BILL NO. G-26-09-16 As Amended As Amended

GENERAL RESOLUTION NO. -G-Failed

A RESOLUTION CREATING THE FORT WAYNE COMMUNITY INFRASTRUCTURE & ENVIRONMENTAL REVIEW COMMISSION (CIERC)

WHEREAS, responsible economic development contributes to employment, investment, tax base growth, infrastructure, and the overall prosperity of the City of Fort Wayne; and

WHEREAS, certain large-scale or resource-intensive developments may also create substantial demands upon municipal utilities, public infrastructure, natural resources, public services, and surrounding neighborhoods; and

WHEREAS, the benefits and potential impacts of major development are best understood when elected officials and the public have access to timely, reliable, and relevant information before significant discretionary decisions are made; and

WHEREAS, the Common Council recognizes the importance of considering not only the immediate effects of an individual development, but also the cumulative effects of existing and reasonably foreseeable data center development upon utility capacity, infrastructure, public finances, environmental resources, public health, and community quality of life; and

WHEREAS, meaningful public participation and access to qualified technical and community expertise can improve governmental decision-making, increase public confidence, identify opportunities for mitigation, and support development that is both economically beneficial and responsible to the community; and

WHEREAS, the Common Council desires to establish an advisory body through which residents, subject-matter experts, City officials, and other stakeholders may evaluate and provide recommendations regarding data center development without displacing or limiting the lawful authority of the Common Council, Mayor, City departments, boards, commissions, or other governmental entities;

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

SECTION 1. CREATION AND NAME.

The Fort Wayne Common Council hereby creates the **Fort Wayne Community Infrastructure & Environmental Review Commission**, hereinafter referred to as the **"CIERC"** or the **"Commission."**

SECTION 2. PURPOSE.

The purpose of the Commission is to ensure that, before the City of Fort Wayne (the **"City"**) makes significant discretionary decisions concerning data center development, policymakers and the public have timely access to independent analysis of the project's reasonably foreseeable benefits and effects upon municipal utilities, infrastructure, public finances, environmental resources, public health, surrounding neighborhoods, and community quality of life.

The Commission shall serve as an advisory and fact-finding body intended to:

(a) provide an organized forum for consideration of data center development;

(b) bring relevant citizen, professional, technical, governmental, and community perspectives into the review process;

(c) identify reasonably foreseeable benefits, costs, resource demands, community impacts, and opportunities for mitigation;

(d) improve the information available to decision makers, elected officials, staff, and the public before significant discretionary decisions are made;

(e) provide a transparent forum for residents to raise questions and receive information concerning qualifying data center development projects; and

(f) make recommendations related to data centers concerning policies, ordinances, planning practices, data center development standards, utility considerations, and other measures that may better prepare Fort Wayne for future data center development.

The Commission shall not approve, deny, permit, regulate, or exercise veto authority over any development or project.

SECTION 3. MEMBERSHIP.

The Commission shall consist of **nine (9) voting members**, appointed for staggered two-year terms. Two of the Mayor's appointees and two of the Common Council's appointees shall have a term that ends on 12/31/2027, while the remaining five (5) appointees shall have a term that ends on 12/31/2028. All terms shall be two (2) years in length after that.

Four (4) members shall be appointed by the Mayor.

Four (4) members shall be appointed by the Common Council.

One (1) member shall be appointed by a majority vote of the eight (8) members appointed above.

Members appointed by the Mayor and Common Council shall be appointed within thirty (30) days of passage of this resolution. The member appointed by the Commission shall be appointed within thirty (30) days of the first meeting of

the Commission. In the event of a resignation or other vacation, the appointing body shall have thirty (30) days to make a new appointment. If the vacated seat is an appointment by the Mayor and the appointment is not completed within thirty (30) days, Council shall make the appointment. If the vacated seat is an appointment by Council and the appointment is not completed within thirty (30) days, the Mayor shall make the appointment. If the vacated seat is the member appointed by the Commission and the appointment is not completed within thirty (30) days, the remaining members of the Commission shall fill the vacancy by majority vote.

Appointments shall collectively ensure meaningful representation or demonstrated expertise in:

(a) economic or community development;

(b) municipal utilities, energy, infrastructure, engineering or planning;

(c) public finance, taxation or economic-development incentives;

(d) environmental science, natural resources or public health; or

(e) neighborhood or community interests.

No single professional discipline shall be required to occupy a particular seat, and consideration should be given to creating a Commission reflecting a broad range of technical expertise, professional experience, geographic representation, and community perspectives. No profession or singular knowledge base shall occupy more than three (3) seats.

The Commission may utilize non-voting technical liaisons representing relevant City departments, utilities, economic-development organizations, governmental entities, and other subject-matter expertise as appropriate.

City employees and representatives of relevant governmental agencies may attend and participate as non-voting technical resources as requested by the Commission. City employees and any elected official are not eligible for a voting seat on the Commission.

A representative of a private entity whose project is under review shall not serve as a voting member of the Commission by virtue of that project. Project representatives may be invited to appear, provide information, and answer questions.

Conflict of Interest and Recusal.

A member who has a direct financial interest in, is employed by, represents, or is under contract with an applicant, developer, owner, or other entity having a material financial interest in a data center project under review shall disclose that interest and recuse themselves from deliberation and voting concerning that project.

A recusal shall not operate to extend a review period or delay Common Council consideration of a project.

SECTION 4. ORGANIZATION, MEETINGS, AND PUBLIC PARTICIPATION.

The Commission may establish bylaws, elect officers, establish committees or working groups, and adopt other procedures reasonably necessary to conduct its work consistent with applicable law.

The Commission shall meet at least quarterly and may convene additional meetings when necessary to review a qualifying project or other matter within its scope.

Meetings shall be publicly noticed and conducted in accordance with applicable Indiana law. Meetings shall provide a reasonable opportunity for public comment.

The Commission may invite subject-matter experts, representatives of utilities, governmental agencies, applicants, developers, neighborhood organizations, environmental organizations, economic development organizations, and other persons or entities with relevant knowledge to provide information.

The Commission shall submit a written report to the Mayor and Common Council at least annually summarizing its activities, findings, recommendations, and matters reviewed.

SECTION 5. STAFF AND GOVERNMENTAL COORDINATION.

The Administration shall designate an appropriate City staff liaison to facilitate communication between the Commission and City departments and assist the Commission in obtaining reasonably available governmental information relevant to its work.

The staff liaison shall facilitate, but shall not direct or control, the Commission's findings, recommendations, agenda, deliberations, or reports.

The Commission may request participation or information from appropriate City departments, including City Utilities, Community Development, Planning Services, Public Works, and other departments possessing information relevant to a matter under review.

Reports and recommendations adopted by the Commission shall be transmitted directly to the Mayor and all members of the Common Council and made available to the public on either the primary City website or Engage Fort Wayne, subject to applicable law.

SECTION 6. SCOPE OF REVIEW.

The Commission's scope shall include data center Developments (as defined in Section 7) and related policy issues involving reasonably foreseeable effects upon:

(a) water supply, consumption, capacity, quality, groundwater, and water rates;

(b) wastewater generation, treatment, discharge, and capacity;

(c) electrical demand, reliability, generation, transmission, distribution, and effects upon existing customers;

(d) public utility and infrastructure capacity and costs;

(e) stormwater, wetlands, floodplains, waterways, and environmentally sensitive resources;

(f) air emissions, noise, light, heat, emergency or backup generation, and other relevant environmental considerations;

(g) public health and community quality of life;

(h) traffic, emergency services, neighboring land uses, and surrounding neighborhoods;

(i) public incentives, tax abatements, tax increment financing, publicly funded infrastructure, and other material public financial participation;

(j) anticipated economic and community benefits;

(k) anticipated full buildout and future expansion; and

(l) cumulative impacts when considered together with existing and reasonably foreseeable Major Resource-Intensive Development

The Commission may also study and make recommendations concerning City policies, ordinances, development standards, zoning provisions, planning practices, utility policies, and other matters related to responsible data center development.

SECTION 7. Data Center DEVELOPMENT.

For purposes of this Resolution, a **"Data Center Development"** means a proposed new data center development, redevelopment, expansion, or substantial modification within the City of Fort Wayne that, because of its scale, operation, infrastructure requirements, consumption of resources, use of public resources, or reasonably anticipated cumulative impacts, warrants additional review of its potential effects upon public utilities, infrastructure, the environment, public health, public finances, or community quality of life. This includes any project that is defined as a large user by a utility and/or could have an impact on any grid or the distribution of resources to other customers.

In determining whether a proposed project constitutes a data center Development, consideration shall be given to reasonably anticipated impacts including, but not limited to:

(a) projected average and peak water consumption;

(b) projected wastewater generation or discharge;

(c) projected electrical demand, including peak demand and any substantial new generation, transmission, distribution, or other electrical infrastructure necessary to serve the project;

(d) total acreage, building square footage, density, and reasonably anticipated full buildout;

(e) the number, capacity, fuel source, and reasonably anticipated operation of emergency or backup power generation systems;

(f) reasonably anticipated noise, air emissions, light, heat, stormwater, or other environmental effects;

(g) development involving or potentially affecting wetlands, floodplains, waterways, groundwater resources, or other environmentally sensitive areas;

(h) construction, expansion, or substantial modification of public utility or other public infrastructure necessary to serve the development;

(i) tax abatements, tax increment financing, economic development incentives, publicly funded infrastructure, utility commitments, or other material public financial participation;

(j) reasonably anticipated effects upon utility capacity, reliability, infrastructure costs, or rates paid by residential, commercial, or other existing utility customers;

(k) reasonably anticipated effects upon surrounding neighborhoods, traffic, emergency services, land use, and community quality of life;

(l) cumulative effects when considered together with existing and reasonably foreseeable Data Center Developments; and

(m) any additional objective threshold, factor, or category subsequently established by ordinance of the Common Council.

A project shall not be considered a Data Center Development solely because it requires routine zoning, permitting, infrastructure, or Common Council action. The designation is intended to identify Data Center developments of sufficient scale, resource demand, public investment, infrastructure requirement, or reasonably anticipated community impact to warrant additional advisory review.

Related Projects and Phased Development.

For purposes of determining whether a development constitutes a Data Center Development, reasonably anticipated phases, expansions, buildings, facilities, or other components of a substantially related development shall be considered together when they are under common ownership or control, are located on the

same or contiguous properties, share substantial infrastructure, or are part of the same planned development.

A Data Center development shall not avoid review under this Resolution solely because it is proposed, constructed, financed, permitted, or presented for approval in separate phases or components.

SECTION 8. REFERRAL AND REVIEW OF QUALIFYING PROJECTS.

(A) Referral and Notice.

Any Data Center Development requiring approval or other action by the Common Council shall be referred to the Commission and afforded an opportunity for advisory review prior to final action by the Common Council.

The City department, division, authority, commission, or other governmental entity bringing or facilitating the matter before Common Council, including the Fort Wayne Redevelopment Commission where applicable, shall provide notice of the proposed project to the Commission and provide reasonably available information necessary for the Commission to conduct its review.

Referral shall occur as early in the Data Center Development and approval process as reasonably practicable and, when practicable, no fewer than thirty (30) days prior to initial Common Council action. Referral should occur sufficiently early to allow the Commission's findings and recommendations, if any, to meaningfully inform the Common Council's consideration.

Nothing in this Resolution shall require referral to the Commission during confidential economic-development recruitment, preliminary site-selection discussions, negotiations protected from disclosure by law, or other pre-application activities. Referral shall occur following an applicable public governmental trigger, including a complete public application, zoning petition, public incentive request, redevelopment action, or other formal governmental action requiring Common Council consideration.

(B) Information Provided for Review.

To the extent reasonably available to the City, information provided to the Commission should include the nature and scope of the proposed Data Center Development; reasonably anticipated full buildout; projected water, stormwater, and wastewater demands; projected electrical and gas demand; anticipated public or private utility or infrastructure improvements; emergency or backup generation; known environmental considerations; requested or anticipated public incentives or financial participation; and other information reasonably related to the factors identified in this Resolution.

Nothing in this subsection shall require disclosure of information prohibited from disclosure by applicable federal or state law.

(C) Advisory Review.

Upon referral, the Commission may review the proposed data center project, receive public input, request reasonably available information from appropriate City departments and the project applicant, invite representatives of the project to provide information and answer questions, consult with subject-matter experts, and prepare written findings or recommendations.

The Commission may consider both the potential benefits and potential costs or impacts of a proposed Data Center Development.

The Commission's review is intended to provide additional information and analysis to policymakers and the public and shall not constitute approval, denial, permit, or regulatory determination.

The Commission's project-specific advisory review period shall not exceed thirty (30) calendar days beginning upon receipt of a complete referral and reasonably available supporting information. Upon expiration of the review period, the project may proceed through the ordinary governmental process regardless of whether the Commission has issued findings or recommendations. The review period may be extended only by affirmative vote of the Common Council.

The Commission's review shall supplement and shall not unnecessarily duplicate technical, utility, engineering, zoning, land-use, permitting, environmental, financial, redevelopment, or other review performed by an existing City department, board, commission, authority, utility, or governmental entity. Whenever practicable, the Commission shall rely upon existing professional analysis and identify material information gaps or cumulative considerations not otherwise addressed.

(D) Recommendations to Common Council.

Any written findings or recommendations completed by the Commission within the applicable review period shall be provided to all members of the Common Council and the Mayor and made available to the public on the City's website or Engage Fort Wayne, wherever other items related to the Commission are posted, prior to final Common Council action, when practicable.

The Commission may identify additional information needed, potential impacts warranting further consideration, proposed mitigation measures, or policy considerations relevant to Common Council's review.

Common Council may request that a Commission representative present its findings or answer questions.

(E) Advisory Authority Only.

The Commission shall serve solely in an advisory capacity. Nothing in this Resolution shall grant the Commission permitting, approval, denial, veto, regulatory, or other authority over any development project.

A favorable recommendation shall not be required for a data center project to proceed to Common Council, nor shall an unfavorable recommendation prohibit Common Council from considering or approving a project.

(F) Failure to Act; Protection Against Delay.

Failure of the Commission to meet, establish a quorum, complete its review, issue findings or recommendations, obtain requested information, or otherwise act upon a referred data center project within the applicable review period shall not delay, prohibit, or otherwise restrict the authority of the Common Council to consider or take action upon the project.

Failure of individual Commission members to attend a meeting or participate in a review shall not extend the review period or delay Common Council action.

(G) Requests for Additional Information.

A request by the Commission for additional information, technical analysis, expert consultation, or additional public input shall not, by itself, extend the applicable review period or prevent Common Council from considering or acting upon the data center project after expiration of that period.

The Commission may supplement its findings or continue studying issues related to a data center project after Common Council action when consistent with its purposes.

(H) Waiver or Modification of Review Period.

When circumstances require Common Council consideration before completion of the ordinary review period, Common Council may shorten or waive the review period by affirmative vote. The reason for the waiver or modification shall be stated on the record.

(I) Preservation of Common Council Authority.

Nothing in this Resolution shall limit the authority of the Common Council to approve, deny, amend, postpone, table, request additional information concerning, or otherwise act upon a matter within its lawful jurisdiction.

Nothing herein shall transfer any legislative, zoning, permitting, redevelopment, utility, or other governmental authority vested by law in the Common Council, Mayor, City departments, boards, commissions, authorities, or other governmental entities to the Commission.

(J) **Establishment of Thresholds & Future Referral**

Notwithstanding items in this section, mandatory referral of a data center to the Commission shall not commence until objective thresholds recommended pursuant to Section 9 have been considered and adopted by the Common Council through appropriate legislative action. During this initial period, the Commission may study policies, existing conditions, infrastructure capacity,

cumulative impacts, and best practices and may develop recommendations as provided herein.

A development shall qualify as a data center only upon meeting one or more objective thresholds adopted by the Common Council, which may include measurable standards for water consumption, wastewater discharge, electrical demand, acreage, building square footage, generation capacity, public infrastructure requirements, public financial participation, or other objectively measurable impacts.

Designation shall not be based solely upon the type or industry classification of a development.

SECTION 9. DEVELOPMENT OF OBJECTIVE THRESHOLDS.

The Commission, in consultation with appropriate City departments, utilities, planning officials, subject-matter experts, and other relevant entities, shall develop recommendations for objective thresholds to assist in determining which developments constitute Data Center Developments.

Recommended thresholds may include water consumption, wastewater discharge, electrical demand, acreage or building square footage, emergency or backup generation capacity, public infrastructure requirements, public financial participation, or other measurable factors.

The Commission shall submit its recommended thresholds to the Common Council within one hundred eighty (180) days of its first meeting.

Any thresholds intended to have binding effect shall be considered separately by the Common Council through the appropriate legislative process.

SECTION 10. POLICY AND CODE RECOMMENDATIONS.

Within 180 days of its first meeting, the Commission shall provide Common Council and the Mayor with recommendations concerning whether amendments to City ordinances, zoning provisions, development standards, planning procedures, utility policies, or other local policies are appropriate to address Data Center Developments.

Such recommendations may include definitions and classifications for particular types of Data Center Development; appropriate zoning districts or approval processes; setbacks; noise and lighting standards; emergency and backup generation; water and energy usage; infrastructure capacity; environmental considerations; public disclosure; mitigation measures; cumulative impacts; and other matters within the lawful authority of the City.

Nothing in this Section shall require Common Council or other adopting bodies to adopt any recommendation of the Commission.

SECTION 11. EXISTING AND ONGOING Data Centers DEVELOPMENTS.

Review of an existing or ongoing data center shall be limited to performance monitoring, identification of infrastructure or community impacts, mitigation opportunities, lessons learned, and recommendations concerning future City policy. Such review shall not constitute reconsideration, investigation, reopening, renegotiation, or modification of previously granted approvals, permits, incentives, development agreements, or other governmental actions except where separately authorized by applicable law.

Such review shall not constitute reconsideration of a prior governmental approval and shall not confer regulatory or enforcement authority upon the Commission.

SECTION 12. EFFECTIVENESS REVIEW

Within twenty-four (24) months following the Commission's first meeting, the Commission shall submit an effectiveness report to the Mayor and Common Council addressing projects reviewed, recommendations made, administrative resources utilized, coordination with existing governmental review processes, measurable benefits achieved, any unnecessary duplication or delay identified, and recommendations regarding continuation or modification of the Commission.

SECTION 13. EFFECTIVE DATE.

This Resolution shall be in full force and effect from and after its passage by Common Council.

_____

Rohli Booker, Council Member

APPROVED AS TO FORM AND LEGALITY

_____

Joseph G. Bonahoom, Attorney for City Council

BILL NO. G-26-09-16

GENERAL RESOLUTION NO. -_____

A RESOLUTION CREATING THE FORT WAYNE COMMUNITY INFRASTRUCTURE & ENVIRONMENTAL REVIEW COMMISSION (CIERC)

WHEREAS, responsible economic development contributes to employment, investment, tax base growth, infrastructure, and the overall prosperity of the City of Fort Wayne; and

WHEREAS, certain large-scale or resource-intensive developments may also create substantial demands upon municipal utilities, public infrastructure, natural resources, public services, and surrounding neighborhoods; and

WHEREAS, the benefits and potential impacts of major development are best understood when elected officials and the public have access to timely, reliable, and relevant information before significant discretionary decisions are made; and

WHEREAS, the Common Council recognizes the importance of considering not only the immediate effects of an individual development, but also the cumulative effects of existing and reasonably foreseeable development upon utility capacity, infrastructure, public finances, environmental resources, public health, and community quality of life; and

WHEREAS, meaningful public participation and access to qualified technical and community expertise can improve governmental decision-making, increase public confidence, identify opportunities for mitigation, and support development that is both economically beneficial and responsible to the community; and

WHEREAS, the Common Council desires to establish an advisory body through which residents, subject-matter experts, City officials, and other stakeholders may evaluate and provide recommendations regarding major resource-intensive development without displacing or limiting the lawful authority of the Common Council, Mayor, City departments, boards, commissions, or other governmental entities;

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

SECTION 1. CREATION AND NAME.

The Fort Wayne Common Council hereby creates the Fort Wayne Community Infrastructure & Environmental Review Commission, hereinafter referred to as the "CIERC" or the "Commission."

SECTION 2. PURPOSE.

The purpose of the Commission is to ensure that, before the City of Fort Wayne

(the "City") makes significant discretionary decisions concerning major resource-intensive development, policymakers and the public have timely access to independent analysis of the project's reasonably foreseeable benefits and effects upon municipal utilities, infrastructure, public finances, environmental resources, public health, surrounding neighborhoods, and community quality of life.

The Commission shall serve as an advisory and fact-finding body intended to:

(a) provide an organized forum for consideration of major resource-intensive development;

(b) bring relevant citizen, professional, technical, governmental, and community perspectives into the review process;

(c) identify reasonably foreseeable benefits, costs, resource demands, community impacts, and opportunities for mitigation;

(d) improve the information available to decision makers, elected officials, staff, and the public before significant discretionary decisions are made;

(e) provide a transparent forum for residents to raise questions and receive information concerning qualifying development projects; and

(f) make recommendations concerning policies, ordinances, planning practices, development standards, utility considerations, and other measures that may better prepare Fort Wayne for future major development.

The Commission shall not approve, deny, permit, regulate, or exercise veto authority over any development or project.

SECTION 3. MEMBERSHIP.

The Commission shall consist of nine (9) voting members, appointed for staggered two-year terms. Two of the Mayor's appointees and two of the Common Council's appointees shall have a term that ends on 12/31/2027, while the remaining five (5) appointees shall have a term that ends on 12/31/2028. All terms shall be two (2) years in length after that.

Four (4) members shall be appointed by the Mayor.

Four (4) members shall be appointed by the Common Council.

One (1) member shall be appointed by a majority vote of the eight (8) members appointed above.

Members appointed by the Mayor and Common Council shall be appointed within thirty (30) days of passage of this resolution. The member appointed by the Commission shall be appointed within thirty (30) days of the first meeting of the Commission. In the event of a resignation or other vacation, the appointing body shall have thirty (30) days to make a new appointment. If the vacated seat is an appointment by the Mayor and the appointment is not completed within

thirty (30) days, Council shall make the appointment. If the vacated seat is an appointment by Council and the appointment is not completed within thirty (30) days, the Mayor shall make the appointment. If the vacated seat is the member appointed by the Commission and the appointment is not completed within thirty (30) days, the remaining members of the Commission shall fill the vacancy by majority vote.

Appointments should collectively provide knowledge or experience in areas including, but not limited to:

(a) municipal utilities, water resources, or wastewater systems;

(b) electrical utilities, energy, or infrastructure;

(c) environmental science, environmental protection, or natural resources;

(d) public health or community health;

(e) engineering, planning, land use, or development;

(f) economic or community development;

(g) public finance, taxation, or economic development incentives; and

(h) neighborhood or community advocacy.

No single professional discipline shall be required to occupy a particular seat, and consideration should be given to creating a Commission reflecting a broad range of technical expertise, professional experience, geographic representation, and community perspectives. No profession or singular knowledge base shall occupy more than three (3) seats.

City employees and representatives of relevant governmental agencies may attend and participate as non-voting technical resources as requested by the Commission. City employees and any elected official are not eligible for a voting seat on the Commission.

A representative of a private entity whose project is under review shall not serve as a voting member of the Commission by virtue of that project. Project representatives may be invited to appear, provide information, and answer questions.

Conflict of Interest and Recusal.

A member who has a direct financial interest in, is employed by, represents, or is under contract with an applicant, developer, owner, or other entity having a material financial interest in a project under review shall disclose that interest and recuse themselves from deliberation and voting concerning that project.

A recusal shall not operate to extend a review period or delay Common Council consideration of a project.

SECTION 4. ORGANIZATION, MEETINGS, AND PUBLIC PARTICIPATION.

The Commission may establish bylaws, elect officers, establish committees or working groups, and adopt other procedures reasonably necessary to conduct its work consistent with applicable law.

The Commission shall meet at least quarterly and may convene additional meetings when necessary to review a qualifying project or other matter within its scope.

Meetings shall be publicly noticed and conducted in accordance with applicable Indiana law. Meetings shall provide a reasonable opportunity for public comment.

The Commission may invite subject-matter experts, representatives of utilities, governmental agencies, applicants, developers, neighborhood organizations, environmental organizations, economic development organizations, and other persons or entities with relevant knowledge to provide information.

The Commission shall submit a written report to the Mayor and Common Council at least annually summarizing its activities, findings, recommendations, and matters reviewed.

SECTION 5. STAFF AND GOVERNMENTAL COORDINATION.

The Administration shall designate an appropriate City staff liaison to facilitate communication between the Commission and City departments and assist the Commission in obtaining reasonably available governmental information relevant to its work.

The staff liaison shall facilitate, but shall not direct or control, the Commission's findings, recommendations, agenda, deliberations, or reports.

The Commission may request participation or information from appropriate City departments, including City Utilities, Community Development, Planning Services, Public Works, and other departments possessing information relevant to a matter under review.

Reports and recommendations adopted by the Commission shall be transmitted directly to the Mayor and all members of the Common Council and made available to the public on either the primary City website or Engage Fort Wayne, subject to applicable law.

SECTION 6. SCOPE OF REVIEW.

The Commission's scope shall include Major Resource-Intensive Developments (as defined in Section 7) and related policy issues involving reasonably foreseeable effects upon:

(a) water supply, consumption, capacity, quality, groundwater, and water rates;

(b) wastewater generation, treatment, discharge, and capacity;

(c) electrical demand, reliability, generation, transmission, distribution, and effects upon existing customers;

(d) public utility and infrastructure capacity and costs;

(e) stormwater, wetlands, floodplains, waterways, and environmentally sensitive resources;

(f) air emissions, noise, light, heat, emergency or backup generation, and other relevant environmental considerations;

(g) public health and community quality of life;

(h) traffic, emergency services, neighboring land uses, and surrounding neighborhoods;

(i) public incentives, tax abatements, tax increment financing, publicly funded infrastructure, and other material public financial participation;

(j) anticipated economic and community benefits;

(k) anticipated full buildout and future expansion; and

(l) cumulative impacts when considered together with existing and reasonably foreseeable Major Resource-Intensive Development.

The Commission may also study and make recommendations concerning City policies, ordinances, development standards, zoning provisions, planning practices, utility policies, and other matters related to responsible major development.

SECTION 7. MAJOR RESOURCE-INTENSIVE DEVELOPMENT.

For purposes of this Resolution, a **"**Major Resource-Intensive Development" means a proposed new development, redevelopment, expansion, or substantial modification within the City of Fort Wayne that, because of its scale, operation, infrastructure requirements, consumption of resources, use of public resources, or reasonably anticipated cumulative impacts, warrants additional review of its potential effects upon public utilities, infrastructure, the environment, public health, public finances, or community quality of life. This includes any project that is defined as a large user [NOTE: "large user" is undefined — recommend specifying by reference to the applicable utility's tariff classification or a stated consumption threshold] by a utility and/or could have an impact on any grid or the distribution of resources to other customers.

In determining whether a proposed project constitutes a Major Resource-Intensive Development, consideration shall be given to reasonably anticipated impacts including, but not limited to:

(a) projected average and peak water consumption;

(b) projected wastewater generation or discharge;

(c) projected electrical demand, including peak demand and any substantial new generation, transmission, distribution, or other electrical infrastructure necessary to serve the project;

(d) total acreage, building square footage, density, and reasonably anticipated full buildout;

(e) the number, capacity, fuel source, and reasonably anticipated operation of emergency or backup power generation systems;

(f) reasonably anticipated noise, air emissions, light, heat, stormwater, or other environmental effects;

(g) development involving or potentially affecting wetlands, floodplains, waterways, groundwater resources, or other environmentally sensitive areas;

(h) construction, expansion, or substantial modification of public utility or other public infrastructure necessary to serve the development;

(i) tax abatements, tax increment financing, economic development incentives, publicly funded infrastructure, utility commitments, or other material public financial participation;

(j) reasonably anticipated effects upon utility capacity, reliability, infrastructure costs, or rates paid by residential, commercial, or other existing utility customers;

(k) reasonably anticipated effects upon surrounding neighborhoods, traffic, emergency services, land use, and community quality of life;

(l) cumulative effects when considered together with existing and reasonably foreseeable Major Resource-Intensive Developments; and

(m) any additional objective threshold, factor, or category subsequently established by ordinance of the Common Council.

A project shall not be considered a Major Resource-Intensive Development solely because it requires routine zoning, permitting, infrastructure, or Common Council action. The designation is intended to identify developments of sufficient scale, resource demand, public investment, infrastructure requirement, or reasonably anticipated community impact to warrant additional advisory review.

Related Projects and Phased Development.

For purposes of determining whether a development constitutes a Major Resource-Intensive Development, reasonably anticipated phases, expansions, buildings, facilities, or other components of a substantially related development shall be considered together when they are under common ownership or control, are located on the same or contiguous properties, share substantial infrastructure, or are part of the same planned development.

A development shall not avoid review under this Resolution solely because it is proposed, constructed, financed, permitted, or presented for approval in separate phases or components.

SECTION 8. REFERRAL AND REVIEW OF QUALIFYING PROJECTS.

(A) Referral and Notice.

Any Major Resource-Intensive Development requiring approval or other action by the Common Council shall be referred to the Commission and afforded an opportunity for advisory review prior to final action by the Common Council.

The City department, division, authority, commission, or other governmental entity bringing or facilitating the matter before Common Council, including the Fort Wayne Redevelopment Commission where applicable, shall provide notice of the proposed project to the Commission and provide reasonably available information necessary for the Commission to conduct its review.

Referral shall occur as early in the development and approval process as reasonably practicable and, when practicable, no fewer than thirty (30) days prior to initial Common Council action. Referral should occur sufficiently early to allow the Commission's findings and recommendations, if any, to meaningfully inform the Common Council's consideration.

(B) Information Provided for Review.

To the extent reasonably available to the City, information provided to the Commission should include the nature and scope of the proposed development; reasonably anticipated full buildout; projected water, stormwater, and wastewater demands; projected electrical and gas demand; anticipated public or private utility or infrastructure improvements; emergency or backup generation; known environmental considerations; requested or anticipated public incentives or financial participation; and other information reasonably related to the factors identified in this Resolution.

Nothing in this subsection shall require disclosure of information prohibited from disclosure by applicable federal or state law.

(C) Advisory Review.

Upon referral, the Commission may review the proposed project, receive public input, request reasonably available information from appropriate City departments and the project applicant, invite representatives of the project to provide information and answer questions, consult with subject-matter experts, and prepare written findings or recommendations.

The Commission may consider both the potential benefits and potential costs or impacts of a proposed development.

The Commission's review is intended to provide additional information and analysis to policymakers and the public and shall not constitute an approval,

denial, permit, or regulatory determination.

(D) Recommendations to Common Council.

Any written findings or recommendations completed by the Commission within the applicable review period shall be provided to all members of the Common Council and made available to the public on the City's website or Engage Fort Wayne, wherever other items related to the Commission are posted, prior to final Common Council action, when practicable.

The Commission may identify additional information needed, potential impacts warranting further consideration, proposed mitigation measures, or policy considerations relevant to Common Council's review.

Common Council may request that a Commission representative present its findings or answer questions.

(E) Advisory Authority Only.

The Commission shall serve solely in an advisory capacity. Nothing in this Resolution shall grant the Commission permitting, approval, denial, veto, regulatory, or other authority over any development project.

A favorable recommendation shall not be required for a project to proceed to Common Council, nor shall an unfavorable recommendation prohibit Common Council from considering or approving a project.

(F) Failure to Act; Protection Against Delay.

Failure of the Commission to meet, establish a quorum, complete its review, issue findings or recommendations, obtain requested information, or otherwise act upon a referred project within the applicable review period shall not delay, prohibit, or otherwise restrict the authority of the Common Council to consider or take action upon the project.

Failure of individual Commission members to attend a meeting or participate in a review shall not extend the review period or delay Common Council action.

(G) Requests for Additional Information.

A request by the Commission for additional information, technical analysis, expert consultation, or additional public input shall not, by itself, extend the applicable review period or prevent Common Council from considering or acting upon the project after expiration of that period.

The Commission may supplement its findings or continue studying issues related to a project after Common Council action when consistent with its purposes.

(H) Waiver or Modification of Review Period.

When circumstances require Common Council consideration before completion

of the ordinary review period, Common Council may shorten or waive the review period by affirmative vote. The reason for the waiver or modification shall be stated on the record.

(l) Preservation of Common Council Authority.

Nothing in this Resolution shall limit the authority of the Common Council to approve, deny, amend, postpone, table, request additional information concerning, or otherwise act upon a matter within its lawful jurisdiction.

Nothing herein shall transfer any legislative, zoning, permitting, redevelopment, utility, or other governmental authority vested by law in the Common Council, Mayor, City departments, boards, commissions, authorities, or other governmental entities to the Commission.

SECTION 9. DEVELOPMENT OF OBJECTIVE THRESHOLDS.

The Commission, in consultation with appropriate City departments, utilities, planning officials, subject-matter experts, and other relevant entities, shall develop recommendations for objective thresholds to assist in determining which developments constitute Major Resource-Intensive Developments.

Recommended thresholds may include water consumption, wastewater discharge, electrical demand, acreage or building square footage, emergency or backup generation capacity, public infrastructure requirements, public financial participation, or other measurable factors.

The Commission shall submit its recommended thresholds to the Common Council within one hundred eighty (180) days of its first meeting.

Any thresholds intended to have binding effect shall be considered separately by the Common Council through the appropriate legislative process.

SECTION 10. POLICY AND CODE RECOMMENDATIONS.

Within one (1) year of its first meeting, the Commission shall provide Common Council with recommendations concerning whether amendments to City ordinances, zoning provisions, development standards, planning procedures, utility policies, or other local policies are appropriate to address Major Resource-Intensive Developments.

Such recommendations may include definitions and classifications for particular types of resource-intensive development; appropriate zoning districts or approval processes; setbacks; noise and lighting standards; emergency and backup generation; water and energy usage; infrastructure capacity; environmental considerations; public disclosure; mitigation measures; cumulative impacts; and other matters within the lawful authority of the City.

Nothing in this Section shall require Common Council or other adopting bodies to adopt any recommendation of the Commission.

SECTION 11. EXISTING AND ONGOING DEVELOPMENTS.

The Commission may review and receive information concerning existing or ongoing Major Resource-Intensive Developments for the purpose of evaluating community concerns, utility and infrastructure effects, environmental or quality-of-life considerations, mitigation opportunities, and lessons relevant to future City policy.

Such review shall not constitute reconsideration of a prior governmental approval and shall not confer regulatory or enforcement authority upon the Commission.

SECTION 12. EFFECTIVE DATE.

This Resolution shall be in full force and effect from and after its passage by Common Council.

Rohli Booker, Council Member

APPROVED AS TO FORM AND LEGALITY

Joseph G. Bonahoom, Attorney for City Council

BILL NO. G-26-09-16

REPORT OF COMMITTEE ON REGULATIONS
September 22, 2026

Rohli Booker Chair
Scott Myers Co-Chair
All Council Members

A Resolution creating the Fort Wayne Community Infrastructure & Environmental Review Commission (CIERC)

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

COUNCIL MEMBER	DO PASS	DO NOT PASS	ABSTAIN
BENDER			
BOOKER			
CHAMBERS			
ENSLEY			
FREISTROFFER			
HARTMAN			
JEHL			
MYERS			
PADDOCK			

JOHN D. MCGAULEY
CITY CLERK

Public Hearing Date: N/A
Read the first time in full and on motion by Councilperson Booker.
Read the second time by title and referred to the Regulations Committee.
Read the third time in full and on motion by Councilperson Booker, placed on passage by the following vote:

TOTAL VOTES	AYES	NAYS	ABSTAINED	ABSENT
BENDER	☐	☒	☐	☐
BOOKER	☒	☐	☐	☐
CHAMBERS	☐	☒	☐	☐
ENSLEY	☐	☒	☐	☐
FREISTROFFER	☐	☐	☐	☒
HARTMAN	☐	☒	☐	☐
JEHL	☒	☐	☐	☐
MYERS	☐	☒	☐	☐
PADDOCK	☒	☐	☐	☐

DATED: October 13, 2026

JOHN D. MCGAULEY, CITY CLERK

Not passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-26-09-16 AA AA on the 13th day of October , 2026

ATTEST:

JOHN D. MCGAULEY
CITY CLERK

PRESIDING OFFICER