

**A RESOLUTION REQUESTING STATE LEGISLATORS PASS LEGISLATION  
ALLOWING THE LEGISLATIVE BODY TO APPOINT A MEMBER TO THE CAPITAL  
IMPROVEMENT BOARD (CIB)**

WHEREAS, the City of Fort Wayne is governed in the American tradition of distinct and co-equal branches of government, providing checks and balances; and

WHEREAS, the Executive branch is led and managed by the Mayor and the Legislative branch is the Common Council; and

WHEREAS, the Common Council is designated by the State as the Fiscal Body; and

WHEREAS, the State mandates fiscal matters through checks and balances of the Mayor and the Common Council, ideally working cooperatively together, and wherein economic development projects the CIB funds usually require additional approvals from the Council; and

WHEREAS, the creation of the CIB is authorized under the Indiana Code at IC 36-10-8 and its projects are funded in part by The Allen County Supplemental Food and Beverage Tax per IC 6-9-33; as such the CIB oversees the disbursement of Allen County Supplemental Food & Beverage Tax, further the CIB states it uses these funds to facilitate capital projects that promote a vibrant, 21<sup>st</sup> century economy in Allen County; and

WHEREAS, IC 36-10-8-4 mandates the composition of the Allen County CIB, with three members appointed by the City of Fort Wayne and three members appointed by County of Allen, wherein the Executive of each governmental unit makes all of the appointments to the CIB, and the Legislative Body makes none; and

WHEREAS, the composition of a board whose fiduciary responsibility is the appropriation of tax dollars, entirely controlled by the Executive, is outside the American tradition of co-equal branches of government providing checks and balances; and

WHEREAS, meaningful discussion between the Executive and the Legislative Body in funding matters pertaining to economic development projects, which often incorporate the participation of the CIB, will more likely happen in a timely manner if the Legislative Body has an appointed representative on the CIB and can be involved in streamlined conversations and the decision-making process from the beginning,

1 allowing for more comprehensive discussions and better representation for the  
2 taxpayer; and

3 WHEREAS, a recent project, commonly referred to as Electric Works, involving  
4 the Executive and Legislative Body of the City of Fort Wayne, and the CIB, resulted in  
5 an embarrassing situation where the community's reputation was tarnished when the  
6 Executive did not communicate with the Legislative Body, wherein the Legislative Body  
7 would have been much more appraised of the uncommunicated developments if it had  
8 an appointed representative on the CIB; and

9 WHEREAS, the Fort Wayne Common Council appreciates and respects the work  
10 done by the Indiana General Assembly in enacting legislation allowing for the the  
11 Supplemental Food & Beverage Tax and the creation of the Capital Improvement  
12 Board, and appreciates the willingness of the that body to re-visit this legislation more  
13 than 10 years after the initial passage to insure the most impactful representation of the  
14 taxpayer.

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

18 **SECTION 1.** That the Common Council formally requests that State Legislators,  
19 who represent the Fort Wayne-area taxpayers, introduce legislation, and/or bill addenda  
20 that will allow the municipal Legislative Body to appoint a representative to the Allen  
21 County Capital Improvement Board, ensuring appropriate representation.

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26 Russ Jehl, Council Member  
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28 APPROVED AS TO FORM AND LEGALITY  
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Joseph G. Bonahoom, Attorney for City Council