

**AN ORDINANCE AMENDING CHAPTER 34: "POLICE DEPARTMENT" OF THE
FORT WAYNE MUNICIPAL CODE OF ORDINANCES**

WHEREAS, in August 2022, the Fort Wayne Common Council passed a resolution requesting consideration on a more equitable division of board and commission appointments between the Mayor and the Common Council; and

WHEREAS, many of these boards are created by State Code, and would require state approval to modify the appointment structure; and

WHEREAS, some of the boards and commissions which exist in the City have been created through the legislative process and can therefore be modified in the same manner, and have supporting state code; and

WHEREAS, the Merit System, within the Police Department for the City of Fort Wayne was created in the Fort Wayne Municipal Code of Ordinances § 34.01; and

WHEREAS, the Merit System, although established through City Code, is initially defined through Indiana Code § 36-8-3.5-6 and states that two (2) persons must be appointed by the City's executive, two (2) persons are elected by the department, and one (1) person shall be appointed by the legislative body; and

WHEREAS, the system as outlined in Indiana Code shall more directly represent governance of the Police Merit system; and

WHEREAS, it is imperative to good government that diverse voices are considered on all matters.

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

SECTION 1. Delete, Amend and Restate in its entirety § 34.01 to read:

(A) The Police Commission of the Police Department, hereinafter referred to as the Commission, shall consist of five members, none of whom shall be a member of the Police Department. The members of the Commission shall have been legal residents of the city for at least three years, and shall be persons of good moral character. The members of the Commission shall be drawn from a broad cross-section of persons representative of the citizens of the city and who have an interest in, or a knowledge and understanding of, the various phases of law enforcement, as performed by the Police Department of such city. The men and women of the Commission shall be appointed as follows:

1 (1) The Police Department shall make two appointments to the Commission; and the Mayor
2 shall make two appointments to the Commission. One of the appointments made by the Mayor
3 and Police Department shall be from one of the two major political parties, and the other
4 appointment made by the Mayor and Police Department shall be from the other of the two major
5 political parties. The fifth (5th) member shall be appointed by the Common Council and may not
6 be a current holder of any elected office.

7 (2) In the first instance of two members to be elected and appointed by the active majority
8 of the Police Department, one shall serve for a term of two years, and one shall serve for a term
9 of three years; such determination dependent on the two persons receiving the greatest number of
10 votes in the election by the active Police Department members. In the instance of the
11 appointments made by the Mayor, one member shall serve for a term of one year; the second
12 appointment by the Mayor shall serve for four years. The fifth member selected by Common
13 Council, shall serve on said Commission for four years. Thereafter, the terms of the Commission
14 shall be for a term of four years.

15 (B) The appointments by the active membership of the Police Department shall be made at a
16 meeting specifically called for such purpose by the Board of Public Safety, hereinafter referred
17 to as the Board.

18 (1) The board shall give at least one week's notice of said meeting to all active members of
19 the Police Department, by posting a copy of the notice of the meeting in at least three prominent
20 locations in the central station Police Department, and by sending every active Police Officer
21 postcards indicating the time and place of the meeting. No one shall be entitled to be present at
22 the meeting and exercise the right to vote unless he or she is an active member of the Police
23 Department.

24 (2) Active members of the Police Department who are unable to attend such meeting may
25 vote by written proxy. This proxy must be notarized and put into a sealed envelope and sent to
26 the Chair of the Election Committee prior to the election, to be opened by the Chair, immediately
27 after the counting of the ballots at said meeting on the day of election.

28 (3) An active member of the Police Department shall be elected to act as Chair of the
29 meeting, and the Chair shall have charge of the conduct of the election. Voting shall be by secret
30 ballot and the two persons receiving the greatest number of votes, including all votes by proxy,
31 shall be named as members of the Commission representing the active members of the Police
32 Department.

33 (4) The results of the election shall be tabulated and filed with the Clerk of the city.

34 (C) Persons shall be ineligible to serve as a member of the Commission if they hold a full-
35 time political appointment, or have held any full-time political appointment in the preceding four
36 years.

37 (D) Every member appointed on said Commission shall take and subscribe to an oath that he
38 or she will conscientiously and faithfully discharge the duties of his or her office. Said oath shall
39 be filed with the Clerk of the city.

40 (E) The five members of the Commission shall be paid a per diem allowance for each day of
41 actual service in the amount to be fixed by the Commission, subject to the approval of the City

1 Council, and in addition, the member shall be paid a salary, not to exceed \$500 per year for each
2 member, subject to the approval of the City Council.

3 (F) The unexpired term for any reason, including death, sickness, or resignation, of any
4 member of this Commission, shall be filled by appointment in the same manner as the
5 appointment of the members of the Commission whose terms have expired.

6 (G) Any Commission member may be removed for cause in the same manner that Police
7 Officers are removed.

8 (H) Three members of the Commission shall constitute a quorum for the transaction of
9 official business; all official business may be transacted only formally and after each member of
10 the Commission has been notified of the time and place of the meeting by certified mail.

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

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15 _____
16 Russell Jehl, Council Member
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18 APPROVED AS TO FORM AND LEGALITY
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20 _____
21 Joseph G. Bonahoom, City Council Attorney
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