

GENERAL ORDINANCE NO. G-_____

AN ORDINANCE CLARIFYING THE
VESTING OF CONTROL OF THE
CITY WATER UTILITY OF FORT
WAYNE, INDIANA WITH THE
BOARD OF PUBLIC WORKS IN
ACCORDANCE WITH INDIANA
CODE 8-1.5-3.

WHEREAS, the City of Fort Wayne (the "City") owns and operates the City's water utility (the "Water Utility") for the purpose of providing residents of the City and immediately surrounding areas with potable water and water for fire suppression;

WHEREAS, Indiana Code 8-1.5-3-3 allows a municipal legislative body, by ordinance, to provide for the control of a municipally owned utility by the municipality's works board;

WHEREAS, a municipal works board vested with such control shall have the powers and duties set forth in Indiana Code 8-1.5-3-4;

WHEREAS, the Common Council of Fort Wayne established a Board of Public Works in Ord. G-10-91 ("BOW");

WHEREAS, Common Council also established a Division of Public Works and has given the Division the duties, function and obligations as required and/or allowed by state statute, including responsibility for water resources, public works construction and the operation of all city utilities;

WHEREAS, the BOW is the governing board of the Division of Public Works and so the authority granted by §30.01(A) is also necessarily granted to the Board of Public Works;

WHEREAS, the BOW requests that the authority granted to the Division of Public Works be clarified by explicitly granting those powers to the BOW;

1 **WHEREAS**, vesting control of the Water Utility with the BOW will provide clarity
2 for the BOW, Water Utility and outside contractors and allow for efficient management of
3 the Water Utility, in particular by allowing the BOW to award and approve contracts for
4 extension of the Water Utility's waterworks to the extent permitted under Fort Wayne
Ordinance §37.18.

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

7 **SECTION 1.** That the following sections or subsections of Chapter 30 of the Fort
8 Wayne Code of Ordinances be amended as follows (in **bold**) with all other sections and
subsections to remain unchanged:

9 **§ 30.02 ESTABLISHING SEPARATE BOARD OF PUBLIC WORKS AND**
10 **BOARD OF PUBLIC SAFETY**

11 **(C) The Water Utility is hereby placed under the control of the Board,**
12 **pursuant to Indiana Code 8-1.5-3-3. The Board shall have all of the powers and duties**
13 **set forth in Indiana Code 8-1.5-3-4 with respect to the Water Utility subject to the**
14 **limitations contained in §37.18.**

15 **The Board shall have the power to enter into all contracts for the acquisition,**
16 **construction, improvement, operation, and/or maintenance of waterworks and those**
17 **contracts which were duly executed, authorized, and approved by the Board on behalf**
18 **of the City prior to the effective date of this Ordinance are hereby ratified and**
approved.

19 **SECTION 2.** That the following sections or subsections of Chapter 37 of the Fort
20 Wayne Code of Ordinances be amended (in **bold**) as follows with all other sections and
21 subsections to remain unchanged:

22 **§ 37.18 APPROVAL OR RATIFICATION REQUIRED.**

23 **(B) Notwithstanding division (A), prior approval or subsequent ratification by**
24 **Common Council shall not be required for contracts entered into by the City**
25 **(including any city-owned or operated utilities) for any contracts which:**

26 **(1) Are construction contracts with a total value of \$150,000 or less that have**
27 **been processed through and reviewed by the Board of Works in accord with all state**

1 and local requirements, have been subject to a public meeting and have been put out
2 to public bid (in accord with the state statutes) and awarded to the lowest bidder.

3 (2) Are for commodities that have been competitively bid according to state
4 statute and awarded to the lowest bidder. City Council shall receive a quarterly
5 report from the administration on the commodities contracts awarded only for
6 purchases of \$100,000 or more.

7 (3) **Are contracts for extension of utility service, or repair or replacement of**
8 **utility service.**

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

11 _____
12 Council Member

13 APPROVED AS TO FORM AND LEGALITY

14 _____
15 Carol Helton, City Attorney