provisions of this article under chapter 246 of the Indiana Acts of 1921, as amended; the name of which shall be "Housing and Neighborhood Development Services, Inc." Such Corporation shall be a quasi-public Corporation of the city, within the meaning of

chapter 229 of the Acts of 1967, as amended, and the territorial jurisdiction of such Corporation shall be deemed coextensive with the territorial jurisdiction of the city.

('74 Code, § 2-76) (Ord. G-25-75, passed - -75; Am. Ord. S-98-82, passed 6-8-82)

**§ 33.076 POLICY.**

Such Corporation shall conduct its activities, and allocate its resources in such manner that its programs are primarily for the benefit of persons and families of low and moderate income.

('74 Code, § 2-77) (Ord. G-25-75, passed - -75)

**§ 33.077 PURPOSE.**

Such Corporation shall carry out its activities within its territorial jurisdiction as defined herein, and shall be organized and operated for the following specific purposes:

(A) To provide technical services and other consultant services and assistance at reasonable fees, to assist profit and nonprofit sponsors of housing construction or rehabilitation for low and moderate income occupancy in the development and management of such housing;

(B) To serve as interim sponsor-developer/ mortgagor of new or rehabilitated housing units until conveyance to appropriate permanent sponsor/mortgagors, or as permanent sponsor-developer/mortgagor of such housing until such conveyance occurs, with emphasis upon facilitating home ownership by persons and families of low and moderate income;

(C) To provide financial and technical assistance to owners and purchasers of real property for the purchase, restoration, reconstruction, rehabilitation and improvement of real property;

(D) To promote, assist and fund special purpose programs, including home ownership counseling, maintenance and family budget counseling, for the strengthening of family stability, neighborhood conservation and to combat neighborhood and community deterioration;

(E) To foster and promote the rehabilitation of residential and mixed use properties;

(F) To promote the establishment of local housing sponsor, development and management organizations;

(G) To promote education, training and counseling programs in residential housing construction and management skills for sponsors of housing, and for other persons now unskilled or semiskilled, presently employed or underemployed with emphasis on expanding employment opportunities in the home building and construction industries;

(H) To promote responsible ownership, management and entrepreneurship in the contracting and subcontracting residential housing construction industry, with emphasis

upon developing ownership ventures in inner-city areas, owned and operated by local residents;

(l) To promote proven and innovative techniques, programs and attempts by private industry, financial institutions and others to design, construct, remodel and rehabilitate and finance housing of long-term durability.

('74 Code, § 2-78) (Ord. G-25-75, passed - -75)

### **§ 33.078 COMPOSITION.**

The membership of the Corporation shall be composed of, and shall be identical to, its Board of Directors. The Board of Directors shall govern the business and affairs of the Corporation and shall consist of 12 members composed of two divisions designated in the following manner:

(A) *Division 1. Public directors.*

- (1) Mayor of the city or his designated representative.
- (2) Director of the Department of Community Development and Planning;
- (3) Managing Director of the Corporation;
- (4) President of the Common Council or his designated representative;
- (5) One other official or employee of the city to be appointed by the Mayor

(B) *Division 2. Community Directors.* Seven persons appointed by the Mayor who shall be experienced in housing, accounting, banking, law, real estate, and neighborhood areas within the city.

('74 Code, § 2-80) (Ord. G-25-75, passed - -75; Am. Ord. S-98-82, passed 6-8-82)

### **§ 33.079 MANAGING DIRECTOR.**

The Managing Director of the Corporation shall also be executive Vice-President of the Corporation and its Principal Staff Officer.

('74 Code, § 2-81) (Ord. G-25-75, passed - -75; Am. Ord. S-98-82, passed 6-8-82)

### **§ 33.080 TERMS OF OFFICE OF MEMBERS.**

The Community Directors shall be appointed for such terms and in such manner as shall be designated by the bylaws of the Corporation, which terms may expire at different times but which shall not continue for more than three years.

('74 Code, § 2-82) (Ord. G-25-75, passed, - -75)

### **§ 33.081 POWERS.**

Such Corporation, in furtherance of the specific purposes herein states shall have the following powers:

(A) To enter into such contracts, cooperative agreements and working relationships as may reasonably be required to effectuate the purposes and programs of the Corporation;

(B) To establish such policies and procedures as will effectuate the purposes of the Corporation and provide financial and program accountability and responsibility;

(C) To employ for the purpose of carrying out any of its purposes and functions such personnel as may be assigned to it from time to time by any department or agency of the city;

(D) To borrow money and to issue, sell or pledge its obligations and evidences of indebtedness, and to mortgage its property and franchises to secure the payment thereof;

(E) To invest and reinvest all monies, both principal and income, in interest bearing and non-interest bearing accounts, mortgages, notes, land contracts, stocks, bonds and other securities as may be allowed by the laws of the state;

(F) To receive and expend such amounts as may be appropriated from time to time by the Common Council of the city to carry out any of its purposes and functions, and to receive from any person or governmental agency by grant, gift, devise, bequest or otherwise any money or property, absolutely or in trust, either the principal or income from which may be used in accordance with the terms of any such grant or gift in furtherance of any of the purposes and functions of the Corporation as set forth herein;

(G) To establish and administer revolving loan funds and reserve, contingency and sinking funds as may reasonably be required to effectuate the purposes of the Corporation;

(H) To acquire, by purchase, lease, gift, donation or otherwise, land and properties, and to improve, demolish, move or remove, reconstruct, rehabilitate, renovate and remodel properties and to retain, lease, sell or otherwise dispose of, for cash or debt, land and properties; and

(I) Generally, to do all and similar things necessary and appropriate to the purposes and functions of the Corporation.

('74 Code, § 2-79) (Ord. G-25-75, passed - -75)

### **§ 33.082 VACANCY IN BOARD OF DIRECTORS.**

Any vacancy occurring in the Board of Directors shall be filled, if at all, for the unexpired term thereof in the same manner as set forth in this article for the nomination and election of Directors; except that if a vacancy occurs in the Office of Public Director, the Mayor shall fill such vacancy by appointment.

('74 Code, § 2-84) (Ord. G-25-75, passed - -75)

### **§ 33.083 EXECUTIVE COMMITTEE.**

The Board of Directors shall be authorized to appoint from among its membership an Executive Committee to consist of not more than five members, at least one of which shall be a Community Director, with such powers as may be provided in the articles of incorporation, bylaws or resolution establishing such Committee.

('74 Code, § 2-84) (Ord. G-25-75, passed - -75)

#### **§ 33.084 USE OF FUNDS OR PROPERTY FOR PRIVATE BENEFIT.**

No money or property received or held by the Corporation shall ever inure, directly or indirectly, to the private benefit of any member, director or officer of the Corporation, or any other person whomsoever except for reasonable compensation for services actually rendered to the Corporation.

('74 Code, § 2-85) (Ord. G-25-75, passed - -75)

#### **§ 33.085 DISSOLUTION.**

The Corporation established pursuant to this article shall continue to exist until dissolved in accordance with the procedure prescribed by law. Dissolution proceedings may be initiated by a resolution adopted by the Board of Directors and approved by the Common Council of the city. In the event of dissolution, all funds and assets of the Corporation remaining after payment of its debts and obligations shall be disposed of in accordance with any requirements of the law under which the Corporation is incorporated, and in accordance with provisions contained in the articles of incorporation.

('74 Code, § 2-86) (Ord. G-25-75, passed - -75)

#### **§ 33.086 JOINT OR COOPERATIVE PROJECTS.**

The Corporation shall cooperate and engage in joint or cooperative projects to the maximum feasible extent, within the scope of the purposes of the Corporation set forth in [§ 33.077](#) with any not-for-profit Corporation organized for substantially similar purposes or carrying out functions or programs similar to those of Neighborhood Care, Inc., and which is operating in the city.

('74 Code, § 2-87) (Ord. G-25-75, passed - -75)

#### **§ 33.087 ANNUAL REPORT OF ACTIVITIES, EXPENDITURES.**

The Corporation shall submit to the Mayor of the city an annual report of its activities, including its receipts and expenditures, for each calendar year. Such report shall be submitted not later than April 30 of the following calendar year and shall be made available to the public.

('74 Code, § 2-88) (Ord. G-25-75, passed - -75)

#### **§ 33.088 ARTICLES OF INCORPORATION GENERALLY; FEES FOR ORGANIZATION.**

(A) The seven public Directors shall serve as Incorporators, and shall prepare articles of Incorporation in appropriate form for filing with the Secretary of the State under the Acts of 1921, chapter 246; which articles of incorporation shall include all provisions required by this subchapter and such other provisions as may be necessary or appropriate for the governance and regulation of the affairs and business of the Corporation.

(B) The Incorporators shall submit such articles of incorporation to the Common Council of the city for its approval. Upon approval of the articles of incorporation, the Incorporators shall execute and file such articles of incorporation with the Secretary of the State in the manner provided by law.

(C) The fees required by law in connection with the organization of such Corporation shall be paid from funds appropriated to the department of development and planning.

('74 Code, § 2-89)

(D) Any proposed amendment to the articles of incorporation, approved by the board of directors and members of the Corporation in such manner as may be prescribed by law, shall be approved by resolution to the Common Council of the city prior to submission of any such amendment to the secretary of state. ('74 Code, § 2-90)

(Ord. G-25-75, - -75)

### **§ 33.089 DEBARMENT OF CONTRACTORS.**

(A) In order that the Corporation can successfully fulfill its functions of providing good and sufficient housing at a fair and reasonable cost, the Managing Director of the Corporation, upon approval by the Director of the Department of Community Development and Planning, is authorized to debar contractors (individuals and companies) for a period of up to three years upon a determination that such contractors:

- (1) Lack integrity; or
- (2) Have a record of poor performance; or
- (3) Lack financial capability.

(B) All such debarment action shall be conducted in accordance with the procedures set forth in the Indiana Administrative Adjudication Act, and shall not exceed three years except upon a rehearing.

(C) The decision of the Managing Director shall be final.

(D) During the term of the debarment, no contracts shall be awarded by the Corporation or by the Department of Community Development and Planning, to the company or person debarred or any company or person with which that company or person is affiliated or employed. Furthermore, during the term of the debarment the Corporation shall not fund any contracts or pay any monies, except for monies legally owing for work performed prior to the period of the debarment, to the company or

person debarred or any company or person with which that company or person is affiliated or employed.

(E) Nothing herein contained shall limit the right of the Managing Director of Housing and Neighborhood Development Services, Inc., or the Director of the Department of Community Development and Planning to declare a contractor not responsible or responsive or to award a contract to the lowest and best bidder.

('74 Code, § 2-91) (Ord. S-98-82, passed 6-8-82)

## **CITY UTILITIES CITIZEN'S ADVISORY COMMITTEE**

### **§ 33.100 ESTABLISHMENT.**

(A) *New committee established.* There is hereby created a committee to be known as the City Utilities Citizen's Advisory Committee (hereinafter referred to as Committee).

(B) *Purpose.* The purpose of the Committee is to identify and review opportunities for efficiency and cost-savings, including privatization, of all or part of the city utilities operations, and make recommendations on such opportunities to the Mayor, the Board of Public Works, and the Common Council. The Committee shall provide progress reports to the Mayor and Common Council on at least a quarterly basis. A final report from said Committee shall be submitted to the Common Council no later than September 1, 1994.

(C) *Consultant services.* The Committee, with the approval of the Board of Public Works and the Mayor, may utilize the services of an independent consultant to review the operations of the city's utilities operations and prepare a proposal for competitive bids for privatization. Any consultant employed for this purpose shall not be eligible to bid on a contract for privatizing any of those utility services.

(D) *Membership/requirements.* The Committee shall consist of seven members. Four members shall be appointed by the Mayor of the city. Three members shall be appointed by the Common Council of the city which may include members of the Common Council. From its membership, the Committee shall elect a Chairperson.

(E) *Limitations.* The Committee exists solely to make recommendations, and shall not have any authority to manage or direct operations of the City Utilities Department or Division.

(F) *Staffing.* Staff from the City's Division of Utilities and from the Mayor's Office shall be assigned to serve as staff to the Committee, and shall provide necessary technical and advisory assistance to the Committee to the extent possible.

(Ord. G-31-93, passed 11-9-93)

## **MAYOR'S COMMISSION ON DOMESTIC VIOLENCE, RAPE AND SEXUAL HARASSMENT**

### **§ 33.120 ESTABLISHMENT.**

There is hereby created a commission of municipal government known as the Mayor's Commission on Domestic Violence, Rape and Sexual Harassment, hereinafter referred to as the Commission.

(Ord. G-29-17, passed 11-28-17)

**§ 33.121 PURPOSE.**

The purpose of the Commission is to work to deter and eradicate domestic violence, rape and sexual harassment in this community. This purpose shall be accomplished by:

(A) Implementing community-wide educational programs to assist persons in becoming more aware of the high incidents of domestic violence, rape and sexual harassment;

(B) Promoting and strengthening the interactions among agencies which support victims dealing with the legal system;

(C) Advocating appropriate legislative and judicial reforms which hold abusers accountable for their behavior; and

(D) Organizing all segments of the community to work together to discover ways to eliminate domestic violence, rape and sexual harassment.

(Ord. G-09-93, passed 3-9-93; Am. Ord. G-39-03, passed 11-25-03; Am. Ord. G-29-17, passed 11-28-17)

**§ 33.122 MEMBERSHIP TERMS; OFFICERS.**

(A) The Commission shall consist of 23 members. Membership of the Commission and initial terms shall be as follows. All members shall be appointed by the specific agency or entity named below. If no specific agency or entity is named, the Mayor shall make the appointment.

<b><i>Representation</i></b>	<b><i>Initial term</i></b>
<b><i>Representation</i></b>	<b><i>Initial term</i></b>
Fort Wayne Common Council	2 yrs.
Mayor's Office	2 yrs.
Fort Wayne Police Dept.	2 yrs.
Allen County Sheriff Dept.	2 yrs.
Metropolitan Human Relations Commission	2 yrs.
Allen County Prosecuting Attorney's Office	2 yrs.
Center for Non-Violence	1 yr.
Fort Wayne YWCA Women's Shelter	1 yr.
Fort Wayne Urban League	1 yr.
Fort Wayne NAACP	1 yr.

Fort Wayne Women's Bureau	1 yr.
Director of Victim's Assistance	2 yrs.
A member of a related social service organization, or a mental health agency	1 yr.
A member of the mental health agency	1 yr.
A member of the religious community or a representative of business/industry	1 yr.
A member of the Allen County Family and Children's Division, Department of Child Protective Services	1 yr.
Six members from the community at large	1 yr.

(B) After the expiration of the initial terms, appointments shall be for a term of two years. Appointments shall be made within 30 days of the date of approval of this subchapter.

(C) The members of the Commission shall, within 30 days after the last initial appointment is made, meet and elect a Chairperson, Vice-Chairperson and Secretary.

(Ord. G-09-93, passed 3-9-93; Am. Ord. G-39-03, passed 11-25-03; Am. Ord. G-29-17, passed 11-28-17)

**§ 33.123 POWERS AND DUTIES.**

The Commission shall have the following powers and duties.

(A) To create by-laws, subcommittees and advisory committees to aid in accomplishing the purpose of the Commission;

(B) To recommend to the Mayor such policies as the Commission believes will minimize or eliminate domestic violence, rape and sexual harassment within the community;

(C) To assist persons, agencies and/or entities within the community in implementing policies to minimize and/or eliminate domestic violence, rape and sexual harassment;

(D) To serve as a resource on the issuance of domestic violence, rape and sexual harassment; and

(E) To issue such publications and results of research and investigation that will have the effect of educating the public regarding all facets of domestic violence, rape and sexual harassment.

(F) To:

(1) Seek and write grant applications to various funding sources, including but not limited to, private or public foundations, local, state, or federal agencies, with said funding to support the continued work of the Commission.

(2) Obtain through donations and fundraising such additional monies as needed to further the goals of the Commission.

(Ord. G-09-93, passed 3-9-93; Am. Ord. G-39-03, passed 11-25-03)

**§ 33.124 ESTABLISHMENT OF A SPECIAL TRUST AND AGENCY FUND.**

There is created a special non-reverting trust and agency fund for the Commission. Donations and fundraising revenues to the Commission may be deposited into such fund. Any tax rate approved by the City Council for the purposes of this Commission shall be deposited in this fund. Any funds received from grant applications shall be deposited into said fund, unless local, state or federal regulations or statutes require otherwise. If the authorization for the Commission expires, the fund shall be administered by the city's Director of Victim Assistance.

(Ord. G-09-93, passed 3-9-93; Am. Ord. G-39-03, passed 11-25-03)

**§ 33.125 STAFFING.**

The staff of the city Police Department Victim Assistance Office shall serve as staff to the Commission, and shall provide necessary technical and advisory assistance as requested by the Commission to the extent possible.

(Ord. G-09-93, passed 3-9-93; Am. Ord. G-39-03, passed 11-25-03)

**§ 33.126 FUNDING APPROPRIATIONS.**

Funding necessary to carry out the purpose of the Commission shall be appropriated by the Common Council to the Victim Assistance Office of the Police Department. Any and all expenditures for business or activities of the Commission must be approved by the Finance Committee which shall consist of the Chairperson and Secretary of the Commission, and the Director of Victim Assistance.

(Ord. G-09-93, passed 3-9-93; Am. Ord. G-39-03, passed 11-25-03)

**COMMISSION ON AFRICAN-AMERICAN MALES**

**§ 33.130 ESTABLISHMENT AND MEMBERSHIP OF THE FORT WAYNE COMMISSION ON AFRICAN-AMERICAN MALES.**

(A) The Fort Wayne Commission on African-American males is established.

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

- (1) One member of the Mayor's Office;
- (2) One member of Fort Wayne City Council;
- (3) One member from higher education in Allen County;
- (4) One member from Fort Wayne Community Schools;
- (5) One small business owner or minority business owner;

- (6) Two members of the faith based community;
- (7) One member from the law enforcement community;
- (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.

(Ord. G-14-99, passed 8-24-99; Am. Ord. G-16-13, passed 6-25-13)

### **§ 33.131 GOVERNING REGULATIONS OF THE COMMISSION.**

(A) All individuals appointed shall have an active interest in addressing the overall purposes and goals of the Commission.

(B) All members shall serve without compensation.

(C) All members shall serve for a term of two years.

(D) A member of the Commission may be removed by the member's appointing authority for absenteeism or for cause during his or her term.

(E) The appointing authority shall fill a vacancy on the Commission by appointing a new member for the unexpired term.

(F) At the first meeting in January of each year, the members of the Commission shall elect one member to be the Commission's Chairperson, one member to be the Commission's Vice-Chairperson, and one member to be the Recording Secretary.

(G) The Commission shall meet on a minimum of a quarterly basis and is subject to notice of such meetings pursuant to the Open Door Law of the State of Indiana.

(H) Minutes of all meetings shall be sent to the City Clerk, the Mayor's Office of the City of Fort Wayne, and the Allen County Commissioner's Office within 30 days following said meeting.

(I) Nine members of the Commission shall constitute a quorum.

(Ord. G-14-99, passed 8-24-99)

**§ 33.132 DUTIES AND RESPONSIBILITIES OF THE COMMISSION.**

The Fort Wayne Commission on African-American Males shall:

- (A) Develop annual and long-range goals.
- (B) Develop action committees addressing:
  - (1) Neighborhoods
  - (2) Criminal Justice
  - (3) Education
  - (4) Employment
  - (5) Health
  - (6) Social Factors

(7) Awareness and Conference Planning which may use resource individuals who are not members of the Commission.

(C) Develop and coordinate information and programs of public institutions, the private sector, associations and individuals which address problems facing black males, such as poverty, violence, drug abuse, racism, debilitating health problems, under-education, under-employment and unemployment that promote self-destructive behaviors which exasperate a myriad of community problems.

(D) Serve as a catalyst and broker to facilitate a common foundation upon which viable courses of action can be initiated, monitored, evaluated, and fine-tuned in order to promote positive public and private remedies to the multifaceted problems confronting black males in our community and the resulting effects on the entire community.

(E) Network with the African-American Male National Council, the Indiana Commission on the Social Status of Black Males and all local commissions operating throughout the state by sharing ideas, information, statistical data, and action plans.

(F) Issue an annual written report summarizing the results of each of the above-described duties and responsibilities, and provide recommendations for improvement. The Commission shall submit such report to the Fort Wayne City Council at its first regular meeting in March of each year. The City of Fort Wayne shall, at its expense, provide copies of such reports to each Commission member, all appointing authorities, and make copies of same available to members of the public through the City Clerk's Office.

(Ord. G-14-99, passed 8-24-99)

**ADULT SCHOOL GUARD SYSTEM**

**§ 33.150 ESTABLISHMENT.**

There is hereby established within the Department of Public Safety and under the jurisdiction of the Board of Public Safety an Adult School Guard System.

('74 Code, § 2-62) (Ord. 2734, passed - -)

**§ 33.151 DEFINITION.**

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning:

**DAY.** A period of two hours or less, during which period the adult school guard is in actual attendance at the street intersection to which detailed by the Board of Public Safety while school patrols are on duty thereat, before the opening of the regular school session in the morning, at and after the close thereof, before the opening of the regular school session in the afternoon and at and after the close thereof.

('74 Code, § 2-63) (Ord. 5-3, passed - - )

**§ 33.152 ADMINISTRATION SUBJECT TO APPROVAL OF MAYOR.**

In the performance of its duties and the exercise of its authority with regard to the adult school guard system authorized pursuant to this subchapter, the Board of Public Safety shall at all times be subject to the final approval and decision of the Mayor of the city.

('74 Code, § 2-64) (Ord. 2734, passed - - )

**§ 33.153 ADULT SCHOOL GUARDS; REQUIREMENTS.**

(A) It shall be the duty of the Board of Public Safety to select and appoint adult school guards. Persons so appointed shall be 18 years of age or over and of good moral character. Such persons shall serve at the pleasure of the Board and may be removed and discharged from such appointment by the Board at any time.

(B) The Board is authorized to specify and supply distinctive items of wearing apparel for such Adult School Guards for the purpose of identifying them as such, and to require that such be worn by the Guards while on duty; provided, however, that the wearing apparel shall be supplied without expense to such Guards.

('74 Code, § 2-65)

(C) The Board is authorized to place the Adult School Guards under the direct supervision and control of the Chief of Police or any Captain of the City Police Department. ('74 Code, § 2-66)

(D) It shall be the duty of Adult School Guards and their authority is hereby so limited, to supervise school child patrols appointed by the public and parochial primary schools in the city at street intersections within the city designated by the Board of Public Safety where and at the time when such patrols are on duty. No adult school

guard shall be detailed by the Board to perform such duty except during the period of the regular school year and on the days that such schools are in regular session.

(E) The Board of Public Safety shall establish rules and regulations based upon the number of school children using a street intersection immediately before and immediately after each regular school session on each regular school day during the regular school year, the volume of vehicular traffic thereat at such times, the physical problems thereof and such other factors as the Board shall deem appropriate, by which the need for Adult School Guard supervision at such intersection shall be determined and upon the basis of which the Board shall assign adult school guards thereto.

('74 Code, § 2-67)

(F) Adult school guards shall have no police power or authority whatsoever, except that accorded by state law to private citizens, nor shall the Board of Public Safety, or any other officer or official of the city at any time delegate to any adult school guard any authority not herein expressly provided for or appoint any adult school guard as a regular or Special Police Officer or member of the Police Force of this city.

(G) The appointment of any Adult School Guard as a Deputy Sheriff or Special Deputy Sheriff of the county shall serve to automatically disqualify the adult school guard as such and to vacate his appointment hereunder. No person holding an appointment as Deputy Sheriff or Special Deputy Sheriff of the county shall be eligible to appointment as an adult school guard of the city.

('74 Code, § 2-68) (Ord. 2734, passed - - ; Am. Ord. S-182-76, passed 10-12-76)

### **§ 33.154 USE OF STOP SIGNS; COMPLIANCE REQUIRED BY PEDESTRIAN.**

(A) The standard sign for use by an authorized School Guard shall be attached to a pole approximately nine feet long. The sign shall be the standard octagonal "STOP" sign authorized by the Highway Commission or Bureau of Motor Vehicles of the state, and shall be double-faced, each outside face of such sign bearing the word "STOP" in letters not less than one-third of the size of the sign in height. ('74 Code, § 2-69)

(B) When the "STOP" sign is placed in an upright position by an authorized school adult guard or police officer in a public right of way of this city, all drivers of vehicles approaching and facing such sign, shall observe and shall stop at such sign before entering the pedestrian crosswalk and shall not proceed until directed to do so by the authorized adult school guard or police officer. Failure to do so shall constitute a violation.

('74 Code, § 2-70) (Ord. G-81, passed - - )

## **REDEVELOPMENT AUTHORITY**

### **§ 33.160 ESTABLISHMENT.**

There is hereby established the Fort Wayne Redevelopment Authority (the "Authority") as a separate body corporate and politic and as an instrumentality of the city, for the purposes and with all powers and duties now or hereafter granted to it by IC 36-7-14.5.

(Ord. S-16-02, passed 2-12-02)

**§ 33.161 BOARD OF DIRECTORS.**

The Authority shall be under the control of a Board of Directors (the "Board") consisting of three members, who must be residents of the city appointed by the Mayor. A member is entitled to serve a three year term. A member may be reappointed to subsequent terms. If vacancy occurs on the Board, the Mayor shall fill the vacancy by appointing a new member for the remainder of the vacated term. A Board member may be removed for cause by the Mayor. Each member, before entering upon the duties of office, must take and subscribe to an oath of office under IC 5-1-1, which shall be endorsed upon the certificate of appointment and filed with the records of the Board. A new member may not receive a salary, and no profit or money of the Authority insures to the benefits of a member.

(Ord. S-16-02, passed 2-12-02)

**ECONOMIC IMPROVEMENT BOARD**

**§ 33.170 ESTABLISHMENT.**

(A) The Board of Directors of the Economic Improvement District for the downtown area of the city, as established pursuant to Resolution Number R-08-06, shall consist of 15 members, with no less than eight members, at any one time, being owners of real property within the district. The members shall be appointed by City Council.

(B) It is the intention of the Economic Improvement Board to be a key partner of the city in encouraging private investment through the accomplishment of the goals identified in the most current downtown development plan and in crafting the unique private/public/civic partnerships required to assure emerging projects reach fruition.

(C) IC 36-7-22-17 provides City Council oversight and approval of the Board's annual budget and IC 36-7-22-21 provides City Council receive an annual report of the Board's activities and expenditures.

(Res. R-08-06, passed 1-10-06; Am. Res. R-11-10, passed 3-9-10)

**PUBLIC ART PROGRAM**

**§ 33.180 ESTABLISHMENT.**

The City of Fort Wayne Public Art Program is hereby created.

(Ord. R-26-18, passed 3-27-18)

**§ 33.181 PURPOSE AND GOALS.**

(A) *Purpose.* The primary purpose of the Fort Wayne Public Art Program is to integrate artworks into the public realm and assist with city-led beautification efforts. The secondary purpose of the Fort Wayne Public Art Program is to serve in an advisory role to private property owners who wish to integrate artworks in the development or improvement of publicly accessible private property.

(B) *Goals.* The goals of the Fort Wayne Public Art Program are as follows:

(1) Enhance the visual environment of public spaces for residents and visitors.

(2) Strengthen the positive reputation, brand and stature of the City of Fort Wayne and its neighborhoods.

(3) Promote distinctive and diverse artwork that communicates the community's sense of spirit, identity and pride.

(4) Improve access to the arts for all citizens of the city and advance citizen understanding of public artwork and its civic role.

(5) Create opportunities for inclusion, engagement and civic dialogue among diverse citizens of the city.

(6) Commemorate the city's collective memory and history.

(7) Commemorate the community's cultural and ethnic diversity.

(8) Promote and support programs for tourism, culture exchange and goodwill.

(9) Promote and support the economic development and vitality of the community.

(10) Celebrate and advocate for artists and the important role that the arts play in our community.

(Ord. R-26-18, passed 3-27-18)

### § 33.182 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

**ARTIST.** A practitioner in the visual arts, generally recognized by critics and peers as a professional of serious intent and recognized ability who produces artworks.

**DEACCESSIONING.** A procedure for the withdrawal of an artwork from the public collection.

**PUBLIC ART.** Artwork that is accessible to the public. **PUBLIC ART** may be located on public land, in public facilities, or on private land that is accessible to the general public. **PUBLIC ART** may or may not be city-owned.

**PUBLIC ART PROGRAM GUIDELINES.** Rules and processes established by the Public Art Commission for the governance of the Public Art Program.

**PUBLIC ART PROJECT.** Creation, commission or acceptance of a specific work of art for a specific public location.

(Ord. R-26-18, passed 3-27-18)

**§ 33.183 PUBLIC ART COMMISSION ESTABLISHED.**

The City of Fort Wayne Public Art Commission is hereby created as a standing committee that serves in an advisory capacity to the Mayor of Fort Wayne to govern and oversee the Public Art Program.

(Ord. R-26-18, passed 3-27-18)

**§ 33.184 RESPONSIBILITIES.**

*Responsibilities.* The Public Art Commission shall develop and maintain a collection of Public Art that is of the highest quality, that encompasses a broad aesthetic range reflecting the City and the minds of its citizens, that improves the quality of life in the area, that is accessible to all individuals and is a source of pride to all residents. Specifically, the Public Art Commission is entrusted with the following responsibilities:

(A) Develop, adopt, and administer policies and procedures pertaining to the planning, selection, placement, maintenance, relocation, and deaccessioning of public art that is located on public or publicly controlled land or in public facilities.

(B) Develop, adopt, and administer policies and procedures regarding the use of funds, selection of artists, review of design, installation of artwork, and the adoption of protocols and other policies as may be deemed necessary.

(C) Serve as a resource for private entities for the commission, selection, placement, construction or relocation of Public Art on private property within the city. The Commission shall not provide services or resources to private property owners who wish to commission or select art that is not accessible to the general public.

(D) Integrate public art concepts, artwork and artists into community and neighborhood planning processes.

(E) Ensure the effective collaboration on Public Art Projects among artists, architects, landscape architects, engineers and other design professionals.

(F) Initiate public forums to determine concepts, thematic approaches and location options for public artwork as needed.

(G) With input and feedback from the public, create and maintain a Public Art Master Plan, updating and amending as necessary.

(H) Establish qualified selection committees to direct the recruitment, review, selection, conceptual, schematic, design and construction for public art projects. A current member of the Commission will serve as chair for each selection committee and report regularly to the Commission on the status of the public art project.

(I) Establish qualified committees for the purposes of community education, engagement, programming, and/or advocacy related to Public Art as necessary and appropriate.

(J) Establish qualified committees to oversee the removal, relocation or deaccessioning of public art.

(K) Solicit and distribute funds for the planning, fabrication, placement, and maintenance of public art, in accordance with the applicable provisions of this subchapter.

(Ord. R-26-18, passed 3-27-18)

### **§ 33.185 MEMBERSHIP; TERMS.**

(A) *Membership.* The Public Art Commission will consist of 13 members. Members serve without compensation. Members shall consist of the following representatives:

(1) One appointment each by the governing bodies of Arts United of Greater Fort Wayne, Fort Wayne Museum of Art, Artlink, University of Saint Francis School of Creative Arts, ~~Indiana University~~ Purdue University Fort Wayne College of Visual and Performing Arts, Fort Wayne Parks and Recreation, and the City of Fort Wayne Department of Planning and Policy, for a total of seven members. These appointments shall be the executive director, Dean or President of each organization or his/her appointee.

(2) Two residents appointed by the Fort Wayne City Council. Representatives must be residents of Fort Wayne.

(3) Two representatives appointed by the Mayor of Fort Wayne. Representatives must be residents of Fort Wayne.

(4) Two practicing artists or design professionals appointed by the other members of the Commission. Representatives must ~~by~~be residents of Fort Wayne.

(5) Additional individuals may be included on the Commission in an advisory role and may not vote. Advisory members may include, but not be limited to individuals with specialized expertise such as City staff representatives, public relations professionals, and members ~~of~~of other city boards or commissions.

(B) *Terms.* Members will serve for four-year terms and may be reappointed for one consecutive four-year term. No member may serve more than two consecutive four-year terms, but he or she is eligible to be elected to the PAC again after at least a one-year absence. A member may resign at any time by delivering written notice to the chair of the Public Art Commission and the chair of the body that originally appointed the member. The term of a member who fills a vacancy pursuant to this section shall be for the remainder of the predecessor's term. Initially, terms will be staggered as follows:

(1) Five members serving four-year terms.

(2) Four members serving three-year terms.

(3) Four members serving two-year terms.

(C) *Chair.* The Chair of the Public Art Commission is a current member of the Public Art Commission. The Chair of the Commission will be elected by the members of the Commission. The Chair will serve a term of two years and shall be eligible for re-election to a second consecutive term. The Chair may not serve more than two consecutive terms as Chair.

(Ord. R-26-18, passed 3-27-18)

### **§ 33.186 MEETINGS.**

The Commission shall meet at least once in each calendar quarter with frequency determined by the members. Meetings shall comply with Indiana Open Door Law IC-5-14-1.5.

(Ord. R-26-18, passed 3-27-18)

### **§ 33.187 FUNDING SOURCES AND USES FOR THE PUBLIC ART PROGRAM.**

(A) There is hereby created a special fund, to be designated as the "Public Art Fund." This fund shall be a continuing, non-reverting fund, with all balances remaining therein at the end of the year, and such balances shall not revert to the city general funds. The fund shall be contained within the City of Fort Wayne Department of Community Development.

(B) *Sources of funding.* ~~With oversight from the Public Art Commission, in consultation with the Public Art Program Manager, t~~The primary sources of the Public Art Fund may include, but are not limited to, the following:

(1) *Private grants and donations.* Arts United may act as a fiscal agent for the receipt of private grants and donations to the Public Art Program.

(2) *Public Art Giveback Program.* The Public Art Giveback Program is a funding instrument for the Public Art Program based upon contributions from certain city-supported eligible redevelopment projects, as described in § 33.188.

(3) *Other municipal contributions or funds.* The City of Fort Wayne may choose to dedicate other sources of funds for projects and administration. Such contributions are subject to the standard processes and policies that govern the City of Fort Wayne's budgeting and expenditures.

(C) *Uses of funding.* The primary uses of the Public Art Fund shall be consistent with the purposes and goals of the Public Art Program as stated in § 33.181.

(D) *Limitations and exclusions.*

(1) In general, privately-owned artworks will be funded by private contributions, insured by the private owner, and maintained by the private owner.

(2) In general, city-owned artworks may be funded by any source listed in § 33.187(B). City-owned artworks will be insured by the City of Fort Wayne.

(3) In general, the Public Art Fund may not be expended for expenses related to the ongoing operation of the artwork such as electrical, water or mechanical service required to activate or display the artwork(s).

(4) In general, the Public Art Fund may not be spent on land acquisition, professional graphics, mass produced works, works not produced by an artist, artistic details designed by the architect, and reproductions of other works.

(Ord. R-26-18, passed 3-27-18)

### **§ 33.188 PUBLIC ART GIVEBACK PROGRAM.**

(A) *Establishment.* This policy establishes the Public Art Giveback Program for the purpose of creating a funding source for Public Art based upon contributions from certain city-supported eligible redevelopment projects.

(B) *Definitions.* For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

**AFFORDABLE HOUSING.** A residential rental housing project owned by a governmental entity, a non-profit entity described in § 501(c)(3) or any other entity which operates the project in compliance with the provisions of § 142(d)(1)(A) or (B) or § 42 (g) of the Internal Revenue Code of 1986, as amended, and which serves one or more of the following purposes:

- (a) To benefit low-income and moderate-income persons;
- (b) To prevent or eliminate slums or blight; or
- (c) To respond to community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community.

**DEVELOPMENT AGREEMENT.** An agreement between the City of Fort Wayne or its authorized agent and a Recipient stipulating the responsibilities and/or requirements that must be fulfilled in order to receive an Economic Incentive for an eligible redevelopment project.

**ECONOMIC INCENTIVE.** Any direct or indirect use of tax increment funds for the benefit of a Recipient, including but not limited to grants, loans, pledges, and bond sale proceeds.

**ELIGIBLE REDEVELOPMENT PROJECT.** Any project located within the City of Fort Wayne for which the city has provided or agreed to provide an economic incentive to a recipient, provided, however, that the term does not include the portion of a project that consists of affordable housing.

**RECIPIENT.** Any individual, partnership, association, organization, corporation or other entity, whether public or private, whether for profit or not for profit, which receives an economic incentive from the city for an eligible redevelopment project.

(C) *Funds for works of art.* This section applies only to development agreements executed on or after the effective date of this subchapter. If the city has provided or agreed to provide an economic incentive for an eligible redevelopment project, then as part of the development agreement, the recipient must agree to contribute, from non-incentive funds, an amount equal to 1% of the estimated value of the economic incentive to the Public Art Fund, up to a maximum contribution of \$100,000. Terms for the payment of Giveback Program contributions shall be contained in the development agreement. To the extent the recipient agrees to spend funds on public art as part of a particular eligible redevelopment project, the recipient shall receive a dollar for dollar credit up to an amount equal to \$50,000 or 0.5% of the estimated value of the economic Incentive, whichever is less. Public Art proposed at the site of an Eligible Redevelopment Project, as part of the project, shall be approved by the Public Art Commission and shall be subject to the policies and procedures set forth in the Public Art Program Guidelines. In cases where a recipient wishes to relocate an existing artwork to the project site, the value of the artwork shall be determined by an appraisal conducted by a certified art appraiser.

(D) *Voluntary public art contributions.* Recipients of real and/or business personal property tax abatement shall be encouraged to make a tax deductible contribution to the Public Art Program of 1% of the total estimated amount of property tax abated for the entire abatement period.

(E) *Use of Public Art Giveback funds.*

(1) Funds received from recipients shall be deposited into the Public Art Fund.

(2) Funds received from eligible redevelopment projects and from other sources can be combined and used at locations anywhere in the city.

(3) The Public Art Commission's guidelines shall establish protocols to ensure that the Public Art Giveback Program is geographically balanced and provides opportunities for neighborhood-driven public art projects. Public art projects may be located anywhere within the City of Fort Wayne.

(4) No more than 20% of funds collected through the Public Art Giveback Program shall be devoted to the maintenance of Public Art. Maintenance funds are not limited to projects funded through the Public Art Giveback Program.

~~(5) This ordinance shall terminate and sunset on March 20, 2022.~~

(F) *Reporting and oversight.* The Public Art Commission, ~~with support from the Public Art Program Manager,~~ shall provide an annual written report to the City Council on the use of funds received from the Public Art Giveback Program. This report shall be provided to the president of the council and all council members by December ~~431~~ of each year that appropriations were made to administer the program.

(Ord. R-26-18, passed 3-27-18)



## COMMUNITY DEVELOPMENT PLANNING & POLICY

Thomas C. Henry, Mayor

City of Fort Wayne  
Community Development  
200 East Berry Street, Suite 320  
Fort Wayne, IN 46802

260 427-1127 [fwcommunitydevelopment.org](http://fwcommunitydevelopment.org)

### Memo

**To:** Common Council Members  
**From:** Paul Spoelhof, Director, Planning & Policy  
**Date:** February 10, 2022  
**Re:** Ordinance Amendment: Public Art Program

The 2018 ordinance that establishes the Fort Wayne Public Art Program is due to expire on March 20, 2022. The Planning and Policy Department presents this amendment for consideration and discussion, with the intent to update language, remove errors, eliminate the expiration date, and adjust a reporting deadline.

Should any council member wish to meet with Community Development staff and leadership of the Public Art Commission prior to discussion of the bill, we will be happy to oblige and coordinate with Megan.

***Vibrant. Prosperous. Growing.***

*An Equal Opportunity Employer*



## **DIGEST SHEET**

TITLE OF ORDINANCE: AN ORDINANCE AMENDING THE CITY OF FORT WAYNE PUBLIC ART PROGRAM.

DEPARTMENT REQUESTING ORDINANCE: COMMUNITY DEVELOPMENT:  
PLANNING AND POLICY

SYNOPSIS OF ORDINANCE: The amendment removes a “sunset” provision in the 2018 Ordinance that established the Public Art Program and the Public Art Commission. The amendment also adjusts the annual reporting deadline and repairs a few scrivener errors.

EFFECT OF PASSAGE:

This ordinance will perpetuate the Public Art Program, the Public Art Giveback Program, the Public Art Fund, and the work of the City of Fort Wayne Public Art Commission to provide guidance and oversight of said programs and funds.

EFFECT OF NON-PASSAGE:

The current ordinance establishing the Public Art Program will terminate on March 20, 2022. The partnerships, agreements and obligations represented by and through the Public Art Program, Public Art Fund, and City of Fort Wayne Public Art Commission will be compromised by questions of authority, and liquidity.

If Prior Approval Is Being Requested, Justify:

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS, BUDGET IMPACT)

SOURCE OF FUNDING:

Public Art Fund – includes sources from the Investing in Neighborhoods Now program as well as the Public Art Giveback program established by this ordinance in 2018.

Additional Comments:



# PUBLIC ART COMMISSION

*Vibrant. Prosperous. Growing.*

Thomas C. Henry, Mayor

City of Fort Wayne  
Community Development  
200 East Berry Street, Suite 320  
Fort Wayne, IN 46802

260 427-1127 [fwcommunitydevelopment.org](http://fwcommunitydevelopment.org)

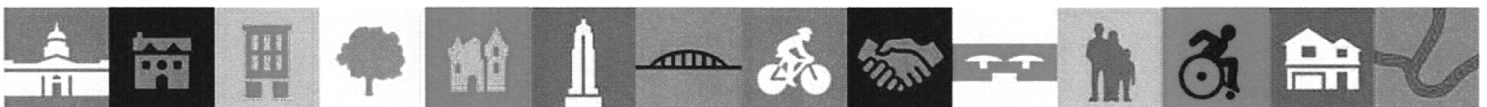
## FORT WAYNE PUBLIC ART PROGRAM SUMMARY OF ACTIVITIES 2018 – 2021

### COMMISSION ADMINISTRATION DOCUMENT APPROVALS

- Commission Bylaws - 2018
- PAC Logo - 2018
- Public Art Master Plan – Art for All - 2020
- Public Art Program Guidelines 2020
  - Amended Review Committee Guidelines - 2021
- Financial Policies and Budgeting Guidelines 2020
- Approved Guidelines (recommendations of the Art for All Master Plan) - 2021
  - Deaccession policy
  - Donation of Public Art Procedures
  - Mural Guidelines
  - Artwork Maintenance Procedure

### SELECTION COMMITTEES (COMPLETED)

- Metaflora* - Botanical Conservatory Sculpture - 2019
  - Dedicated 2021
  - Funding: Parks Dept, CIB, Journal Gazette Foundation - \$126,900
- Confluence* - Calhoun Street Crosswalk Mural - 2019
  - Pavement mural at Calhoun and West Columbia
  - Installed 2021
  - Funding: Private Donation through Arts United – \$5,000
- 77 Steps* - Off the Wall Overhead Sculpture - 2020
  - Overhead Sculpture in alley off Berry Street between Calhoun and Harrison
  - Funding: Community Foundation/Knight Foundation and Downtown Improvement District - \$22,000
- Faces of the Fort*, Part 1 - 2021
  - Northeast – 1514 St. Joseph Blvd. – Glynn Hines & Genevieve Meyer
  - Southeast -- 4307 S. Anthony Blvd. – Irene Paxia & William E. Warfield
  - Southwest – 1818 Bluffton Rd. – Raquel Kline & Thomas Smith
  - Funding: Public Art Commission/Giveback Program - \$40,000
- 5 Point Spin* - 2021
  - Five points Roundabout, Goshen and Sherman



Funding: Public Works, Northwest Investing in Neighborhoods Now - \$150,000  
To be installed October 2022

*Pillars of Hope and Justice* - Dr. Martin Luther King Jr. Monument  
USF Robert Goldstine Performing Arts Center  
Funding: Community Development and Legacy - \$250,000  
To be installed June 2023

### **SELECTION COMMITTEES (IN PROCESS)**

*Faces of the Fort, Part 2*

Northwest and Downtown

Funding: Public Art Commission/Giveback - \$30,000

To be installed June 2022

Northeast Quadrant Public Art Project

Northeast Investing in Neighborhoods Now Funds - \$50,000

### **PUBLIC ART REVIEW COMMITTEE**

Bloomingtondale Neighborhood Mural/1434 Wells St. -2019

*Acquiescence*

Funding: City Neighborhood Grant and property owner - \$12,780

Fairmount Neighborhood Mural/4302 Fairfield Ave. -2019

*Better Together*

Funding: City Neighborhood Grant, and Neighborhood Association - \$5,788

Hampton Inn and Suites/Jefferson Boulevard -2019

*Making Children Smile*

Funding: Private Funds - White Lodging - \$150,000

West Central Traffic Control Box Murals – 2020

Funding: City Neighborhood Grant and Neighborhood association - \$8,000

Winrose Urban Farm Mural/1325 Lafayette St. - 2020

*I Can, We Can, You Can*

Funding: Commercial Façade Grant, Private Funds - \$8,000

Historic South Wayne Neighborhood Mural/3320 Fairfield Ave. - 2020

*Growing Minds*

Funding: City Neighborhood Grant - \$4,543

Pontiac/Wayne Trace Roundabout Sculpture – 2021

Funding: Public Works - \$475,000

Jefferson Pointe Murals - 2021

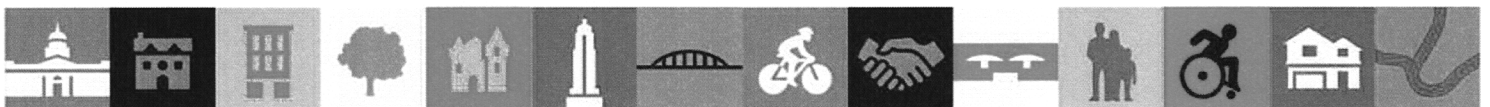
10 murals on shopping center building

Funding: Property owner 50% of TIF Giveback Funds \$50,000

Hamlets West Neighborhood Mural – 2021

*Little River Valley*

Funding: City Neighborhood Grant - \$2,269



Clean Drains Murals - 2021

13 Downtown, 5 in each of 4 quadrants

Funding: Friends of the Rivers and City Utilities - \$10,000

Fort Wayne Storage Mural - 2021

324 East State Blvd

Funding: Commercial Façade Grant Funds, Private Funds - \$20,000

Foster Park Foot Bridge Mural - 2021

Parks Department

Funding: Park Foundation, Go Fund Me (private donations) - \$5,000

Hartzog Interiors Mural - 2021

1116 East State Blvd

Funding: Commercial Façade Grant Funds, Private Funds - \$16,500

Porch Off Calhoun Parking Garage Mural - 2021

*Chromabots*

Funding: Community Development, Community Foundation/Knight Grant Funds and Downtown Improvement District \$21,000

#### **COMMITTEE/RELATED ACITIVITIES**

Artwork Inventory and Resource Committee

Charged with creation of a Public Art inventory for Fort Wayne.

Sculpture with Purpose Study Committee

Repairing/removing sculptures as needed and preparing to transfer ownership of Sculptures from Arts United to the Public Art Commission

Finance Committee

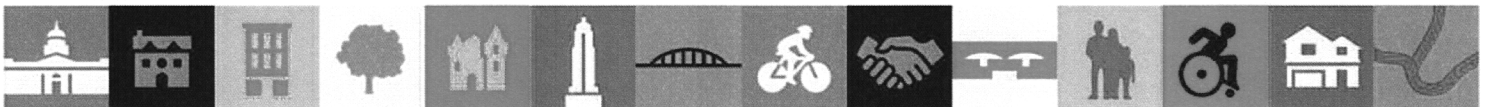
Prepared budgets approved in 2019, 2020, 2021

Financial and Staff Support for Mural Fest – 2020

Funding: Private Funds donated through Arts United - \$1000

Staff support and assistance for Visit Fort Wayne's Public Art Digital Trail Pass

**Overall Community Investment in public art facilitated by the  
Public Art Commission: \$1,462,880**



**BILL NO. G-22-02-20**

**REPORT OF COMMITTEE ON REGULATIONS**

**March 1, 2022**

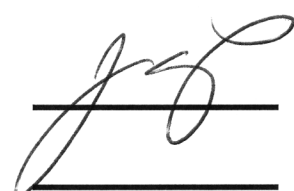

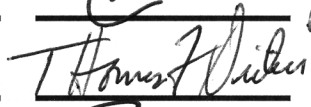
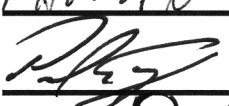





**Tom Freistroffer Chair**

**Paul Ensley Co-Chair**

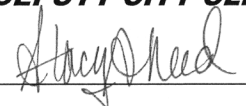
**All Council Members**

An Ordinance amending Chapter 33: Departments, Boards, and other Administrative Bodies

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

<u>COUNCIL MEMBER</u>	<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>
ARP			
CHAMBERS			
DIDIER			
ENSLEY			
FREISTROFFER			
HINES			
JEHL			
PADDOCK			
TUCKER			

**STACY A. REED  
DEPUTY CITY CLERK**

  
\_\_\_\_\_

Public Hearing Date: N/A

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

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

Read the third time in full and on motion by Councilperson 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CHAMBERS	<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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
TUCKER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: March 8, 2022

  
 \_\_\_\_\_  
 STACY A. REED, DEPUTY CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Resolution No. G-22-02-20 on the 8th day of March, 2022

ATTEST:

  
 \_\_\_\_\_  
 STACY A. REED  
 DEPUTY CITY CLERK

  
 \_\_\_\_\_  
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th of March 2022, at the hour of 10:05 o'clock A.M. E.S.T.

  
 \_\_\_\_\_  
 STACY A. REED, DEPUTY CITY CLERK

Approved and signed by me this 9<sup>TH</sup> day of MARCH 2022, at the hour of 2:00 o'clock PM E.S.T.

  
 \_\_\_\_\_  
 THOMAS C. HENRY, MAYOR

