

BILL NO. R-16-04-01

RESOLUTION R-_____

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

WHEREAS, the City of Fort Wayne 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; and

WHEREAS, 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; and

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

SECTION 1. The City 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; and

SECTION 2. The City 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; and

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

SECTION 4. That this Resolution shall be 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

**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: _____

Resolution No.: _____

Resolution Date: _____