

**A NON-BINDING RESOLUTION RE-AFFIRMING THE FORT WAYNE COMMON
COUNCIL'S COMMITMENT TO THE FIRE MERIT SUB-COMMITTEE REVISION
PROCESS**

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

WHEREAS, the Commission was established by Common Council under ordinance G-09-08 with authority derived from Indiana Code §36-8-3.5-3; and

WHEREAS, the make-up of the Commission was revised by Common Council under ordinance G-25-19, creating an appointment for Common Council and a non-voting Council Member appointment; and

WHEREAS, the intent of the Fire Merit Commission is to be impartial in matters of promotion and discipline; and

WHEREAS, tensions, which have been documented publically at Common Council meetings, between the local Firefighters Union (IAFF Local 124) and the Fort Wayne fire chief and his administration continued even after these modifications were made, culminating in a veto of bill G-19-12-10 AA and an unsuccessful veto override in January 2020; and

WHEREAS, this veto led to the creation of a sub-committee comprised of members of the IAFF Local 124, the Fort Wayne Fire Department administration, and members of Common Council to come to a compromise on the role of the Fire Merit Commission in promotions discipline and the discretion of the Department administration; and

WHEREAS, this sub-committee was to report back to Council after 90 days, but due to crisis conditions caused by COVID-19, timelines have been pushed back into later in the summer and will continue meeting once it is safe to do so; and

WHEREAS, after a Fire Merit Commission meeting on April 17th, questions about the roles of department administration and the Fire Merit Commission are once again being discussed publically and new issues are coming to light.

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

1 **SECTION 1.** The sub-committee, comprised of members of the IAFF Local 124,
2 the Fort Wayne Fire Department administration, and members of Common Council,
3 shall resume meeting as soon as deemed safe to continue to determine the appropriate
4 roles for each group in promotion and disciplinary matters as it relates to the Fire Merit
5 Commission. If an in-person meeting is not feasible or safe, the sub-committee shall
6 meet telephonically or through other electronic means. In any event, this sub-committee
7 shall make a final recommendation within 60 days of the passing of this resolution to
8 Council.

9 **SECTION 2.** In addition to the topics currently under consideration by the sub-
10 committee, the group shall provide an analysis of the current make-up of the Fire Merit
11 Commission, specifically into any conflicts of interest that may have occurred or could
12 possibly occur, with special attention paid to nepotism and when and how an member of
13 the Commission should recuse themselves.

14 **SECTION 3.** If there is found to be any conflicts of interest that have occurred, a
15 recommendation shall be made to Common Council on the appropriate steps to take to
16 define parameters for this lapse not to occur in the future through a further codifying of
17 procedures. In identifying its recommendations, the sub-committee will provide to
18 Common Council a suggested process to manage situations where a conflict of interest
19 exists within the Fire Merit Commission.

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24 Paul Ensley, Council Member
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28 APPROVED AS TO FORM AND LEGALITY
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31 Joseph G. Bonahoom, Attorney for City Council