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3 AN ORDINANCE amending 32.58: "Disposition within Council and Committee" in
4 Chapter 32: Common Council of the Fort Wayne Municipal Code of Ordinances
5 to include a Consent Agenda for use by Common Council
6

7 WHEREAS, parliamentary procedure permits the use of Consent Agendas in
8 circumstances where multiple similar matters come before a governing or legislative
9 body for review and/or approval;
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11 WHEREAS, the use of Consent Agendas is not in conflict with Indiana state law
12 or the Fort Wayne Municipal Code of Ordinances ("FWCO");
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14 WHEREAS, Common Council recently adopted an ordinance requiring
15 Consultant Contracts over a certain threshold be brought to Common Council for
16 approval or ratification under Section 37 of the FWCO;
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18 WHEREAS, Common Council and the City of Fort Wayne have discussed the
19 number of contracts that will now come to Common Council under the new ordinance
20 described above; and
21

22 WHEREAS, Common Council desires to streamline the approval or ratification
23 process for Consultant Contracts and potentially other contracts that will come before it
24 by utilizing a Consent Agenda.
25

26 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY
27 OF FORT WAYNE, INDIANA,
28

29 **SECTION 1.** That § 32.58: "DISPOSITION WITHIN COUNCIL AND COMMITTEE" in
30 Chapter 32: Common Council shall be amended to add a new subsection (E) and the
31 current subsection (E) shall be changed to (F) as follows:
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33 **§ 32.58 DISPOSITION WITHIN COUNCIL AND COMMITTEE.**

34 (A) No ordinance shall be placed for passage the same day it is introduced except by
35 suspension of the rules, requiring seven affirmative votes. At least two-thirds of the
36 members of the Council must vote in the affirmative for passage of any ordinance on
37 the same day it is introduced. The vote to suspend the rules shall take place during the
38 committee session immediately prior to the regular session where the bill shall be
39 formally introduced and then placed on consideration for passage. This division does
40 not apply to a zoning ordinance or amendment to a zoning ordinance that is adopted
41 under IC 36-7.

42 (B) An ordinance introduced pursuant to § 32.57 above shall:

1 (1) Be read by its title by the Chair of the Committee who signed that ordinance for
2 introduction pursuant to § 32.56, and that Chair shall make a motion for formal
3 introduction for said ordinance.

4 (2) Upon passage of the motion for introduction of an ordinance or ordinances, the
5 Chair of the committee shall move to refer said ordinance or ordinances to his/her
6 committee for discussion and recommendation (other than amendments to the Zoning
7 ordinance, street and alley vacations and the like, which are required by law to be first
8 referred to the City Plan Commission).

9 (3) The committee to which it is referred after discussion of an ordinance shall
10 have the power to amend an ordinance and shall vote upon that committee's
11 recommendation as to whether the ordinance shall pass, not pass, or come out of said
12 committee with no recommendation.

13 (4) At the next regular session of the Council, the committee chair shall report as to
14 the recommendation of his/her committee, as well as any amendments to the ordinance
15 passed by that committee. At such time, the ordinance shall then be subject to further
16 amendment by the Council.

17 (5) Thereafter, upon motion duly presented, it shall be placed upon its passage,
18 and in such instance shall thereafter be subject to a final vote thereon.

19 (C) Any ordinance failing to receive a sufficient number of votes on final passage will
20 be considered as lost; provided that the vote thereon may be reconsidered within the
21 time and in the manner set forth in § 32.39.

22 (D) Final vote for passage of a resolution may be taken at the meeting at which it is
23 introduced, or said resolution may be referred to the appropriate committee as
24 determined by a majority of the Council present; provided that a resolution requiring
25 affirmative action on behalf of the city shall be processed the same as an ordinance. In
26 the event that the majority of the Common Council votes during Committee session that
27 final passage of the resolution shall take place during regular session, the ordinance
28 shall be discussed during Committee session, immediately prior to the regular session
29 when the bill will be formally introduced and then placed on consideration for passage.

30 (E) Common Council may elect to utilize a consent agenda to approve contracts
31 falling under the purview of Common Council (the agenda a "Consent Agenda"). When
32 utilizing the Consent Agenda to approve contracts for Consultant Services, any member
33 of Common Council may remove a particular contract from the Consent Agenda and
34 have it placed in the appropriate committee for discussion and recommendation as an
35 individual item. In the event a contract is removed from the Consent Agenda, it shall
36 proceed as an individual item per the procedure outlined in Chapter 32.

37 (F) Once properly introduced, no proposed ordinance or proposed resolution shall be
38 eligible for further action after the last day of the calendar year following the year of
39 introduction. Any such ordinance or resolution which has not been finally disposed of
40 by the last day of the calendar year following the year of introduction will expire and be
41 considered withdrawn.

1 **SECTION 2.** That § 32.37: "MOTIONS" in Chapter 32: Common Council shall be
2 amended and read as follows:

3 **§ 32.37 MOTIONS.**

4 (A) When any motion is made, it shall be stated by the Presiding Officer, or being in
5 writing, it shall be handed to the Clerk and read aloud, after which debate thereon shall
6 be in order, and it shall be entered upon the journal with the name of the
7 Councilmembers making it, unless it is withdrawn at the same meeting.

8 (B) Every motion shall be reduced to writing, except the following: Motion for the
9 previous question, motion to adjourn, to adjourn to a day certain, to recess, to
10 reconsider at the same meeting, to lay on the table, to hold to a day certain, to commit,
11 to suspend the rules, to concur, to approve, to make a matter of record, to place on file,
12 to refer to committee, to place on passage, and to remove an item from a Consent
13 Agenda for discussion; and every other motion not so reduced to writing shall be out of
14 order.

15 (C) Any ordinance or resolution held to a day certain shall automatically be placed on
16 the agenda for that date.

17 (D) Any motion or resolution which in effect contemplates a violation of law, or is in
18 conflict with any ordinance, shall be out of order.

19 (E) A motion to adjourn cannot be reconsidered.

20 (F) Any matter laid on the table may be taken from the table by a vote of the Council
21 at any meeting after the meeting at which it is tabled.

22 (G) A motion to "reconsider" and "that when the Council adjourn it adjourn to meet on
23 a day certain" are privileged questions and are debatable.

24 (H) Any business which by law or necessity must or should be transacted within or
25 by a certain time will be considered a question of privilege.

26 (I) A motion to "suspend the rules" is a privileged question, is not debatable, cannot
27 be amended except to the acceptance of the mover and shall require the affirmative
28 vote of seven of the members of the Council being present and voting.

29
30 **SECTION 3.** That this Ordinance shall be in full force and effect after any and all
31 necessary approval by the Mayor.

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34 _____
35 Russ Jehl, Council Member

36 APPROVED AS TO FORM AND LEGALITY

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38 _____
39 Joseph G. Bonahoom, City Council Attorney