

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
STATING THE INTENTION TO UTILIZE THE INVESTIGATORY POWERS OF THE
LEGISLATIVE BODY OF THE CITY OF FORT WAYNE**

WHEREAS, the Fort Wayne Common Council of the serves as the legislative body of the City of Fort Wayne as codified in IC 36-4-4-4 (a); and

WHEREAS, as the legislative body, the Fort Wayne Common Council has all powers and responsibilities granted the legislative body by Indiana Code and the Fort Wayne Code of Ordinances; and

WHEREAS, in IC 36-4-6-21 it is stated that the legislative body may investigate departments, officers, and employees of the city, and in conducting such an investigation, the legislative body is entitled to access of all records pertaining to the investigation and may compel the attendance of witnesses and the production of evidence by subpoena and attachment served and executed in Allen County; and

WHEREAS, as stated in IC 36-4-6-21 if a person refuses to testify or produce evidence during this investigation, the matter may be referred to the court system for proper judgment; and

WHEREAS, the Broadway-Taylor Redevelopment of the General Electric campus, commonly referred to as Electric Works, has been discussed for five or more years with vocal support from the Mayor of Fort Wayne and his administration, as well as many members of the community; and

WHEREAS, the government of the City of Fort Wayne, the government of the County of Allen, the Allen County-Fort Wayne Capital Improvement Board of Managers (CIB), and the State of Indiana have all committed significant resources to see this redevelopment project come to fruition; and

WHEREAS, all financial commitments by the City of Fort Wayne must be approved by the Mayor after being approved by Common Council as the fiscal body of the City of Fort Wayne; and

WHEREAS, after making substantial financial commitments in October 2018, Common Council has never again been publically briefed by the Mayor or his administration and have not, as a body, been included on any form of update calls with other funding partners; and

1 **WHEREAS**, on August 3, 2020, the Redevelopment Commission, with two (2) members
2 appointed by Common Council and three (3) members appointed by the Mayor of Fort Wayne,
3 unanimously and unilaterally voted to terminate the Economic Development Agreement (EDA)
4 for the Redevelopment of the former General Electric campus; and

5 **WHEREAS**, to date, repeated requests by Common Council for the Mayor and Deputy
6 Mayor to appear before Council to explain the reasoning for the termination of the EDA have
7 been rebuked and rebuffed, stating that the Redevelopment Department and Corporation Counsel
8 alone will speak to Common Council on this topic; and

9 **WHEREAS**, it is unclear at this time as to what the actual motivation was for the sudden
10 and clandestine cancelation of the EDA by Mayoral appointees, exacerbated by the
11 unwillingness of the Mayor to discuss this matter publically with the members of Common
12 Council; and

13 **WHEREAS**, Common Council has an obligation to protect the interests of its citizens,
14 including investigating matters that may have legal ramifications and result in costs funded by
15 taxpayer dollars; and

16 **WHEREAS**, the investigatory ability of Common Council facilitates transparency and
17 limits exposure of the City and its citizens by identifying facts pertinent to the matter at hand;
18 and

19 **WHEREAS**, the interests of Common Council also include protection and creation of
20 jobs that benefit the citizens of Fort Wayne, and

21 **WHEREAS**, Common Council expects that difficulties may arise in investigating this
22 matter as many of the potential communications and directions were not conveyed via written
23 record and may have occurred in person or over non-recorded mediums; and

24 **WHEREAS**, with the unwillingness of the Mayor to discuss this matter publically and
25 the rumors circulating about the reasons for the cancellation, Common Council must find another
26 way to get answers to questions of the citizens, community leaders, investors, developers, and
27 other governmental units have to continue to move the community forward.

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

30 **SECTION 1.** The members of Common Council voting in the affirmative to this
31 resolution wish to pursue an investigation into the departments, officers, employees of, the City,
32 and the Redevelopment department, including but not limited to the Mayor, Deputy Mayor, and
33 Common Council regarding the handling of and involvement related to all aspects of the
34 redevelopment of the former General Electric campus and related contracts, deals, and projects.
35 By this resolution, Council desires to invoke authority granted to it under IC 36-4-6-21 to

1 subpoena, if necessary, the Mayor, the Deputy Mayor and any other persons or parties involved
2 or invested in this project who may be subpoenaed under IC 36-4-6-21. Council asserts its
3 entitlement to all records pertaining to the Electric Works project and this investigation provided
4 under IC 36-4-6-21.

5 **SECTION 2.** The members of Common Council will pursue an investigation of the
6 parties to the contracts related to the redevelopment of the General Electric facility known as
7 “Electric Works”, to include the developer, members of the team including shareholders of the
8 developer or affiliates, the purchaser of the property, the financier of the original purchase of the
9 property, current and former directors and board members of the Greater Fort Wayne Metro
10 Chamber Alliance, Inc.

11 **SECTION 3.** Council will create a three-member sub-committee to direct any
12 investigation started under authority of this Resolution and IC 36-4-6-21 (“Investigation
13 Committee”). The Investigation Committee will be tasked with reviewing the information
14 requested and must report its findings to all Members of Council no later than 60 days after the
15 passage of this resolution. There is an expectation that testimony will be given publicly at a
16 regular Common Council meeting or an appropriately noticed special meeting of Council.

- 17 a. The Investigation Committee will be empowered to request by subpoena or otherwise
18 any documents, written correspondence, and communications as reasonably related to
19 the investigation.
- 20 b. Any request for a subpoena for someone to appear in-person to be issued by Council
21 shall be brought forth by the Investigation Committee to the entirety of the body for a
22 vote before any such subpoena may be issued. When requesting a subpoena for
23 someone to appear in-person for an elected official, an affirmative vote of 2/3 of the
24 members of Council shall be required. For all other in-person subpoena inquiries, a
25 simple majority of Council shall be acceptable.

26 **SECTION 4.** Council fully intends to exercise all authority granted under IC 36-4-6-21.
27 If a person refuses to testify or produce evidence during the investigation conducted under this
28 section, the legislative body may order its clerk to immediately present to the circuit court,
29 superior court, or probate court of the county a written report of the facts relating to the refusal.
30 The court shall hear all questions relating to the refusal to testify or produce evidence, and shall
31 also hear any new evidence not included in the clerk's report. If the court finds that the testimony
32 or evidence sought should be given or produced, it shall order the person to testify or produce the
33 evidence, or both.

34 **SECTION 5.** This resolution shall be in full force and effect from and after its approval
35 by the members of Common Council.

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Glynn Hines, Council Member

Thomas F. Didier, Council Member

APPROVED AS TO FORM AND LEGALITY

Joseph G. Bonahoom, Attorney for City Council