

**ORDINANCES AND RESOLUTIONS  
UP FOR INTRODUCTION  
JULY 13, 2010**

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**CITY UTILITIES COMMITTEE**

*Glynn A. Hines - Chair  
Thomas F. Didier - Co-Chair  
All Council Members*

**ACTION**

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**S-10-07-10**

**AN ORDINANCE approving Financial Services Agreement  
between Star Financial Bank and the City of Fort Wayne, Indiana,  
in connection with the Board of Public Works  
Total cost of (\$350,000/per year)**

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**FINANCE COMMITTEE**

*Thomas E. Smith - Chair  
Tim Pape - Co-Chair  
All Council Members*

**S-10-07-05**

**AN ORDINANCE certifying and approving the need for a  
consultant to provide professional engineering services for the  
System Wide Interceptor Hydraulic Model Recalibration - Phase  
II  
Total cost of \$499,580**

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# FINANCE COMMITTEE

# CONTINUED

## ACTION

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### **R-10-07-02**

**A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 2711 Banks Avenue, Fort Wayne, Indiana 46804 (Brooks Construction Company, Inc.)**

**Total cost of \$2,500,000 - they will purchase and install new manufacturing equipment**

**Six full-time jobs will be created as a result of the project**

**To be passed this evening**

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### **R-10-07-03**

**A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 2711 Banks Avenue, Fort Wayne, Indiana 46804 (Brooks Construction Company, Inc.)**

**Total cost of \$2,500,000 - they will purchase**

**And install new manufacturing equipment**

**Six full-time jobs will be created as a result Of the project**

**PUBLIC HEARING 7-27-10 -- 5:30 P.M.**

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# REGULATIONS COMMITTEE

*Mitch Harper - Chair  
Karen E. Goldner - Co-Chair  
All Council Members*

## ACTION

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### **G-10-07-09**

**AN ORDINANCE amending Chapter 32 of the City of Fort Wayne Code of Ordinances**

**It is in the best interests of the City to enact a code of ethics which shall be applicable to the Common Council of the City of Fort Wayne in order to maintain confidence in the integrity in the work of Common Council**

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### **G-10-07-11**

**AN ORDINANCE amending Chapter 130, Offenses against City of the City of Fort Wayne, Indiana Code of Ordinances**

**“Begging” it shall be unlawful for any person to solicit money, lodging, subsistence, or charity on his or her own behalf, or on behalf of a companion person, or the encourage any minor child to engage in such solicitation, upon the public streets or other public places within the limits of the city of Fort Wayne**

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### **G-10-07-12**

**AN ORDINANCE amending Chapter 31, City Officials & Employees of the City of Fort Wayne, Indiana Code of Ordinances**

**Any individual whose employment terminates for any reason with the City of Fort Wayne, including any city-owned or operated utilities shall not be permitted to enter into a contract with the City of Fort Wayne, including any city-owned or operated utilities , to provide any of the following services: Professional Services Lobbying Services and Consultant Services**

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**REGULATIONS COMMITTEE                      CONTINUED**

**ACTION**

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**G-10-07-13**

**AN ORDINANCE of the Common Council amending Chapter 116, Taxicabs of the Fort Wayne Code of Ordinances Applications for permit; proof of compliance with Minimum Standards” shall be amended**

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**G-10-07-14**

**AN ORDINANCE amending Chapter 33: Departments, Boards and other Administrative Bodies of the fort Wayne Municipal Code of Ordinances**  
**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 in the seventh month of the board’s annual term**

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**PUBLIC WORKS COMMITTEE**

***John Shoaff - Chair***  
***Elizabeth M. Brown - Co-Chair***  
***All Council Members***

**ACTION**

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**S-10-07-01**

**AN ORDINANCE certifying and approving a contract with the Indiana Department of Transportation for the construction of US 27 (Clinton St.) Bridge over the St. Marys River (Martin Luther King, Jr. Memorial Bridge) – Replacement Project**  
**Total cost of it is anticipated that the amount to Add special features, will be in excess of \$100,000**

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## PUBLIC WORKS COMMITTEE CONTINUED

### ACTION

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#### **S-10-07-04**

**AN ORDINANCE approving Resolution #7268-10, Work Order #12187 – Pine Valley Addition Concrete Street Repairs between Kryder Concrete and the City of Fort Wayne, Indiana, in connection with the Board of Public Works**

**Total cost of \$136,531**

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#### **S-10-07-06**

**AN ORDINANCE certifying and approving a contract with the Indiana Department of Transportation for LPA Contract for Federal Funds for the Rivergreenway Extension from Johnny Appleseed Park to Shoaff Park, Phase I-B**

**Total cost – the City of Fort Wayne was awarded Federal Transportation Enhancement Funds in the amount of \$985,385 for the three mile Rivergreenway extension to Shoaff Park**

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#### **S-10-07-07**

**AN ORDINANCE approving contract 7271-10 – Work Order 12170 – Resurfacing Package A-2010 between Brooks Construction and the City of Fort Wayne, Indiana, in connection with the Board of Public Works**

**Total cost of \$893,120.11 – 70.4 miles of milling pavement surface and resurfacing pavement**

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#### **S-10-07-08**

**AN ORDINANCE approving contract 7263-10; Work Order 12186 Neighbor Drive Concrete Street Repairs between Key Concrete and the City of Fort Wayne, Indiana, in connection with the Board of Public Works**

**Total cost of \$141,893**

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**BILL NO. S-10-07-10**

SPECIAL ORDINANCE NO. S-\_\_\_\_\_

AN ORDINANCE approving FINANCIAL SERVICES AGREEMENT between STAR FINANCIAL BANK and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

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

**SECTION 1.** That the FINANCIAL SERVICES AGREEMENT by and between STAR FINANCIAL BANK and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

Financial Services Agreement to provide billing, payment processing and certain other banking services for Fort Wayne City Utilities through December 31, 2015:

involving a total cost of THREE HUNDRED FIFTY THOUSAND DOLLARS PER YEAR – (\$350,000.00/PER YEAR). A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

**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.

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Council Member

APPROVED AS TO FORM AND LEGALITY

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Carol T. Taylor, City Attorney

**AN ORDINANCE CERTIFYING AND APPROVING THE NEED FOR A CONSULTANT TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR THE SYSTEM WIDE INTERCEPTOR HYDRAULIC MODEL RECALIBRATION - PHASE II**

**WHEREAS**, the Board of Public Works desires to hire a consultant for professional ENGINEERING SERVICES for the SYSTEM WIDE INTERCEPTOR HYDRAULIC MODEL RECALIBRATION - PHASE II Project; and

**WHEREAS**, the City of Fort Wayne does not have the capability of performing this work with in-house forces; and

**WHEREAS**, it is anticipated that the amount to be paid to Camp Dresser & McKee Inc. will be FOUR HUNDRED NINETY-NINE THOUSAND, FIVE HUNDRED EIGHTY AND NO/100 DOLLARS - (\$499,580.00).

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

**SECTION 1.** The Common Council of the City of Fort Wayne hereby certifies and approves the need for the services of CAMP DRESSER & MCKEE INC. (CDM) to provide professional ENGINEERING SERVICES for the SYSTEM WIDE INTERCEPTOR HYDRAULIC MODEL RECALIBRATION - PHASE II.

**SECTION 2.** This Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

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Council Member

APPROVED AS TO FORM AND LEGALITY

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Carol Taylor, City Attorney

**A DECLARATORY RESOLUTION designating an  
“Economic Revitalization Area” under I.C. 6-1.1-12.1  
for property commonly known as 2711 Banks  
Avenue, Fort Wayne, Indiana 46804 (Brooks  
Construction Company, Inc.)**

**WHEREAS**, Petitioner has duly filed its petition dated May 14, 2010 to have the following described property designated and declared an “Economic Revitalization Area” under Sections 153.13-153.24 of the Municipal Code of the City of Fort Wayne, Indiana, and I.C. 6-1.1-12.1, to wit:

**Attached hereto as “Exhibit A” as if a part herein;**

and

**WHEREAS**, said project will create six full-time, permanent jobs for a total new, annual payroll of \$390,000, with the average new annual job salary being \$65,000; and

**WHEREAS**, the total estimated project cost is \$2,500,000; and

**WHEREAS**, it appears the said petition should be processed to final determination in accordance with the provisions of said Division 6.

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

**SECTION 1.** That, subject to the requirements of Section 6, below, the property hereinabove described is hereby designated and declared an “Economic Revitalization Area” under I.C. 6-1.1-12.1. Said designation shall begin upon the effective date of the Confirming Resolution referred to in Section 6 of this Resolution and shall terminate on December 31, 2011, unless otherwise automatically extended in five year increments per I.C. 6-1.1-12.1-9.

**SECTION 2.** That, upon adoption of the Resolution:

(a) Said Resolution shall be filed with the Allen County Assessor;

- (b) Said Resolution shall be referred to the Committee on Finance requesting a recommendation from said committee concerning the advisability of designating the above area an “Economic Revitalization Area”;
- (c) Common Council shall publish notice in accordance with I.C. 6-1.1-12.1-2.5 and I.C. 5-3-1 of the adoption and substance of this resolution and setting this designation as an “Economic Revitalization Area” for public hearing.

**SECTION 3.** That, said designation of the hereinabove described property as an “Economic Revitalization Area” shall apply to a deduction of the assessed value of personal property for new manufacturing equipment.

**SECTION 4.** That, the estimate of the number of individuals that will be employed or whose employment will be retained and the estimate of the annual salaries of those individuals and the estimate of the value of new manufacturing equipment, all contained in Petitioner’s Statement of Benefits, are reasonable and are benefits that can be reasonably expected to result from the proposed described installation of new manufacturing equipment.

**SECTION 5.** That, the current year approximate tax rates for taxing units within the City would be:

- (a) If the proposed new manufacturing equipment is not installed, the approximate current year tax rates for this site would be \$2.9703/\$100.
- (b) If the proposed new manufacturing equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$2.9703/\$100 (the change would be negligible).
- (c) If the proposed new manufacturing equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$2.9703/\$100 (the change would be negligible).

**SECTION 6.** That, this Resolution shall be subject to being confirmed, modified and confirmed, or rescinded after public hearing and receipt by Common Council of the above described recommendations and resolution, if applicable.

**SECTION 7.** That, pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction from the assessed value of the new manufacturing equipment shall be for a period of ten years.

**SECTION 8.** That, the benefits described in the Petitioner's Statement of Benefits can be reasonably expected to result from the project and are sufficient to justify the applicable deductions.

**SECTION 9.** That, the taxpayer is non-delinquent on any and all property tax due to jurisdictions within Allen County, Indiana.

**SECTION 10.** That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that has received a deduction under section 3 or 4.5 of said chapter may be required to repay the deduction amount as determined by the county auditor in accordance with section 12 of said chapter if the property owner ceases operations at the facility for which the deduction was granted and if the Common Council finds that the property owner obtained the deduction by intentionally providing false information concerning the property owner's plans to continue operation at the facility.

**SECTION 11.** That, this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

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Member of Council

APPROVED AS TO FORM AND LEGALITY

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Carol Taylor, City Attorney

**A CONFIRMING RESOLUTION designating an  
“Economic Revitalization Area” under I.C. 6-1.1-12.1  
for property commonly known as 2711 Banks  
Avenue, Fort Wayne, Indiana 46804 (Brooks  
Construction Company, Inc.)**

**WHEREAS**, Common Council has previously designated and declared by Declaratory Resolution the following described property as an “Economic Revitalization Area” under Sections 153.13-153.24 of the Municipal Code of the City of Fort Wayne, Indiana, and I.C. 6-1.1-12.1, to wit:

**Attached hereto as “Exhibit A” as if a part herein; and**

**WHEREAS**, said project will create six full-time, permanent jobs for a total new, annual payroll of \$390,000, with the average new annual job salary being \$65,000; and

**WHEREAS**, the total estimated project cost is \$2,500,000; and

**WHEREAS**, a recommendation has been received from the Committee on Finance on said Resolution; and

**WHEREAS**, notice of the adoption and substance of said Resolution has been published in accordance with I.C. 6-1.1-12.1-2.5 and I.C. 5-3-1 and a public hearing has been conducted on said Resolution.

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

**SECTION 1.** That, the Resolution previously designating the above described property as an “Economic Revitalization Area” is confirmed in all respects.

**SECTION 2.** That, the hereinabove described property is hereby declared an “Economic Revitalization Area” pursuant to I.C. 6-1.1-12.1, said designation to begin on the effective date of this Resolution and shall terminate on December 31, 2011, unless otherwise automatically extended in five year increments per I.C. 6-1.1-12.1-9.

**SECTION 3.** That, said designation of the hereinabove described property as an

“Economic Revitalization Area” shall apply to a deduction of the assessed value of personal property for new manufacturing equipment.

**SECTION 4.** That, the estimate of the number of individuals that will be employed or whose employment will be retained and the estimate of the annual salaries of those individuals and the estimate of the value of the new manufacturing equipment, all contained in Petitioner’s Statement of Benefits are reasonable and are benefits that can be reasonably expected to result from the proposed described installation of the new manufacturing equipment.

**SECTION 5.** The current year approximate tax rates for taxing units within the City would be:

- (a) If the proposed new manufacturing equipment is not installed, the approximate current year tax rates for this site would be \$2.9703/\$100.
- (b) If the proposed new manufacturing equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$2.9703/\$100 (the change would be negligible).
- (c) If the proposed new manufacturing equipment is installed, and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$2.9703/\$100 (the change would be negligible).

**SECTION 6.** Pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction from the assessed value of the new manufacturing equipment shall be for a period of ten years.

**SECTION 7.** The benefits described in the Petitioner’s Statement of Benefits can be reasonably expected to result from the project and are sufficient to justify the applicable deductions.

**SECTION 8.** For new manufacturing equipment, a deduction application must contain a performance report showing the extent to which there has been compliance with the Statement of Benefits form approved by the Fort Wayne Common Council at the time of filing. This report must be submitted to the Allen County Auditor’s Office, and the City of Fort Wayne’s Community Development Division and must be included with the deduction application. For subsequent years, the performance report must be updated and submitted along with the deduction application at the time of filing.

**SECTION 9.** The performance report must contain the following information

- (a) The cost and description of real property improvements and/or new manufacturing equipment acquired.
- (b) The number of employees hired through the end of the preceding calendar year as a result of the deduction.
- (c) The total salaries of the employees hired through the end of the preceding calendar year as a result of the deduction.
- (d) The total number of employees employed at the facility receiving the deduction.
- (e) The total assessed value of the real and/or personal property deductions.
- (f) The tax savings resulting from the real and/or personal property being abated.

**SECTION 10.** That, the taxpayer is non-delinquent on any and all property tax due to jurisdictions within Allen County, Indiana.

**SECTION 11.** That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that has received a deduction under section 3 or 4.5 of said chapter may be required to repay the deduction amount as determined by the county auditor in accordance with section 12 of said chapter if the property owner ceases operations at the facility for which the deduction was granted and if the Common Council finds that the property owner obtained the deduction by intentionally providing false information concerning the property owner's plans to continue operation at the facility.

**SECTION 12.** That, this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

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Member of Council

APPROVED AS TO FORM AND LEGALITY

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Carol Taylor, City Attorney

**AN ORDINANCE AMENDING CHAPTER 32  
OF THE CITY OF FORT WAYNE  
CODE OF ORDINANCES**

**WHEREAS**, it had been deemed necessary to add a new Section 44 to Chapter 32 of the Fort Wayne Code of ordinances; and

**Whereas**, it is the policy of the City of Fort Wayne to hold its public officials and employees to certain ethical standards outlined in Executive Order 01-10 in order to maintain confidence in the integrity of the government; and

**WHEREAS**, the code of ethics instituted by the City of Fort Wayne in Executive Order 01-01 does not apply to the members of the Common Council of the City of Fort Wayne; and

**WHEREAS**, it is in the best interests of the City of Fort Wayne to enact a code of ethics which shall be applicable to the Common Council of the City of Fort Wayne in order to maintain confidence in the integrity in the work of Common Council.

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

**SECTION 1.** A new Section 32.44 shall be added as follows:

**§ 32.44 ETHICS CODE FOR COMMON COUNCIL**

**A. DEFINITIONS.**

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

**ETHICS BOARD.** The Ethics Board for purposes of this Section shall consist of the following individuals:

1. Corporate Counsel for the City of Fort Wayne;
2. One Council Member selected from each political party represented on Common Council. Said representative(s) shall be selected and appointed by the Council Members from their own respective party. Said appointment shall be made annually no later than the Second regular meeting of Common Council.
3. Two residents of the City of Fort Wayne unanimously selected to serve by the Corporate Counsel for the City of Fort Wayne and the Council Members appointed to serve on the Ethics Board. Said selection shall be made annually and reported to Common Council on or prior to February 28<sup>th</sup> of each year.

In the event that any Council Members appointed to serve on this Board shall become the subject of an ethical complaint under this ordinance, then the other Members of Common Council belonging to the accused Member's political party shall select a temporary replacement to serve on the Ethics Board for purposes of reviewing the accused Member's complaint only. In the event that a political party is represented on Council by not more than one Member, and said Member is the subject of an ethical complaint under this ordinance, then, in such circumstances the Allen County party chair shall appoint a representative to serve in that Council Member's place on the Ethics Board for purposes of reviewing the accused Member's complaint only.

**COMMON COUNCIL.** The Common Council of the City of Fort Wayne.

**COUNCIL MEMBER.** A member of the Common Council of the City of Fort Wayne.

***POLITICAL ACTIVITY.*** Taking action to support an individual in his or her campaign for elected office, or soliciting contributions for a political party or another candidate for any elected public office.

***PROPERTY.*** Money, real property, personal property, goods, supplies, services, deeds, trade secrets, contract rights, or other interests or claims to wealth.

**B. ETHICS BOARD AUTHORITY.** The Ethics Board is hereby authorized to take following actions in order to carry out its duties more specifically set forth in subsection C of this section:

(1) Receive and hear any complaint which alleges any violation of the standards of ethical conduct for Council Members;

(2) Obtain information with respect to any complaint filed pursuant to this Section, and to that end, compel the attendance and testimony of witnesses and the production of documents;

(3) Recommend to the Common Council that, because of a Council Member's violation of the standards of ethical conduct for Common Council, said Council Member be subject to censure or such other punishment as the Common Council may deem proper, or the law may provide; and

(4) Act as an advisor to Common Council on ethics questions.

**C. CONDUCT OF INVESTIGATIONS.**

The Ethics Board shall conduct investigations under this Section as provided for herein:

(1) Review of Complaint. When a complaint is filed with the Ethics Board, a copy shall promptly be sent to the Council Member alleged to have

committed the violation, referred to as the respondent. After receiving a copy of the complaint, the respondent may submit a written response to the Ethics Board. If the Ethics Board determines the complaint does not allege facts if taken as true, sufficient to constitute a violation of this ordinance, the complaint shall be dismissed and both the complainant and respondent notified. If the Ethics Board determines the complaint alleges facts if taken as true, sufficient to constitute a violation of this ordinance, it shall promptly investigate the alleged violation, per Section C(2) hereof

(2) Preliminary Investigation. The Ethics Board shall meet in executive session(s) to conduct a preliminary investigation in order to determine what additional information is needed, and to determine whether probable cause exists to support an alleged violation. Said executive session(s) and preliminary investigation shall be completed not more than 120 days from the date in which the complaint was filed. If, after such preliminary investigation, the Ethics Board finds that probable cause does not exist to support an alleged violation of this ordinance, the allegation shall be dismissed. All Ethics Board investigations and records relating to the preliminary investigation shall be confidential, as authorized by I.C. 5-14-3-4(b).

(3) Hearing. If the Ethics Board finds that probable cause exists to support an alleged violation of this ordinance, it shall set a hearing on the matter not less than 60 days and not more than 90 days after making such determination. If a hearing is to be held, the respondent shall be allowed to examine and make copies of all evidence in the Ethics Board's possession relating to the allegations. At or before the hearing, the respondent shall be afforded appropriate due process protection, including the rights to be represented by counsel, to discovery, to call and examine witnesses, to introduce exhibits, and to cross-examine opposing witnesses. Either party may be granted one stay of said hearing proceedings for proper cause shown. If a stay is granted, then a subsequent hearing date shall be set not less than 60 days and not more than 90 days from the date in which the stay of proceedings was granted.

(4) Findings. If the Ethics Board, based on a preponderance of the

evidence, finds the respondent has violated the standards of ethical conduct for Council Members set forth in this ordinance, it shall state its findings in writing in a report to the president of the Common Council. Such report shall include sanction recommendations in accordance with Sub-Section B (4) this Section, and shall be supported and signed by a majority of the Ethics Board members. If the Ethics Board finds the respondent has not violated the standards of ethical conduct for Council Members as set forth in this ordinance, then it shall dismiss the charges and notify the complainant and respondent in writing.

(5) Determination of Sanctions. Upon receiving the Ethics Board report in accordance with sub-section C (4) of this section, the Common Council President shall submit said report to the Clerk of the Common Council for placement on the next appropriate meeting agenda. Said report shall be distributed to all Council Members who shall discuss, and vote on the sanctions to be imposed. Common Council shall not be required to follow the sanction recommendations of the Ethics Board, and may recommend alternate sanctions if it disagrees with the recommendation of the Ethics Board. Implementation of any sanction recommendation shall require passage by a three-fourths majority vote excluding the Council Member who is the subject of said sanction recommendation. Furthermore, said matter shall remain on the Common Council agenda until Common Council has taken formal action on the matter.

#### **D. GENERAL ETHICAL CONSIDERATIONS.**

(1) Purposes. Ethical standards for Council Members are essential to maintaining public trust in the work done by Common Council. The purpose of this Section is to set forth those acts and actions that are incompatible with the best interests of the City of Fort Wayne by directing disclosure by Council Members of private financial or other interests in matters affecting the City of Fort Wayne. By requiring ethics disclosures and providing a guide for ethical conduct, the Common Council can promote the faith and confidence of its citizens in its work.

(2) Duty to Act in Public Interest. It is the duty of all Council Members to

act at all times in the best interest of the public, and to avoid any appearance of acting in their own private interest.

(3) Acknowledgment of Council Member's Part Time Work. It is recognized that service as a member of the City of Fort Wayne Common Council is a part time endeavor, and that members of the City of Fort Wayne Common Council are active in the community and elsewhere and that it is necessary that they maintain a livelihood and source of income apart from their Common Council compensation. It is further recognized that state law permits employees of the City of Fort Wayne to be elected as, and serve as, Council Members, even though the Common Council must adopt budgets that include appropriations to pay their salaries as employees of the City of Fort Wayne.

(4) Duty to Disclose Employment and Material Business Interests. It is the duty of each Council Member pursuant to Sub-Section F of this Section, to disclose his or her employments, positions of control (including but not limited to director and officer positions) and any ownership interests in any business entities or civic organizations that engage in any of the following: a) contract with the City of Fort Wayne b) are funded in whole or in part by, the City of Fort Wayne or c) possess a license or permit requiring the exercise of judgment or discretion by the City of Fort Wayne.

## **E. CONFLICTS OF INTEREST, VOTING**

(1) Actual Conflicts of Interest.

a. Defined. A Council Member has an actual conflict of interest wherever the outcome of a vote on a matter before the Common Council would either:

(i) Confer a direct material pecuniary benefit with a value in excess of One Thousand dollars (\$1,000.00) which would be received (a) by the Council Member, the Council Member's spouse, or Council Member's dependent children or (b) by any business in which the Council Member, the Council Member's spouse, or Council

Member's dependent children have an interest that is required to be disclosed under Sub-Section F of this Section, and which benefit would be materially different from the benefits conferred generally on the public or the Council Member's constituents, or

(ii) Affect a private personal interest by either conferring any preference or benefit or causing any detriment to the Council Member, the Council Member's business, or Council Member's family which would be different from that which would apply to the public or the Council Member's constituents generally.

A Council Member, who is an employee of the City of Fort Wayne, or other agency whose budget is subject to the approval by the City of Fort Wayne Common Council, shall not be deemed to have an actual conflict of interest with regard to the following situations: (i) with respect to votes on budget or revenue proposals, unless the proposal pertains primarily to such employee or the employee's supervisor, or (ii) with respect to votes on proposals setting the compensation of Council Members.

b. Disclosure of Actual Conflicts. As soon as it becomes apparent that a Council Member has an actual conflict of interest with respect to a matter before the Common Council, the Council Member shall immediately disclose the conflict and thereafter not participate in the debate.

c. Disqualification from Voting. A Council Member with an actual conflict of interest as defined in Sub-Section E (2) (a) of this Section shall be disqualified from voting on the matter.

(2) Appearance of a Conflict of Interest; Voluntary Abstention. Whenever a personal relationship, business interest, or civic involvement of a Council Member (other than those relationships inherent in the political process and in advocating constituent concerns) is such that it might appear to limit the council Member's

objectivity on the merits of the Council Member's vote, but is not an actual conflict of interest as defined in Sub-Section E(2)(a) of this Section, the Council Member may disclose said apparent conflict and may abstain from voting on such matter.

## **F. ETHICS DISCLOSURE**

(1) All Council Members shall file with the Clerk of the Common Council an ethics disclosure statement on or before September 1, 2010, and thereafter annually, on or before February 1 of each year, or within thirty (30) days of taking office.

(2) Any person filing as a candidate for office of City of Fort Wayne's Common Council Member, who has not filed, during the current calendar year, an ethics disclosure statement under this Section, shall file an ethics disclosure statement under this Section before, or at the same time as, filing a declaration of candidacy under I.C. 3-8-2, a petition of nominations under I.C. 3-8-6 or a declaration of intent to be a write-in candidate under I.C. 3-8-2-2.5.

(3) An ethics disclosure statement required under this section shall include the following information:

a. The name, residence address and business address(es) of the Council Member.

b. The names and addresses of all employers from whom the Council Member received compensation during the prior calendar year, as well as the title of all positions the Council Member held with said employer, and if self-employed, the nature of the business or businesses conducted as self-employment and the name or names, if any, under which the business or businesses are conducted.

c. The names and addresses of all employers from whom the Council Member's spouse or Council Member's dependent children received compensation in excess of Five Thousand Dollars (\$5,000.00) during the prior calendar year.

d. The name and address of any business entity, doing business

with the City of Fort Wayne, or which solicits doing business with the City of Fort Wayne, in which the Council Member, the Council Member's spouse, or Council Member's dependent child

- (i) Is an officer, or director, or
- (ii) Owns an equity interest or interest in the earnings and profits of such business that, individually or in the aggregate, exceeds ten percent (10%), or
- (iii) Directly or indirectly received compensation in excess of Five Thousand Dollars (\$5,000.00), in aggregate from any one such entity, in the past calendar year.

e. The name and address of any organization which receives or applies for funding from the City of Fort Wayne for which the Council Member, Council Member's spouse, or a Council Member's dependent child serves as an officer or board member.

f. A list of those persons or firms from which the Council Member received gifts, or any other item, valued over One Hundred Dollars (\$100.00), or in aggregate over Two Hundred Fifty Dollars (\$250.00), in the prior calendar year if such person or firm does, or seeks to do, business with the City of Fort Wayne or seeks to influence Common Council action. Campaign donations, subject to I.C. 3-9-2 and reported in accordance with law, and gifts from persons, including family members, with whom the Council Member has an on going social relationship not related to service on the Common Council, are not subject to reporting under this provision.

g. Any items reported under subsections 1 through 4 of this paragraph shall be updated within forty-five (45) days of the change of such information.

(4) The clerk of the Common Council, with the assistance of the Common Council attorney, shall prescribe a form for these disclosures. Such statement shall be verified under penalties for perjury. The Clerk shall report any failures to file an

ethics disclosure statement to the Ethics Board for such action as that Ethics Board may deem appropriate.

**G. Specific Conduct Prohibited.**

(1) Political Activity, Patronage. Council Members shall not require any Common Council employees to engage in political activity or contribute to any political campaign.

(2) Use of Council Property. Council Members shall not use Common Council equipment or supplies for personal, political, or private business purposes.

(3) Travel to Conferences. No Council Member shall accept reimbursement for travel, meals or lodging expenses related to municipal conferences unless the Council Member attends two hours or more of meetings or official functions per half-day.

(4) A Council Member may not solicit or receive compensation for any of the following:

a. For the sale or lease of any property or service to a person who has a business relationship with the Council Member that substantially exceeds that which the Council Member would charge in the ordinary course of business; or

b. For the performance of official duties other than as provided by law.

(5) A Council Member shall not materially benefit from information of a confidential nature except as permitted by law, and a Council Member shall not divulge information of a confidential nature except as permitted by law.

**SECTION 2.** That this Ordinance shall be in full force and effect after its passage and any and all necessary approval by the Mayor, or an override of a Mayoral veto, and any legal publication required by Indiana law thereof.

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Karen Goldner, Council Member

APPROVED AS TO FORM AND LEGALITY:

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Joseph G. Bonahoom, City Council Attorney

**BILL NO. G-10-07-11**

**General Ordinance No.**

**AN ORDINANCE AMENDING CHAPTER 130, OFFENSES AGAINST  
CITY REGULATIONS, OF THE CITY OF FORT WAYNE, INDIANA  
CODE OF ORDINANCES**

**WHEREAS**, because the Common Council believes that organized charitable giving campaigns in the community are of paramount importance; and

**WHEREAS**, The City of Fort Wayne must also maintain both the public peace and order within the City, as well as protect its citizens; and

**WHEREAS**, The Common Council believes it to be in the best interest of all citizens to clarify any ambiguity which may exist with respect to activities prohibited under the Fort Wayne Code of Ordinances;

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

**SECTION 1.** That Chapter 130 of the Fort Wayne Code of Ordinances: "OFFENSES AGAINST CITY REGULATIONS" SHALL BE AMENDED to delete Section 130.02, "BEGGING" and replace it with the following:

**§ 130.02 BEGGING**

It shall be unlawful for any person to solicit money, lodging, subsistence, or charity on his or her own behalf, or on behalf of a companion person, or to encourage any minor child to engage in such solicitation, upon the public streets or other public places within the limits of the city of Fort Wayne.

**SECTION 2.** That the City is directed to take all action necessary and proper for the implementation of this Ordinance.

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

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Liz Brown, Council Member

APPROVED AS TO FORM AND LEGALITY

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Joseph G. Bonahoom, City Council Attorney

**General Ordinance No.**

**AN ORDINANCE AMENDING CHAPTER 31, CITY OFFICIALS & EMPLOYEES  
OF THE CITY OF FORT WAYNE, INDIANA  
CODE OF ORDINANCES**

**WHEREAS**, because the Common Council believes that transparency in our government practices are of paramount importance; and

**WHEREAS**, public service contracts, by their nature, are not subject to the objective bidding process; and

**WHEREAS**, former employees by their knowledge gained during their city employment, may have gained an unfair advantage and/or knowledge of the subjective selection process;

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

**SECTION 1.** That Chapter 31 of the Fort Wayne Code of Ordinances: "CITY OFFICIALS & EMPLOYEES" SHALL BE AMENDED to add Section 31.13 as follows:

**§ 31.13 FORMER EMPLOYEES**

(A) Any individual whose employment terminates for any reason with the City of Fort Wayne, including any city-owned or operated utilities, shall not be permitted to enter into a contract with the City of Fort Wayne, including any city-owned or operated utilities, to provide any of the following services: Professional Services (as defined in §38.04 of this Code), Lobbying Services (as defined in §38.04 of this Code), and Consultant Services (as defined in §38.03 of this Code), for the time period set forth in subsection (B) of this section.

(B) The contracting restrictions set forth in subsection (A) of this section shall commence on the date in which the individual ceases to be employed with the City of Fort Wayne, including any city-owned or operated utilities, and shall remain in effect for one year following the date of termination of the individual's employment.

(C) This Section shall be effective for all employees of the City of Fort Wayne, including any city-owned or operated utilities whose employment terminates for any reason on or after September 1, 2010.

**SECTION 2.** That the City is directed to take all action necessary and proper for the implementation of this Ordinance.

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

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Liz Brown, Council Member

APPROVED AS TO FORM AND LEGALITY

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Joseph G. Bonahoom, City Council Attorney

**BILL NO. G-10-07-13**

**General Ordinance No.**

**AN ORDINANCE OF THE COMMON COUNCIL AMENDING  
CHAPTER 116, TAXICABS OF THE FORT WAYNE  
CODE OF ORDINANCES**

**WHEREAS**, due to the recent amendment of Subparagraph (B) under Section 116.12, Issuance of Permits, it has become necessary to further amend the Fort Wayne Code of Ordinances in order to avoid conflicting and/or ambiguous provisions.

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

**SECTION 1.** That Chapter 116.20 of the Fort Wayne Code of Ordinances: “APPLICATIONS FOR PERMIT; PROOF OF COMPLIANCE WITH MINIMUM STANDARDS” **SHALL BE AMENDED to delete Subsection (A)(11) of Section 116.20 and replace it with the following:**

**Subsection (A)(11) of §116.20**

(A) Any person desiring to operate taxicabs upon any public street or in any public place within the city shall file an application for a permit with the clerk of the Board of Public Safety upon a form which the Board shall provide, free of charge, to all applicants. Such applications shall be verified under oath and shall furnish the following information:

(11) A statement by the applicant that it intends to own or lease at least one taxicab for use in the business;

**SECTION 3.** That the City is directed to take all action necessary and proper for the implementation of this Ordinance.

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

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Liz Brown, Council Member

APPROVED AS TO FORM AND LEGALITY

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Joseph G. Bonahoom, City Council Attorney

**AN ORDINANCE AMENDING CHAPTER 33: DEPARTMENTS,  
BOARDS AND OTHER ADMINISTRATIVE BODIES  
OF THE FORT WAYNE MUNICIPAL CODE OF ORDINANCES**

**WHEREAS,** It is the responsibility and the privilege of the Common Council to appoint citizens and members of their own body to various boards and commissions, and;

**WHEREAS,** Appointees hold a valuable place in the community as their work on boards and commission move an organization forward to meet goals and objectives that serve all citizens of the City, and;

**WHEREAS,** It is essential for a board or commission and all citizens to know that each appointee is serving well and is engaged in their capacity as a member of an official group by submitting an annual report to the community,

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

**SECTION 1.** That it is necessary to make it clear that each Common Council board appointee is responsible to individually submit an annual report to the Common Council as a way for citizens to review the appointees' work and commitment to that board or commission.

**SECTION 2.** To delete in its entirety § 33.001 (B)(2) and replace it with the following:

(B) *Reports to Common Council.*

(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 in the seventh month of the board's annual term. 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.

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

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Elizabeth M. Brown

APPROVED AS TO FORM AND LEGALITY

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Joseph G. Bonahoom, City Council Attorney

**BILL NO. S-10-07-01**

**SPECIAL ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE certifying and approving a contract with the Indiana Department of Transportation for the construction of US 27 (Clinton St.) Bridge over the St. Marys River (Martin Luther King, Jr. Memorial Bridge) – Replacement Project**

**WHEREAS**, the City of Fort Wayne through it's Division of Public Works desires to partner with the Indiana Department of Transportation (InDOT) For the construction of the US 27 (Clinton St.) Bridge over St. Marys River (Dr. Martin Luther King Memorial Bridge) Replacement Project; and

**WHEREAS**, the City of Fort Wayne desires to add special features to InDOT's replacement bridge to serve as an entry way into Downtown and provide connectivity to the City's Parks and honor the life and legacy of Dr. King; and

**WHEREAS**, it is anticipated that the amount to be paid to InDOT to add special features, will be in excess of \$100,000.00.

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

**SECTION 1.** The Common Council of the City of Fort Wayne hereby certifies and approves the need for partner with InDOT for the Construction of the US 27 (Clinton St.) Bridge over St. Marys River (Martin Luther King Memorial Bridge Replacement Project.

**SECTION 2.** Prior Approval has been requested from Common Council on July 6, 2010. Said copy is on file in the Office of the City Clerk and made available for public inspection, according to law.

**SECTION 3.** This Ordinance shall be in full force and effect from and after its

passage and any and all necessary approval by the Mayor.

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Council Member

APPROVED AS TO FORM AND LEGALITY

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Carol T. Taylor, City Attorney

**BILL NO. S-10-07-04**

SPECIAL ORDINANCE NO. S-\_\_\_\_\_

AN ORDINANCE approving RESOLUTION #7268-10, WORK ORDER #12187 - PINE VALLEY ADDITION CONCRETE STREET REPAIRS between KRYDER CONCRETE and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

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

**SECTION 1.** That the RESOLUTION #7268-10, WORK ORDER #12187 - PINE VALLEY ADDITION CONCRETE STREET REPAIRS by and between KRYDER CONCRETE and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

All labor, insurance, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for Pine Valley Addition Concrete Street Repairs - Mill Lake Rd. - from Coldwater Rd. to Mill Lake Cove and Willowind Dr. - from Cove Crest to Waycliffe Ct. by spot repairing concrete street. The Project will also include affected drive approaches, subsurface drains, storm drainage structures, storm sewer pipe, top soil and restoration:

involving a total cost of ONE HUNDRED THIRTY-SIX THOUSAND, FIVE HUNDRED THIRTY-ONE AND NO/100 DOLLARS - (\$136,531.00). A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

**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.

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Council Member

APPROVED AS TO FORM AND LEGALITY

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Carol T. Taylor, City Attorney

**BILL NO. S-10-07-06**

**SPECIAL ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE certifying and approving a contract with the Indiana Department of Transportation for LPA CONTRACT FOR FEDERAL FUNDS FOR THE RIVERGREENWAY EXTENSION FROM JOHNNY APPLESEED PARK TO SHOAFF PARK, PHASE I-B.**

**WHEREAS**, the City of Fort Wayne through it's Division of Public Works desires to partner with the Indiana Department of Transportation (InDOT) For the construction of the Rivergreenway Extension from Johnny Appleseed Park to Shoaff Park, Phase I-B; and

**WHEREAS**, the City of Fort Wayne was awarded Federal Transportation Enhancement Funds in the amount of \$985,385.00 for the three mile Rivergreenway extension to Shoaff Park; and

**WHEREAS**, Phase I-A (Johnny Appleseed Park to IPFW) required \$375,000.00 of the Federal Transportation Enhancement Funds; and

**WHEREAS**, Phase I-B (IPFW pedestrian bridge to Upper St. Joe Center Road) will require the remaining federal funds of SIX HUNDRED TEN THOUSAND, THREE HUNDRED EIGHTY-FIVE AND NO/100 DOLLARS – (\$610,385.00); and

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

**SECTION 1.** The Common Council of the City of Fort Wayne hereby certifies and approves the need to partner with InDOT for the Construction of Rivergreenway Extension from Johnny Appleseed Park to Shoaff Park, Phase I-B.

**SECTION 2** This Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

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Council Member

APPROVED AS TO FORM AND LEGALITY

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Carol T. Taylor, City Attorney

**BILL NO. S-10-07-07**

SPECIAL ORDINANCE NO. S-\_\_\_\_\_

AN ORDINANCE approving CONTRACT 7271-10: WORK ORDER: 12170 - RESURFACING PACKAGE A-2010 between BROOKS CONSTRUCTION and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

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

**SECTION 1.** That the CONTRACT 7271-10: WORK ORDER: 12170 - RESURFACING PACKAGE A-2010 by and between BROOKS CONSTRUCTION and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

All labor, insurance, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for 7.04 miles of milling pavement surface and resurfacing pavement: pavement markings, raise castings and valve boxes to grade;

involving a total cost of EIGHT HUNDRED NINETY-THREE THOUSAND, ONE HUNDRED TWENTY AND 11/100 DOLLARS - (\$893,120.11).

**SECTION 2.** Prior Approval has been requested from Common Council on JUNE 22, 2010. Said copy is on file in the Office of the City Clerk and made available for public inspection, according to law.

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

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Council Member

APPROVED AS TO FORM AND LEGALITY

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Carol T. Taylor, City Attorney

**BILL NO. S-10-07-08**

SPECIAL ORDINANCE NO. S-\_\_\_\_\_

AN ORDINANCE approving CONTRACT 7263-10; WORK ORDER: 12186 NEIGHBOR DRIVE CONCRETE STREET REPAIRS between KEY CONCRETE and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

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

**SECTION 1.** That the CONTRACT 7263-10; WORK ORDER: 12186 – NEIGHBOR DRIVE CONCRETE STREET REPAIRS by and between KEY CONCRETE and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

All labor, insurance, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for Neighbor Drive from Shannon Drive to Monument Drive by removing and replacing the cement concrete pavement. Also by installing new Storm Sewer structures and ADA ramps at the intersection of Monument and Shannon;

involving a total cost of ONE HUNDRED FORTY-ONE THOUSAND, EIGHT HUNDRED NINETY-THREE AND NO/100 DOLLARS - (\$141,893.00).

**SECTION 2.** Prior Approval has been requested from Common Council on JUNE 22, 2010. Said copy is on file in the Office of the City Clerk and made available for public inspection, according to law.

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

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Council Member

APPROVED AS TO FORM AND LEGALITY

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Carol T. Taylor, City Attorney

