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**BILL NO. R-11-06-22**


**RESOLUTION NO. R-45-11**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, APPROVING AN INTERLOCAL COOPERATION AGREEMENT FOR THE OPERATION OF A JOINT OVERSIGHT PERMITTING BOARD FOR THE COUNTY OF ALLEN AND THE CITY OF FORT WAYNE, INDIANA.**

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

**SECTION 1.** The Common Council of the City of Fort Wayne, Indiana, hereby ratifies and approves the Interlocal Cooperation Agreement for the Operation of a Joint Oversight Permitting Board between the Board of Commissioners of the County of Allen, Indiana, and the City of Fort Wayne, Indiana. Said Interlocal Cooperation Agreement is attached hereto, marked Exhibit "A" and made a part hereof.

**SECTION 2.** That this Resolution shall remain 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

Read the first time in full and on motion by Schiff, and duly adopted, read the second time in full and referred to the Committee on Legislation (and the City Plan Commission for recommendations and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City Council Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 2011, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.E.S.T.

DATED 6-28-11

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Deleo, and duly adopted, placed on file for passage ~~LOSS~~ PASSED by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
TOTAL VOTES	<u>8</u>	_____	_____	<u>1</u>
BENDER	<u>✓</u>	_____	_____	_____
BROWN	<u>✓</u>	_____	_____	_____
DODD	<u>✓</u>	_____	_____	_____
GOLDNER	<u>✓</u>	_____	_____	_____
HARPER	<u>✓</u>	_____	_____	_____
HINES	_____	_____	_____	<u>✓</u>
PAPE	<u>✓</u>	_____	_____	_____
SHOAF	<u>✓</u>	_____	_____	_____
SMITH	<u>✓</u>	_____	_____	_____

DATED 7-12-11

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) (ORDINANCE) (RESOLUTION NO. R-43-11 on the 12th day of July, 2011

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

SEAL  
Matthew Henry  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of July, 2011, at the hour of 11:30 o'clock A. M.E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and Signed by me this 14th day of July, 2011, at the hour of 11:00 o'clock A. M.E.S.T.

Thomas C. Henry  
THOMAS C. HENRY, MAYOR

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**BILL NO. R-11-06-22**

**RESOLUTION NO. R-43-11**

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

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**SECTION 2.** That this Resolution shall remain 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

Read the first time in full and on motion by Dequincus and duly adopted and by second time  
 Read the second time in full and on motion by Dequincus and the City Planning Commission for  
 recommendation and Public Hearing to be held after due legal notice, at the Common Council Conference Room, 128  
 City Center Building, Fort Wayne, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 2011 at \_\_\_\_\_ o'clock \_\_\_\_\_ M.F.S.T.

DATED 6-28-11

Sandra E. Kennedy  
 SANDRA E. KENNEDY, CITY CLERK  
Dequincus and duly adopted

Read the third time in full and on motion by \_\_\_\_\_  
 placed on the passage PASSED  
 by the following vote

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOICES	8			1
BENDER	<u>✓</u>			
BROOKS	<u>✓</u>			
ODIER	<u>✓</u>			
GOLDNER	<u>✓</u>			
HARPER	<u>✓</u>			
HINTS				<u>1</u>
PAPER	<u>✓</u>			
SHOAF	<u>✓</u>			
SMITH	<u>✓</u>			

DATED 7-12-11

Sandra E. Kennedy  
 SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as  
 (ANNUATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) (ORDINANCE)  
 (RESOLUTION) NO R-43-11 on the 12th day of July, 2011

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

SEAL  
Matthew Henry  
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of  
July, 2011, at the hour of 11:30 o'clock A. M.F.S.T.

Sandra E. Kennedy  
 SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 14<sup>th</sup> day of  
 2011, at the hour of 11:00 o'clock

Thomas C. Henry  
 THOMAS C. HENRY, MAYOR

**INTERLOCAL COOPERATION AGREEMENT FOR THE  
OPERATION OF A JOINT OVERSIGHT PERMITTING BOARD  
FOR THE COUNTY OF ALLEN AND THE CITY OF FORT WAYNE**

This Interlocal Cooperation Agreement ("Agreement") is entered into as of the last date this Agreement is signed, by and between the Board of Commissioners of the County of Allen ("County Commissioners") and the Mayor of the City of Fort Wayne ("Mayor) and is made pursuant to Ind. Code § 36-1-7, *et seq.* The County Commissioners and the Mayor are sometimes individually referred to herein as a "party" and collectively as the "parties."

**RECITALS**

WHEREAS, the County Commissioners and the Mayor represent political subdivisions under I.C. § 36-1-7-1(2), as defined in I.C. § 36-1-2-13; and

WHEREAS, the County Commissioners are the executive body for Allen County, Indiana ("County");

WHEREAS, the Mayor is the executive for the City of Fort Wayne ("City");

WHEREAS, the parties desire to establish, maintain, and operate a Joint Oversight Permitting Board that will provide strategic oversight including hiring and termination of contractors and the purchase of software and other related services for a joint city and county permitting process initiative.

WHEREAS, the parties desire to use the Joint Oversight Permitting Board to continue and help further cooperation and collaboration between and among the City and the County on increasing the efficiency of the permitting process.

**NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:**

**SECTION 1. Purpose and Duration.** There is hereby created a Joint Oversight Permitting Board under the common control of both the City and the County. The purpose of this Agreement is to provide greater efficiencies, to ensure maximum customer service satisfaction, to avoid duplication of effort, and to provide oversight for the operation of the permitting process. The Recitals are incorporated herein by reference. This Agreement shall become effective as upon the latter passage of either the City or the County ("Effective Date"). The initial term of the Agreement shall be for three (3) calendar years, unless terminated earlier under the appropriate section of this Agreement.

**SECTION 2. Manner of Financing and Maintaining Budget.** The financing and budget for the Joint Oversight Permitting Board shall be established as follows:

- A. The County, by and through the Treasurer's office (I.C. 36-1-7-4), shall receive, disburse, and account for all monies expended for the operation of the Joint Permitting Oversight Committee. Expenditures of the Joint Permitting Oversight Committee will be processed according to County accounting procedures utilizing the county's federal I.D. number.
- B. The County, by and through the Auditor's office, shall bill the City monthly for the City's share of the expenses of the project tasked to the Joint Oversight Permitting Board. These monthly billings shall be transmitted to the City Controller on the last day of the month. Payment of the City's share of expenses shall be made to the County within thirty (30) calendar days of receipt of the monthly billing.

C. **SECTION 3 Membership of the Joint Oversight Permitting Board.** The Joint Oversight Permitting Board shall have six (6) members. Membership on the Joint Oversight Permitting Board shall consist of:

- (1) Two members appointed by the Allen County Board of County Commissioners; One which shall be a County Commissioner and one who shall be a member of the County Council;
- (2) The Mayor or Deputy Mayor and an appointment made by the Mayor who shall be a member of the City of Ft. Wayne Common Council,

- (3) One member from the Allen County Council; and
- (4) One member from the Fort Wayne Common Council

**SECTION 4 Organization, Meetings, and Duties of the Joint Oversight Permitting Board.**

(1) **Chairperson and Vice-Chairperson.** At its initial meeting, and at the first meeting of the year thereafter, the Joint Oversight Permitting Board shall select from its membership a Chairperson and Vice-Chairperson. The Chairperson and Vice-Chairperson shall alternate annually between the City and County members, with the City and County holding one of each of these positions. The Chairperson shall preside and conduct all meetings of the Joint Oversight Permitting Board. The Chairperson shall moderate all matters before the Joint Oversight Permitting Board and shall decide all points of order or procedure, unless otherwise directed by a majority of the Joint Oversight Permitting Board present. The Vice-Chairperson shall perform the duties of the Chairperson in the event of absence, disability, or unavailability.

(2) The duties and functions of the **Joint Oversight Permitting Board** shall include, but not be limited to:

- a) Hiring and terminating Program Managers as necessary,
- b) Expending funds on the Expediter function (ombudsman),
- c) Recommending software, administering personnel contracts and other contracts that may be necessary to develop efficiencies within the permitting process,
- d) Developing the plan to create greater efficiencies in the permitting process;
- e) Establishing benchmarks and criteria to maximize customer service satisfaction;
- f) Ensuring that Program Managers maintain communications with the Mayor and Commissioner's office as well as the City of Ft. Wayne Common Council and the Allen County Council and the public at large as to adherence to benchmarks and customer satisfaction;
- g) Ensuring that Program Managers communicate the final budget for the project to all interested parties;
- h) Making recommendations to create greater efficiencies on the permitting process on a cost effective basis.
- i) Preparing and presenting to City and County Councils as well as the Mayor and Board of Commissioners an annual report;

**SECTION 5 Meetings.** All meetings of the Joint Oversight Permitting Board shall be open to the public and shall be governed by the Indiana Open Door Law, I.C. 5-14-1.5 *et seq.*, as amended. After the initial meeting, the Joint Oversight Permitting Board shall hold meetings at least bi – monthly. Special meetings of the Joint Oversight Permitting Board may be called: (a) by the Chairperson of the Joint Oversight Permitting Board; or (c) at the request of at least three (3) members of the Joint Oversight Permitting Board. The Joint Oversight Permitting Board may adopt rules of procedure for the conduct of its meetings. In order to take any action on any item before the Joint Oversight Permitting Board, a proposal must receive at least four (4) votes. The Joint Oversight Permitting Board shall keep minutes of all its meetings and the County Auditor shall be responsible for record keeping and dissemination of said minutes.

**SECTION 6 Funding**

(1) The parties agree that the activities of the Joint Oversight Permitting Board will be borne equally by the City of Ft. Wayne and Allen County and paid for within the appropriation set aside for said expenditures.

**SECTION 7 Termination.**

**A. Notice of Termination and Continuation.**

(1) Any party may terminate this Agreement by providing written notice to the other parties before March 1 of the year in which termination is to occur. The written notice of termination shall state the effective date of termination for this Agreement, which date shall not be less than ninety (90) days after the giving of the written notice of termination.

(2) In the event that purchases are made and there ceases to be an agreement to continue with joint permitting process efficiencies, all assets will be equally divided between the City of Ft. Wayne and Allen County.

**SECTION 8. Amendment of Agreement.** This Agreement may be amended through a written addendum or amendment executed and approved by the parties and as required by Indiana law.

**SECTION 9 Agreement as Contract.** The provisions of this Agreement are contractual in nature. The parties agree that neither party shall take unilateral action which would, or could, have the effect of requiring the increase in the monetary contribution of any other party in order to provide funds necessary to meet the financial obligations as established by the Joint Oversight Permitting Board.

**SECTION 10 Approvals Required.** For this Agreement to be effective among and between the parties the following approvals shall be required:

A. A resolution by the Allen County Council, as the County's fiscal body, approving this Agreement, which shall be attached hereto,

B. A resolution by the Fort Wayne Common Council, as the City's fiscal body, approving this Agreement, which shall be attached hereto,

C. Approval by the Board of Commissioners of the County of Allen, as executive, as evidenced by their execution of this Agreement.

D. Approval by the Mayor of the City of Fort Wayne, Indiana, as executive, as evidenced by the execution of this Agreement.

**AGREED TO, AS OF THE DATES SET FORTH BELOW, BY:**

body, approving this Agreement, which shall be attached hereto,

C. Approval by the Board of Commissioners of the County of Allen, as executive, as evidenced by their execution of this Agreement.

D. Approval by the Mayor of the City of Fort Wayne, Indiana, as executive, as evidenced by the execution of this Agreement.

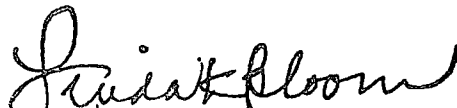
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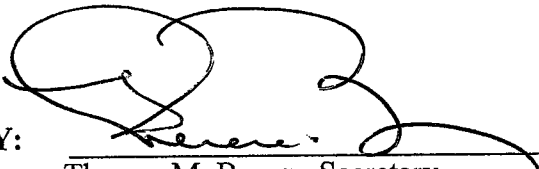
**CITY OF FORT WAYNE, INDIANA**

**BY:** \_\_\_\_\_ **DATE:** \_\_\_\_\_  
Thomas C. Henry, Mayor

**THE BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEN**

**BY:** \_\_\_\_\_ **DATE:** \_\_\_\_\_  
F. Nelson Peters IV, President

**BY:**  \_\_\_\_\_ **DATE:** 6-24-11  
Linda K. Bloom, Vice-President

**BY:**  \_\_\_\_\_ **DATE:** 6-24-11  
Therese M. Brown, Secretary

**BILL NO. R-11-06-22**

**REPORT OF THE COMMITTEE  
REGULATIONS**

**THOMAS F. DIDIER-CHAIR  
JOHN SHOAFF-CO-CHAIR  
ALL COUNCIL MEMBERS**

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, APPROVING AN INTERLOCAL COOPERATION AGREEMENT FOR THE OPERATION OF A JOINT OVERSIGHT PERMITTING BOARD FOR THE COUNTY OF ALLEN AND THE CITY OF FORT WAYNE, INDIANA HAVE HAD SAID RESOLUTION UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID RESOLUTION

DO PASS

DO NOT PASS

ABSTAIN

NO REC

*Thomas F. Didier*  
*Martin A. Bender*  
*Elyse S. Brown*  
*T. J. Smith*  
*Theresa E. Holder*  
*John J. Smith*  
*Christ L. V.*

SANDRA E. KENNEDY  
CITY CLERK