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4 AN ORDINANCE amending “37.18: “Approval or Ratification
5 Required” in Chapter 37: Finance and Revenue, of the
6 Fort Wayne Municipal Code of Ordinances
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9 WHEREAS, Chapter 37 of the FWCO codifies finance and revenue-specific matters,
10 specifically, Section 37.18 requires prior approval or subsequent ratification of City (or any city-
11 owned utility) contracts by Common Council;
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13 WHEREAS, Common Council desires to amend Section 37.18 to include all contracts for
14 Consultant Services that exceed \$10,000 in the category of contracts that require Common
15 Council’s prior approval or subsequent ratification; and
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17 WHEREAS, Common Council desires amend Section 37.18 in order to ensure that the
18 Fiscal body that Council and the public are made aware of agreements the city and city-owned
19 utilities enter into for consulting services.
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22 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
23 FORT WAYNE, INDIANA,
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25 **SECTION 1.** That § 37.18: “Approval or Ratification Required” in Chapter 37: Finance and
26 Revenue shall be amended and read as follows:
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28 **§ 37.18 APPROVAL OR RATIFICATION REQUIRED.**

29 (A) Whenever the city, including any city-owned or operated utilities:

30 (1) Executes a contract which exceeds \$100,000 per year for the purpose of providing goods
31 and/or services to the city or any city-owned or operated utility, then, with the exception of those
32 contracts governed by division (B) herein, all such purchases and/or leases for real property or
33 such contracts shall be entered into with the prior approval or subsequent ratification by the
34 Common Council of the city by ordinance or resolution duly passed by the Common Council and
35 approved by the Mayor. All such purchases and/or leases and such contracts entered into without
36 such prior approval or subsequent ratification shall be null and void.

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

40 (1) Are construction contracts with a total value of \$150,000 or less that have been
41 processed through and reviewed by the Board of Works in accord with all state and local
42 requirements, have been subject to a public meeting and have been put out to public bid (in
43 accord with the state statutes) and awarded to the lowest bidder.

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

4 (C) Notwithstanding division (A), a contract between the city or any city-owned or operated
5 utility and a third-party for a contract for Consultant Services which exceeds \$10,000 shall be
6 entered into with the prior approval or subsequent ratification by the Common Council of the
7 city by ordinance or resolution duly passed by the Common Council and approved by the Mayor.
8 All contracts for Consultant Services which exceed \$10,000 entered into without such prior
9 approval or subsequent ratification shall be null and void.

10 (D) *Collective bargaining agreement approval.* A collective bargaining agreement between
11 the city and a bargaining unit as provided by §§ 40.23 et seq., that is subject to approval by
12 Common Council shall be introduced no later than the first regular or special meeting of the
13 Common Council following receipt of notice to the city by the bargaining unit of ratification of
14 the agreement by the bargaining unit's membership.

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

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19 _____
20 Russ Jehl, Council Member
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22 APPROVED AS TO FORM AND LEGALITY
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25 Joseph G. Bonahoom, City Council Attorney