

1 **BILL NO. R-25-12-19**

2 **RESOLUTION NO. _____**

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4 **A RESOLUTION REVISING THE REVIEW POLICY AND**
5 **APPLICATION PROCESS OF LEGACY FUNDING**
6 **PROGRAM**

7 **WHEREAS**, through a collaboration between members of Council and members of Mayor
8 Tucker's Administration, a thorough review of the Legacy Fund Review Policy (the Policy) and
9 Application Process was recently undertaken; and

10 **WHEREAS**, during this review, several items included in the Policy were identified as
11 being unnecessary, redundant, or difficult to administer, and were removed to ensure the most
12 efficient process possible for any applicant, while strengthening the Legacy Joint Funding
13 Committee's role in the processing of applications; and

14 **WHEREAS**, the goal of the Legacy Fund, to enrich and strengthen the community, to
15 enhance the quality of life for all residents, will be maintained by these revised processes and
16 procedures, ensuring that the Legacy Fund exists in perpetuity as an investment tool into the
17 community.

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

20 **SECTION 1.** The Legacy Fund Review Policy is Amended and Restated and Common
21 Council approves, adopts and accepts the AMENDED AND RESTATED LEGACY FUND
22 POLICY attached hereto.

23 **SECTION 2.** That this Resolution the AMENDED AND RESTATED LEGACY FUND
24 POLICY shall be in full force and effect from and after its passage and any and all necessary
25 approval by the Mayor.

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32 Martin Bender, Council Member

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37 Rohli Booker, Council Member

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3 Paul Ensley, Council Member
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14 APPROVED AS TO FORM AND LEGALITY
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18 Joseph G. Bonahoom, Attorney for Common Council



CITY OF FORT WAYNE

SHARON TUCKER, MAYOR



AMENDED AND RESTATED LEGACY FUNDING PROGRAM REVIEW POLICY AND APPLICATION PROCESS

"Let's look into the future, with wisdom and boldness. Let's use this treasure to strengthen our community and make it a place of pride and opportunity for all."

Mayor Tom Henry, 2011

The Legacy Fund has provided our community with projects and initiatives that have enhanced the quality of life for all in Fort Wayne. Looking to the future, we will continue to be good stewards of the Legacy Fund. We will move forward as a fun, family-friendly, and safe community with a people-first approach and a commitment to developing aggressive goals and objectives and implementing new and bold ideas. Let's come alongside one another as we forge new footprints together for a better tomorrow.

Mayor Sharon Tucker, 2025

In 2011, the Legacy Task Force evaluated and distilled hundreds of potential proposals from the community for investing funds from Community Legacy. Together with the subsequent Champion Teams' recommendations a number of initial projects, each ready for implementation, were selected for funding. From time to time new initiatives and previously submitted concepts will emerge or resurface and deserve a thorough (re)evaluation. The adoption of a consistent set of guiding policies, and a transparent process for potential initiatives to be considered for funding was required.

To that end, the City of Fort Wayne has established an ongoing review process to explore concepts and proposals seeking financial support from the **Community Legacy** fund. Each proposal is evaluated on its potential based on the **Guiding Principles** set forth in the **Community Legacy**, previously known as

An Equal Opportunity Employer

Legacy Trust, Ordinance (G-35-12) and the subsequent recommendations made by the Legacy Task Force and Champion Teams.

Oversight / Management

The Community Development Division of the City of Fort Wayne will manage the Funding Review process. Based on the guiding principles and community priorities identified in the original process and subsequent reviews, proposals will follow a prescribed application process to be considered for funding.

Legacy Joint Funding Committee (LJFC)

A review committee “The LJFC” (LJFC) consisting of nine appointees will be responsible for evaluating potential proposals. The LJFC will provide a recommendation, based on a simple majority vote, regarding the request for Legacy funding to both the Mayor and City Council. LJFC members appointed in January 2026, shall serve two (2) year terms. LJFC members appointed in January 2028 and thereafter shall for serve four (4) year terms, the committee will be composed of the following members:

<u>Member:</u>	<u>Appointed by:</u>	<u>Number:</u>
Administration officials	Mayor	3
City Council members	City Council	3
Citizens	One each by Mayor & City Council + One selected by the other 8 members of the LJFC	3
		Total: 9

The LJFC will annually elect a chairperson for the group. Members of the committee may be removed by their appointing body or entity at any time. Members appointed for 2025 shall remain in their roles until 12/31/2025. A vacancy created by the removal or resignation of an LJFC member shall be filled within 30 days of the date of removal or resignation, by the appointing body for that vacancy. The newly appointment member shall complete the balance of the term of the vacating member.

Proposal Considerations

The legislation approving the deployment of Community Legacy funds designates that only the Mayor of the City of Fort Wayne, or members of Common Council are eligible to propose initiatives for Legacy Funding. Using a two-pronged approach, the process described herein provides an entry point for citizens, businesses and institutions to submit potential proposals for consideration.

PART I: Proposal initiated by a private or non-profit entity

- a. Legacy Background and Funding Process: Proposal sponsors are encouraged to visit www.legacyfortwayne.org to learn about Legacy background, Guiding Principles and criteria used for evaluating projects for funding. Information about previously funded projects and the process for new projects to be considered is available there.

- b. **Pre-proposal meeting:** Proposal Sponsors are encouraged to contact the Division of Community Development for an initial proposal review. Proposal Sponsors will be provided with the guidance to complete a Concept Letter for review and possible invitation to apply for Legacy Funding. Proposal Sponsors will be encouraged to carefully study the evaluation criteria to determine if their proposal will meet the requirements for consideration.
- c. **Concept Review:** The LJFC will evaluate Concept Letters on a semi-annual basis in May and November or as needed (specifically in case of a Civil City emergency, as determined by the Mayor). Using **Guiding Principles** and evaluation criteria developed by the Legacy Task Force, **Concept Letters** will be reviewed for their potential impact. LJFC will present to the Mayor information about all **Concept Letters** received during the period and will make recommendations regarding each. Projects will either be:
 - 1) Invited to complete a full application, or
 - 2) Notified that Legacy Funding will not be considered. Proposal Sponsor will be provided with feedback regarding strengths and weaknesses of the submitted Concept Letter.
 - 3) This recommendation shall be determined by a majority vote (five votes in favor) of the LJFC.
- d. **Invitation to Apply:**
 - 1) Application will require details of the proposal. Proposal Sponsors should be prepared to provide detailed information including:
 - i. Project costs/budget
 - ii. Capital need/financing plan
 - iii. Project team
 - iv. Site control/construction plans
 - 2) Community Development will consult with the Proposal Sponsor throughout the application process to ensure the final submission includes the necessary documentation.

Legacy Funding Recommendations – Next Steps

- a. Proposal sponsors receiving an invitation to apply will be provided with the application format and should be prepared to discuss the project in detail, specifically as it relates to the evaluation criteria.
- b. The LJFC will evaluate all public projects and applications to ensure they meet the criteria established for evaluation. A weighted average score will be calculated to assure consistency and minimize bias among Committee members.
- c. The LJFC will make a preliminary Do Fund or Do Not Fund recommendation and will inform both the Mayor and City Council of its decision.
- d. The LJFC may request additional information from the Proposal Sponsor.
- e. A Do Fund recommendation will initiate the process for the Proposal Sponsor to work with Community Development to document the funding terms through a memorandum of understanding, and the drafting of a resolution for a vote of City Council and upon passage, the Mayor's signature.

- i. The City of Fort Wayne and the Proposal Sponsor will negotiate a written agreement for mutual understanding of all terms.
- ii. Funding is contingent upon documented mutual agreement to terms.
- iii. Any material changes to the proposed terms of the grant after passage of the Resolution will require a re-evaluation of the grant pursuant to these guidelines.

A Do Not Fund recommendation will include a feedback report to the Proposal Sponsor indicating the evaluation areas where the LJFC concluded the project did not meet the threshold for Community Legacy funding. Any future consideration for funding from the Legacy Fund, for a previously denied project, may not occur until six (6) months from the date of last LJFC discussion or until the next regularly scheduled meeting, except under emergency conditions, as defined by the Mayor.

PART II: Proposal initiated by Mayor or City Council member

If the Mayor or a Council member wishes to bring a project directly to the LJFC for review, the proposal must be sponsored by a minimum of two (2) Council members or the Mayor and one (1) Council member. Projects proposed in this manner must still meet all criteria herein, excluding any proposal brought under emergency conditions, as defined by the Mayor. If the project has been previously considered, in any capacity, by the LJFC, the project may not be proposed for Council consideration for six (6) months from the date of last LJFC discussion or until the next regularly scheduled meeting, except under emergency conditions, as defined by the Mayor.

Because these proposals will be heavily supported with public funds, such projects will be referred directly to the LJFC for review and evaluation. All projects must be formally reviewed by the LJFC as outlined in Part I, even if previously reviewed by the LJFC. Any project initiated by Council or the Mayor shall move directly into the application phase but shall still be evaluated by the LJFC.

Nothing in this policy should be construed to prevent the Mayor or Council from making proposals directly through legislation based on the present circumstances.

Where unanticipated, unbudgeted or extraordinary expenses occur; either the Mayor or Council may propose access to funding directly through legislation.

There shall be no loans granted out of the Legacy Fund.

Evaluation of Proposals

Eligible Proposals:

- 1) Must be within the boundaries of the City of Fort Wayne or principally benefit the citizens of Fort Wayne.

- 2) Proposals reviewed during the initial Legacy Community Engagement process of 2011 that did not receive funding must show significant growth, change or maturity of original concept to be reconsidered.
- 3) Starting in 2014, proposals that do not receive funding may only be re-submitted with thorough documentation addressing all feedback given when the LJFC determined the Concept Letter to be ineligible for funding.
- 4) Debt service reserve for City of Fort Wayne bond issues, including Fort Wayne Civil City, Parks, Redevelopment, or others as requested by the Controller or the Mayor.
- 5) Emergencies facing the City of Fort Wayne, as defined by the Mayor.

Ineligible Proposals:

- 1) Legacy funds are not available, will not be approved, and may not be used for operating expenses. Notwithstanding the forgoing Legacy funds may be approved and made available for use by City of Fort Wayne government for operating expenses to ensure necessary City of Fort Wayne services.
- 2) Legacy funds are not available for existing programs or to fund maintenance
- 3) Legacy funds may be granted to a taxing entity, other than usage by the City of Fort Wayne Civil City, for any purpose, with an approval of seven (7) members of Council and the Mayor.
- 4) Requests for grants or funding over \$2 million or any funding that takes the Legacy Fund below the defined floor of \$30 million in the current or projected balance will require the approval of seven (7) members of Council and the Mayor, except under emergency conditions, as defined by the Mayor where the standard approval of six (6) Council members and the Mayor will be required.

Evaluation:

The Legacy Funding Review process will use a balanced approach to evaluate potential projects.

The current policy of Common Council is to maintain a current and projected balance of \$30 million in the Legacy Fund to ensure the longevity of the fund through responsible investing and usage. For that reason, requests for funding over \$2 million will not be considered except under emergency conditions, as defined by the Mayor. If a project comes for evaluation of the LJFC, the committee may only recommend a Do Fund of up to \$2 million. Any recommendation shall occur through a vote of the LJFC, regardless of any scoring.

If the current or projected future balance drops below the \$30 million threshold, the City Controller may require that no new applications or proposals be submitted for consideration until such a time as the current and projected future balance stabilizes at \$32 million.

At all times, the projected value of the corpus, cash, and investments held in trust should be considered as part of any funding discussion. Should there be a request that would take the balance of the Legacy Fund below the floor of \$30 million, it will require seven (7) affirmative votes of Common Council and the approval of the Mayor, regardless of project type, including emergency situations.

Role of the LJFC: the committee shall determine whether the proposal meets the Guiding Principles, areas of focus, and key criteria identified by the original 2011 Legacy Task Force.

Proposal Sponsors must provide relevant details and list proposed benefits to the community in these categories:

- 1) ***Impactful outcome.*** Describe how the proposal will substantively improve the landscape of Fort Wayne either figuratively or literally.
- 2) ***Amount of investment leverage.*** How will the project maximize leverage opportunities? What are the sources, both public and private, of funding beyond Legacy funds? Are funds in place or committed? Describe project budget and financing gap. Will this project occur without this Legacy funding? Are there other sources of funds that can be tapped for project completion? What are the matching funds for this project?
- 3) ***Serve as a catalyst for additional development.*** How will the proposal attract development or other improvements in the immediate vicinity?
- 4) ***Local focus.*** Describe in detail how the Legacy Fund will remain within Fort Wayne. Be as specific as possible.
- 5) ***Considers and aligns with adopted community plans.*** Will the project be sensitive to Plan-It Allen and subsequent area and special purpose plans, including Bike Fort Wayne, Walk Fort Wayne, Front Door Fort Wayne, the Southeast Area Strategy, and neighborhood plans, etc.?
- 6) ***Long term sustainability.*** Is the proposal well developed and does it provide a solid business model? Provide details.
- 7) ***Alignment with identified community priorities.*** Is the impact of the concept / proposal aligned with community priorities?

Identified Community Priorities

- A. 21st Century Talent (e.g. education, training, workforce development);
- B. Economic Development (e.g. retaining, growing and attracting employers);
- C. Entrepreneurship (e.g. new/start-up businesses, venture capital);
- D. Infrastructure (e.g. services and facilities that support economic development); and/or
- E. Quality of Life (e.g. arts and cultural resources, community amenities, aesthetics).

- 8) ***Improve the local economy.*** How will the proposal attract new jobs, provide an expanded tax base, and/or stabilize distressed or threatened neighborhoods.

Due Diligence:

In addition to the information provided for the above evaluation criteria, proposal sponsors should be prepared to discuss the following aspects of their proposal:

- Market/feasibility studies, whether complete or needed
- Economic impact studies, whether complete or needed
- Financial model:
 - Investment strategy
 - Partners/leverage resources committed
 - Ongoing operational plan (budget)

- Maintenance requirements
- Steps to implementation
- Implementation timeline

Long Term Commitment Required:

To realize the desired transformational effect on the community the concept / proposal must be considered a permanent and/or sustainable improvement. To that end, funding agreements crafted between the City of Fort Wayne and Project Sponsor of the proposal will include a long-term commitment to maintain the agreed project. Depending upon the size of the investment and individual aspects of the project, the agreement may require commitments of 20 or more years of sustained community presence. A claw back provision will be included in all funding agreements and shall be activated should the grantee cease operations, significantly change focus of the granted project, or sell any portion of the operation that was provided with the grant from the Legacy Fund.

Other:

While the process for evaluating and recommending proposals seeks to cover the original goals of Community Legacy and the criteria from the original Legacy Task Force, it would not honor the true intent if it failed to provide for emerging, unique opportunities. The guidelines and rules in this document may be inadequate or serve to artificially inhibit or restrict approval for proposals not envisioned at the time of adoption. It is imperative that such possibilities are recognized and pursued where and when appropriate.

Careful evaluation of all potential projects should be considered. To capture these unique opportunities, allowances may be made to adjust for opportunities may not precisely comply with these guidelines.

This “Legacy Funding Program Review Policy and Application Process” was amended and restated to reflect a collaborative preference regarding corpus preservation.

Policy approved by City Council resolution _____ on _____ 2025