

1  
2 **BILL NO. R-16-04-01**

**RESOLUTION R-2516**

3 **A RESOLUTION authorizing the Council President to**  
4 **sign a waiver, allowing the early release of the City's**  
5 **2015 audit report.**

6 WHEREAS, the City of Fort Wayne has been advised and is aware that Ind.  
7 Code § 5-11-5-1(b)(6) states that a final examination report performed by the State Board of  
8 Accounts ("SBOA") cannot be issued earlier than forty-five (45) days after the date of the  
9 initial exit conference; and

10 WHEREAS, Indiana Code § 5-11-5-1(b)(6) was enacted to allow the  
11 legislative body of a municipality or entity examined sufficient time to request an additional  
12 exit conference; and

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

15 **SECTION 1.** The City hereby waives the provisions of Ind. Code § 5-11-  
16 5-1(b)(6) and asks the SBOA to issue, at the earliest possible time hereafter, its final  
17 examination report; and

18 **SECTION 2.** The City releases the SBOA from any claim or cause of  
19 action, whether known or unknown, based upon or relating to this waiver and/or the public  
20 release of the final examination report earlier than forty-five (45) days after the date of the  
21 initial exit conference; and

22 **SECTION 3.** The Council authorizes its President to execute such waiver  
23 on a form prescribed by the SBOA (attached to Resolution); and

24 **SECTION 4.** That this Resolution shall be in full force and effect from and  
25 after its passage and any and all necessary approval by the Mayor.

26   
27 \_\_\_\_\_  
28 Council Member

29 APPROVED AS TO FORM AND LEGALITY

30   
\_\_\_\_\_  
Carol Helton, City Attorney

**WAIVER OF 45-DAY TIME PERIOD  
TO RELEASE FINAL EXAMINATION REPORT**

The City of Fort Wayne, the municipality or entity examined ("the Unit"), has been advised and is aware that Ind. Code § 5-11-5-1(b)(6) states that a final examination report performed by the State Board of Accounts ("SBOA") cannot be issued earlier than forty-five (45) days after the date of the initial exit conference.

Indiana Code § 5-11-5-1(b)(6) was enacted to allow the legislative body of a municipality or entity examined sufficient time to request an additional exit conference by way of resolution approved by at least a two-thirds (2/3) vote of the legislative body as provided by Ind. Code § 5-11-5-1(b)(5).

The Unit hereby waives the provisions of Ind. Code § 5-11-5-1(b)(6) and asks the SBOA to issue, at the earliest possible time hereafter, its final examination report. The legislative body of the Unit has, by way of resolution approved by at least a two-thirds (2/3) vote of the legislative body, determined that it will not request an additional exit conference under Ind. Code § 5-11-5-1(b)(5), and approved a waiver of the 45-day time period discussed herein.

The Unit releases the SBOA from any claim or cause of action, whether known or unknown, based upon or relating to this waiver and/or the public release of the final examination report earlier than forty-five (45) days after the date of the initial exit conference.

The undersigned is an authorized representative of the Unit and has the full power and authority to execute this waiver. The Unit and its authorized representative have read this waiver and fully understand the content, meaning, and impact of this waiver.

  
\_\_\_\_\_

Russell Jehl  
President of City of Fort Wayne Common Council  
Citizens Square  
200 E. Berry St.  
Fort Wayne, IN 46802

Date: 4/25/16

Resolution No.: \_\_\_\_\_

Resolution Date: \_\_\_\_\_

BILL NO. R-16-04-01

**REPORT OF COMMITTEE ON REGULATIONS**

**APRIL 26, 2016**

*Tom Didier, Chair  
Tom Freistroffer, Co-Chair  
All Council Members*

A RESOLUTION authorizing the Council President to sign a waiver, allowing the early release of the City's 2015 audit report.

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

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
<i>T. Honer</i>			
<i>[Signature]</i>			
<i>[Signature]</i>			
<i>[Signature]</i>			
<i>[Signature]</i>			
<i>[Signature]</i>			
<i>[Signature]</i>			
<i>[Signature]</i>			
<i>[Signature]</i>			
<i>[Signature]</i>			

OFFICE OF THE CITY CLERK  
*Stacy Reed*  
Deputy City Clerk

Public Hearing Date, if applicable Click here to enter a date.

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

Read the second time by title and referred to the Public Works Committee.

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

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

DATED: April 26, 2016


  
 \_\_\_\_\_  
 OFFICE OF THE CITY CLERK

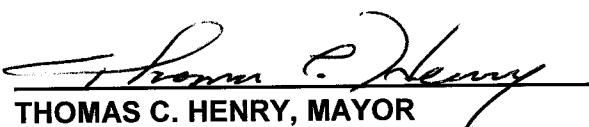
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as  
~~Appropriation~~ <sup>Resolution</sup> No. R-16-04-01 on the 26th day of April, 2016

ATTEST:   
 \_\_\_\_\_  
 LANA R. KEESLING  
 CITY CLERK *Deputy Clerk*

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

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th of April 2016, at the hour of 9:30 o'clock A.M. E.S.T.

Approved and signed by me this 27<sup>th</sup> day of APRIL  
 2016, at the hour of 5:00 O'clock PM . E.S.T. 

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