

AN ORDINANCE amending 35.01: “FIRE MERIT COMMISSION;
ORGANIZATION” in Chapter 35: Fire Department, of the
Fort Wayne Municipal Code of Ordinances

WHEREAS, the City of Fort Wayne Code of Ordinances (“FWCO”) § 35.01 – 35.17 promulgates a fire merit system titled the Fire Merit Commission (“Commission”), the organization of the Commission, and the operation of the Commission;

WHEREAS, Ind. Code § 36-8-3.5 et seq. outlines the establishment and amendment of police and fire merit systems including the Commission;

WHEREAS, the Commission was established by Common Council under ordinance G-08-04-15 with authority derived from Ind. Code § 36-8-3.5-3;

WHEREAS, Ind. Code § 36-8-3.5-1(a) states that a merit system established under ordinance are not constrained by the parameters of Ind. Code § 36-8-3.5 et seq. except for those restrictions contained in Ind. Code § 36-8-3.5-1(e);

WHEREAS, Ind. Code § 36-8-3.5-1(e) requires that at least one-third, or two members in the case of the five member Commission, of the merit system’s members are elected by the active members of the department; and

WHEREAS, Common Council wishes to amend Chapter 35 of the FWCO to revise the allocation of Commission selections.

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

SECTION 1. That § 35.01: “FIRE MERIT COMMISSION; ORGANIZATION” in Chapter 35: Fire Department shall be amended and read as follows:

§ 35.01 FIRE MERIT COMMISSION; ORGANIZATION.

(A) The Fire Merit Commission, hereinafter referred to as the Commission, shall consist of six commissioners, five voting and one non-voting. The commissioners are:

(1) Two persons, who must be of different political parties, elected by the active members of the department;

(2) One (1) person appointed by the Mayor;

(3) One (1) person appointed by the unit's legislative body;

1 (4) One (1) person appointed by agreement between the Fire Merit Commission members
2 appointed pursuant to sections A(2) and (3) above;

3 a. If an agreement cannot be reached as to the appointment of the Commissioner set
4 forth in section (4), then the appointment will be made via vote from all existing
5 members of the Fire Merit Commission. In the event of a tie the Mayor will have
6 the deciding vote.

7 (5) One (1) person from the legislative body. This appointment will be a non-voting
8 member.

9 Notwithstanding IC 36-1-8-10, political affiliation shall be determined through the voters'
10 registration records of the three most recent primary elections.

11 (B) Each commissioner must have been a legal resident of the City of Fort Wayne for three
12 consecutive years immediately preceding the commissioner's term and must be a person of good
13 moral character. A commissioner must be at least 21 years of age. A commissioner may not be
14 an active member of the Fire Department and not more than two of the commissioners may be
15 past members of the Fire Department. In addition, a person may not serve on the commission if
16 the person receives any remuneration as salary from the City of Fort Wayne.

17 (C) Each commissioner shall take an oath of office to conscientiously discharge the
18 commissioner's duties. A signed copy of the oath shall be filed with the Board of Public Safety
19 and the City Clerk.

20 (D) Commissioners shall not receive any compensation for service as a commissioner.

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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.

Michael Barranda, Council Member

Russell Jehl, Council Member