

1 **BILL NO. G-26-01-33**

2

3 **ORDINANCE NO. _____**

4

5 **AN ORDINANCE AMENDING CHAPTER 32:**

6 **COMMON COUNCIL IN THE**

7 **CITY OF FORT WAYNE MUNICIPAL CODE OF ORDINANCES**

8

9 **WHEREAS**, the Common Council is the legislative and fiscal body of the City of

10 Fort Wayne and conducts meetings in accordance with Indiana State Code; and

11 **WHEREAS**, the processes for conducting the meetings of Common Council are

12 outlined in Chapter 32 of the Fort Wayne Municipal Code of Ordinances; and

13 **WHEREAS**, through a review of the current processes it was determined that

14 there were certain items that needed to be addressed in order to facilitate a meeting of

15 Common Council in a more effective manner, including, but not limited to, moving the

16 open public comment time into the Committee Session of Common Council where

17 feedback from citizens can be more efficiently obtained, prior to any voting.

18 **NOW, THEREFORE, BE IT ORDAINED BYT THE COMMON COUNCIL OF**

19 **THE CITY OF FORT WAYNE, INDIANA:**

20 **SECTION 1.** Repeal and replace Chapter 32: Common Council with the following.

21

22 **CHAPTER 32: COMMON COUNCIL**

23 General Provisions

24 32.01 Common Council

25 32.02 Councilmanic districts

26 Duties of Officers

27 32.15 President

28 32.16 Vice-President

29 32.17 City Clerk

30 32.18 Sergeant-at-Arms

31 Conduct of Business

32 32.30 Sessions; Regular and Committee

- 1 32.31 Quorum; majority vote required for passage of ordinance
- 2 32.32 Special meetings
- 3 32.33 Order of business
- 4 32.34 Rules of order
- 5 32.35 Amendments to rules
- 6 32.36 Decorum and debate
- 7 32.37 Motions
- 8 32.38 Questions
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- 14 Ordinances and Resolutions
- 15 32.55 Numbering system prior to introduction
- 16 32.56 Introduction
- 17 32.57 Ordinances; classes
- 18 32.58 Disposition within Council and Committee
- 19 32.59 Public hearings
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- 21 32.61 Repealed or modified
- 22 32.62 Repeal not to revive former ordinance
- 23 32.63 Effective date
- 24 32.64 Requests for prior approval
- 25 32.65 Special provisions concerning utility bond issuance ordinances
- 26 32.66 Certain resolutions and requests coming before the Council
- 27 Committees
- 28 32.70 Designated; composition

1 32.71 Duties
2 32.72 Assignment of matters
3 32.73 Committee action
4 Boards and Commissions
5 32.85 Method of choice
6 32.86 Election of commission members

7

8 **GENERAL PROVISIONS**

9

10 **§ 32.01 COMMON COUNCIL.**

11 [Reserved for future legislation]

12 Cross-reference:

13 Duties of Common Councilmembers, see § 31.01(B)

14

15 **§ 32.02 COUNCILMANIC DISTRICTS.**

16 The city is hereby divided and the following Councilmanic Districts are hereby
17 established:

18 (A) City Councilmanic District Number 1 shall consist of the following precincts,
19 which are presently numbered by the Allen County Election Board as follows:

20 Precincts: 151, 152, 153, 154, 156, 157, 158, 162, 163, 164, 166, 168, 169, 170, 172,
21 174, 175, 176, 177, 178, 179, 180, 183, 184, 185, 186, 188, 189, 190, 192, 194, 195,
22 196, 197.

23 (B) City Councilmanic District Number 2 shall consist of the following precincts,
24 which are presently numbered by the Allen County Election Board as follows:

25 Precincts: 200, 203, 204, 205, 207, 209, 210, 211, 212, 213, 214, 216, 217, 218, 255,
26 256, 257, 259, 260, 261, 262, 270, 285, 287, 288, 289, 290, 291, 292, 293, 294, 296,
27 297, 298.

28 (C) City Councilmanic District Number 3 shall consist of the following precincts,
29 which are presently numbered by the Allen County Election Board as follows:

30 Precincts: 303, 304, 306, 307, 309, 310, 311, 312, 313, 314, 315, 316, 318, 319, 320,
31 321, 322, 323, 327, 360, 364, 366, 367, 368, 370, 371, 373, 399.

(D) City Councilmanic District Number 4 shall consist of the following precincts, which are presently numbered by the Allen County Election Board as follows:

Precincts: 410, 411, 415, 418, 452, 454, 456, 457, 459, 460, 461, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 490.

(E) City Councilmanic District Number 5 shall consist of the following precincts, which are presently numbered by the Allen County Election Board as follows:

Precincts: 502, 503, 504, 505, 509, 512, 516, 518, 519, 553, 554, 555, 557, 561, 565, 567, 569, 575, 576, 577, 578, 579, 581, 582, 583, 585, 590, 592, 594, 596, 678.

(F) City Councilmanic District Number 6 shall consist of the following precincts, which are presently numbered by the Allen County Election Board as follows:

Precincts: 602, 603, 605, 607, 608, 610, 612, 651, 652, 653, 654, 656, 658, 660, 662, 663, 665, 667, 670, 671, 672, 674, 675, 679, 682, 690, 692.

DUTIES OF OFFICERS

§ 32.15 PRESIDENT

(A) The President shall preside at all Regular and Special meetings, preserve order and decorum and decide all questions of order subject to appeal to the Council. She/he shall appoint all standing Committees and all Special Committees that may be ordered by the Council. All standing Committees shall be appointed at the commencement of each year of the term of Council and shall serve only during the term of each year of the President appointing the Committees. She/he shall fill all existing vacancies that may occur in any of the Committees.

(B) The President shall also sign all ordinances, orders and resolutions passed by the Council before their presentation to the Mayor, as well as the journal of proceedings.

§ 32.16 VICE-PRESIDENT

The Vice-President shall preside at all meetings of the Common Council and perform all other duties of the President in the absence of the latter; provided, that in the event the office of President shall become vacant, she/he shall not automatically succeed thereto. Upon such vacancy, a new President shall be selected by election of the members of the Council at its next Regular meeting.

1 **§ 32.17 CITY CLERK**

2 (A) The City Clerk shall keep an accurate journal of the proceedings of the Common
3 Council. She/he shall have the proceedings videotaped in their entirety, both Committee
4 and Regular Sessions, and a copy made available for the public and any city
5 department to view by appointment. She/he shall keep all videotapes in order by date
6 and stored in a safe and accessible area.

7 (B) The Clerk shall keep a permanent file of all original papers, documents, reports
8 and correspondence filed with or submitted to the Council.

9 (C) The Clerk shall also be custodian of all ordinances, resolutions, and all other
10 papers pertaining to the business of the Common Council, except when such
11 ordinances, resolutions, or other papers are necessarily in the hands of any
12 commission, board or official for consideration thereof.

13 (D) She/he shall call the roll of the members of the Common Council, in alphabetical
14 order at each meeting.

15 **§ 32.18 SERGEANT-AT-ARMS**

16 The Sergeant-at-Arms shall preserve order in the lobby outside the Council Chambers
17 and assist the President in doing so within the chambers.

19 **CONDUCT OF BUSINESS**

22 **§ 32.30 SESSIONS; REGULAR AND COMMITTEE**

23 (A) (1) Regular Session shall be defined as the meetings where Councilmembers
24 introduce proposed ordinances and resolutions which are then assigned into Committee
25 for later discussion, and for voting on concurrence and passage of previously introduced
26 ordinances and resolutions that have been discussed and given a recommendation, or
27 passed out of Committee with no recommendation.

28 (2) Committee Session shall be defined as the meeting where Councilmembers
29 discuss the ordinances and resolutions that have previously been introduced into their
30 respective Committees during a Regular meeting.

31 (B) Agenda and Order of Business. There shall be an agenda prepared by the clerk
32 and approved by the Council President for both Committee and Regular Sessions. Said
33 agenda shall be posted in accord with state law.

34 (1) The Regular Session order of business shall be in accord with section 32.33 of
35 this the Fort Wayne code of ordinances.

(2) The Committee Session order of business shall be identified in the agenda for the Committee Session. The President of Council may modify the order of business in the Committee Session, add or delete items or change the order of items, to effectively and efficiently conduct the business of Council.

(C) Every Tuesday of each month, except a fifth Tuesday that may fall in a month, Common Council shall meet in Committee Session at 5:30 p.m. On the first and third Tuesday, Councilmembers will meet only in Committee Session, during which there shall be a time for open comments from citizens. On the second and fourth Tuesday, the Council shall meet in Committee Session, immediately followed by Regular Session. Any change in the above meeting schedule shall be publicly announced not less than 48 hours prior to the meeting to be canceled.

§ 32.31 QUORUM; MAJORITY VOTE REQUIRED FOR PASSAGE OF ORDINANCE

A quorum shall consist of a majority of all members-elect; provided, that no ordinance, order or resolution shall be passed which shall not have received the votes of the majority of all the members-elect of the Common Council, unless a greater vote is required by statute.

§ 32.32 SPECIAL MEETINGS

Special meetings of the Common Council shall be held upon the call of the Mayor or any five members of the Council, subject to the following provisions:

(A) It shall be the duty of the person calling the Special meeting to duly notify the City Clerk thereof in writing in time to reasonably permit the City Clerk to prepare and serve notice on all members in time to allow them to be present at the meeting, which notice of such Special meeting to be served in writing upon each member, either in person or by notice left at his/her place of residence.

(B) Only such ordinances, resolutions, or such communications received or other business shall be considered or acted upon as are specifically stated in the call for the meeting.

(C) Special meetings may be held upon call, waiver of notice and consent, signed by all members of the Common Council, in which case the requirements of divisions (A) and (B) above shall not apply. In addition, public notice shall be given to the news media prior to the Special meeting, as prescribed, and in accordance with, IC 5-14-1.5-5

1 **§ 32.33 ORDER OF BUSINESS**

2 (A) The following order of business shall be observed by the Common Council at its
3 Regular Session:

- 4 (1) Presentation of the national colors.
- 5 (2) Moment of silent prayer.
- 6 (3) Roll call of members.
- 7 (4) Approval of the journal of the proceedings of Regular or Special meetings.
- 8 (5) Communications.

9 (6) Introduction of ordinances and resolutions by Committees in the following
10 order:

- 11 (a) Public Works.
- 12 (b) City Utilities.
- 13 (c) Finance.
- 14 (d) Regulations.

15 (7) Reports of Committees of ordinances and resolutions to which the reports refer, in
16 the following order:

- 17 (a) Public Works.
- 18 (b) City Utilities.
- 19 (c) Finance.
- 20 (d) Regulations.

21 (8) Voting on ordinances and resolutions, subsequent to reports given and accepted,
22 in the following order:

- 23 (a) Public Works.
- 24 (b) City Utilities.
- 25 (c) Finance.
- 26 (d) Regulations.

27 (9) Miscellaneous business.

28 (10) Session is open for comment from the Council.

29 (11) Retirement of colors.

(B) The reading of the journal may be dispensed with at any time by order of the Council.

(C) The Council may order a return to any order of business after the call of the Regular order of business.

(D) The President of Council may modify the order of business, add or delete items, or change the order of items in either Regular or Committee Session to effectively and efficiently conduct the business of Council.

§ 32.34 RULES OF ORDER

Robert's Rules of Order, Revised, the latest edition, shall be the controlling authority on all questions of parliamentary law and procedure not specifically covered by the rules within this subchapter for the conduct of business or by statute or ordinance.

§ 32.35 AMENDMENTS TO RULES

The rules provided for in this subchapter may be amended, modified or annulled by a majority vote of all of the members-elect of the Common Council. All proposed amendments to such rules shall be referred to the Committee on Regulations without debate, which Committee shall consider and report to the Council on the rules in accordance with the procedure specified in § 32.71. The Committee on Regulations shall, however, also have the authority to recommend changes in the rules on its own volition at any time; provided, that no vote may be taken on any such recommendation unless notice of its proposal shall have been given by the Committee to the Council in writing at a Regular meeting of the Council, not later than the meeting immediately preceding that at which the Committee proposes to submit its recommendation.

§ 32.36 DECORUM AND DEBATE

(A) When any Councilmember is about to speak or present any matter to the Council, she/he shall respectfully address him- or herself to the Presiding Officer, and, on being recognized, may address the Council, and shall confine him- or herself to the question in debate and shall avoid personalities.

(B) No Councilmember shall speak more than twice on the same question without leave of the Council, and no more than once until every Councilmember choosing to speak shall have spoken. All speeches shall be limited to five minutes, unless further time is granted by the Council. Time consumed in answering questions shall not be considered as part of the speaker's time.

(C) When two or more Councilmembers request to be heard at the same time, the Presiding Officer shall decide which shall speak first.

(D) During Regular Sessions, while the Presiding Officer is putting a question or addressing the Council, or when any member is speaking, no member shall engage in any private conversation or walk across or leave the room without the permission of the Presiding Officer.

(E) No Councilmember shall impugn the motive of any other.

(F) Any Councilmember may change his or her vote before the announcement of the result by the Presiding Officer.

(G) If any Councilmember fails to follow these rules of decorum on debate, he/she shall be subject to a point of order addressed to the Presiding Officer.

§ 32.37 MOTIONS

(A) When any motion is made, it shall be stated by the Presiding Officer, or being in writing, it shall be handed to the Clerk and read aloud, after which debate thereon shall be in order, and it shall be entered upon the journal with the name of the Councilmembers making it, unless it is withdrawn at the same meeting.

(B) Every motion shall be reduced to writing, except the following: Motion for the previous question, motion to adjourn, to adjourn to a day certain, to recess, to reconsider at the same meeting, to lay on the table, to hold to a day certain, to commit, to suspend the rules, to concur, to approve, to make a matter of record, to place on file, to refer to Committee, to place on passage, and to remove an item from a Consent Agenda for discussion; and every other motion not so reduced to writing shall be out of order.

(C) Any ordinance or resolution held to a day certain shall automatically be placed on the agenda for that date.

(D) Any motion or resolution which in effect contemplates a violation of law, or is in conflict with any ordinance, shall be out of order.

(E) A motion to adjourn cannot be reconsidered.

(F) Any matter laid on the table may be taken from the table by a vote of the Council at any meeting after the meeting at which it is tabled.

(G) A motion to "reconsider" and "that when the Council adjourn it adjourn to meet on a day certain" are privileged questions and are debatable.

(H) Any business which by law or necessity must or should be transacted within or by a certain time will be considered a question of privilege.

(I) A motion to "suspend the rules" is a privileged question, is not debatable, cannot be amended except to the acceptance of the mover and shall require the affirmative vote of seven of the members of the Council being present and voting.

1

2 **§ 32.38 QUESTIONS**

3 The motion for a “previous question” shall preclude all other motions or amendments
4 except the motion to adjourn. If the motion is sustained, the Chair shall at once put the
5 question, first upon the pending amendments in their order, and then upon the main
6 question.

7

8 **§ 32.39 RECONSIDERATION**

9 When any question has been once decided in the affirmative or negative, any
10 Councilmember voting with the prevailing side may move a reconsideration thereof at
11 the same or next Regular meeting; provided, that no such motion shall be introduced at
12 the next Regular meeting unless the Councilmember intending to make the motion shall
13 have given written notice of such intention at the meeting at which the vote which
14 he/she desired to have reconsidered was taken.

15

16 **§ 32.40 DIVISIONS**

17 Any member may demand a division of a question when the question is capable of a
18 division.

19

20 **§ 32.41 INTRODUCTION**

21 No matter or proposition on a subject different from that under consideration shall be
22 admitted under color of an amendment.

23

24 **§ 32.42 DETERMINATION OF RESULTS OF VOTING**

25 The Presiding Officer shall decide whether any question is carried by affirmative or
26 negative vote; provided, that if in doubt or if a roll call vote be demanded, the Council
27 shall decide by roll call vote.

28

29 **§ 32.43 ROLL CALL VOTES**

30 (A) All votes upon the passage of ordinances and resolutions, upon motions to
31 suspend the rules or motions to reconsider, shall be by the roll call, or by voice vote.

32 (B) Upon a roll call vote on any question, after any one Councilmember shall have
33 voted, it shall not be in order for any Councilmember to offer remarks except in
34 explanation of his or her vote, which he or she may do only simultaneously with the
35 casting of his or her vote.

(C) Any Councilmember may demand a roll call upon any question to be voted upon by the Council, and when such demand is made the Clerk shall call the roll.

ORDINANCES AND RESOLUTIONS

§ 32.55 NUMBERING SYSTEM PRIOR TO INTRODUCTION

(A) Immediately prior to introduction, each ordinance and resolution shall have assigned to it by the City Clerk a bill number. The bill number shall consist of a letter prefix, as prescribed in this section, followed by the last two digits of the calendar year in which introduced, and followed by the number in the sequence of introduction within each particular month. All bills, regardless of subject matter, shall be numbered in the same sequence for each month.

(B) Upon passage of an ordinance, the Clerk shall assign to it a number in the order of its passage, each of the five types of ordinances to be numbered in a separate sequence, beginning with Number one for each such type, together with the appropriate prefix therefor as prescribed in this section.

(C) The prefix for appropriation ordinances, to be used both on bill numbers and ordinance numbers, shall be the letter "A." The prefix for Special ordinances, to be used both for bill numbers and ordinance numbers, shall be the letter "S." The prefix for zoning map ordinances, both for bill numbers and ordinance numbers, shall be the letter "Z." The prefix for annexation ordinances, both for bill numbers and ordinance numbers, shall be the letter "X." And the prefix for general ordinances, both for bill numbers and ordinance numbers shall be the letter "G."

(D) The Clerk shall also assign a number to each resolution upon its adoption. Resolutions shall be numbered in a separate sequence, beginning with number one to which there shall be added the prefix "R." The same prefix shall be used with bill numbers assigned to resolutions at the time of introduction.

(E) (1) Any proposal which contemplates action relating only to the internal procedures of a Council, its staff, or relates to appointment or confirmation of appointments made exclusively by the Council, shall be designated "a proposal for a Council resolution." The proposal shall be properly before the Council for final action at the same meeting at which it is introduced, unless the President or the Council refers or postpones the proposal.

(2) The Clerk of the Council shall designate each such proposal when passed by a majority vote of Council as a Special Council Resolution and shall distinguish each such Special Council Resolution by a serial numbering system which is first denominated by year and then by sequential number.

1 **§ 32.56 INTRODUCTION**

2 Except by consent of a majority of the Councilmembers present, no ordinance or
3 resolution shall be introduced until either the City Attorney or the duly appointed
4 attorney for the Common Council shall have indicated his/her approval or disapproval
5 as to the form and legality. The ordinance or resolution shall be in the hands of the City
6 Clerk by 12:00 p.m. (noon) on the Friday previous to the day of the Regular Sessions
7 (the second and fourth Tuesdays of each month). The only exception to this
8 requirement shall be with the approval of the Council President, or by the City Clerk if
9 the President is not available.

10 **§ 32.57 ORDINANCES; CLASSES**

11 Ordinances shall be of five distinct classes as follows: Appropriation ordinances,
12 Special ordinances, zoning map ordinances, annexation ordinances, and general
13 ordinances.

14 (A) Appropriation ordinances shall be limited to those appropriating the funds of the
15 city.

16 (B) Special ordinances shall be limited to those relating to contracts and the business
17 affairs of the city.

18 (C) Zoning map ordinances shall be limited to those amending the zoning map of the
19 city.

20 (D) Annexation ordinances shall be limited to those annexing territory to the city.

21 (E) General ordinances shall be limited to those relating to the government of the
22 city.

23 **§ 32.58 DISPOSITION WITHIN COUNCIL AND COMMITTEE**

24 (A) No ordinance shall be placed for passage the same day it is introduced except by
25 suspension of the rules, requiring seven affirmative votes. At least two-thirds of the
26 members of the Council must vote in the affirmative for passage of any ordinance on
27 the same day it is introduced. The vote to suspend the rules shall take place during the
28 Committee Session immediately prior to the Regular Session where the bill shall be
29 formally introduced and then placed on consideration for passage. This division does
30 not apply to a zoning ordinance or amendment to a zoning ordinance that is adopted
31 under IC 36-7.

32 (B) An ordinance introduced pursuant to § 32.57 above shall:

33 (1) Be read by its title by the Chair of the Committee who signed that ordinance for
34 introduction pursuant to § 32.56, and that Chair shall make a motion for formal
35 introduction for said ordinance.

(2) Upon passage of the motion for introduction of an ordinance or ordinances, the Chair of the Committee shall move to refer said ordinance or ordinances to his/her Committee for discussion and recommendation (other than amendments to the Zoning ordinance, street and alley vacations and the like, which are required by law to be first referred to the City Plan Commission).

(3) The Committee to which it is referred after discussion of an ordinance shall have the power to amend an ordinance and shall vote upon that Committee's recommendation as to whether the ordinance shall pass, not pass, or come out of said Committee with no recommendation.

(4) At the next Regular Session of the Council, the Committee chair shall report as to the recommendation of his/her Committee, as well as any amendments to the ordinance passed by that Committee. At such time, the ordinance shall then be subject to further amendment by the Council.

(5) Thereafter, upon motion duly presented, it shall be placed upon its passage, and in such instance shall thereafter be subject to a final vote thereon.

(C) Any ordinance failing to receive a sufficient number of votes on final passage will be considered as lost; provided that the vote thereon may be reconsidered within the time and in the manner set forth in § 32.39.

(D) Final vote for passage of a resolution may be taken at the meeting at which it is introduced, or said resolution may be referred to the appropriate Committee as determined by a majority of the Council present; provided that a resolution requiring affirmative action on behalf of the city shall be processed the same as an ordinance. In the event that the majority of the Common Council votes during Committee Session that final passage of the resolution shall take place during Regular Session, the ordinance shall be discussed during Committee Session, immediately prior to the Regular Session when the bill will be formally introduced and then placed on consideration for passage.

(E) Common Council may elect to utilize a consent agenda to approve contracts falling under the purview of Common Council (the agenda a "Consent Agenda"). When utilizing the Consent Agenda to approve contracts for Consultant Services, any member of Common Council may remove a particular contract from the Consent Agenda and have it placed in the appropriate Committee for discussion and recommendation as an individual item. In the event a contract is removed from the Consent Agenda, it shall proceed as an individual item per the procedure outlined in Chapter 32.

(F) Once properly introduced, no proposed ordinance or proposed resolution shall be eligible for further action after the last day of the calendar year following the year of introduction. Any such ordinance or resolution which has not been finally disposed of by the last day of the calendar year following the year of introduction will expire and be considered withdrawn.

40

1 **§ 32.59 PUBLIC HEARINGS**

2 (A) Public hearings shall be held on all ordinances and resolutions as required by
3 Indiana Statutes in the manner prescribed by said statute, after due notice required by
4 law.

5 (B) A motion to conduct a public hearing duly made and passed by Common
6 Council, requires a public hearing on any other resolution or ordinance when such
7 public hearing is not otherwise required by law.

8 (C) A Committee chair may call for public comment during consideration of an
9 ordinance or resolution before a Committee Session of Common Council, any member
10 of Common Council may request a citizen be recognized for the purpose of public
11 comment during such consideration or, prior to a meeting of Common Council, a citizen
12 may request to make a public comment by contacting a member of Council. Such a
13 request made by a Council member or a citizen, shall not be unreasonably denied.

14

15 **§ 32.60 RECORDATION; PROOF OF PUBLICATION**

16 All ordinances passed by the Common Council shall be recorded by the Clerk in a
17 book of ordinances. The original shall be filed in the Clerk's office and due proof of
18 publication of all ordinances requiring publication, by the affidavit of the printer or
19 publisher, shall be procured by the Clerk and attached thereto, or written and attested
20 thereto, or written and attested upon the face of the ordinance.

21

22 **§ 32.61 REPEALED OR MODIFIED**

23 Whenever any ordinance or part of an ordinance shall be repealed or modified by a
24 subsequent ordinance, the part of an ordinance thus repealed or modified shall continue
25 in force until the due publication of the ordinance repealing or modifying the same, when
26 the publication shall be required to give effect thereto, unless therein otherwise
27 expressly provided; but no suit, proceeding, right, fine, forfeiture or penalty instituted,
28 created, given secured or accrued, under any ordinance previous to its repeal, shall in
29 any way be affected, released or discharged, but may be prosecuted, enjoyed and
30 recovered, as fully as if such ordinance had continued in force, unless it shall be therein
31 otherwise expressly provided.

32

33 **§ 32.62 REPEAL NOT TO REVIVE FORMER ORDINANCE**

34 When any ordinance repealing a former ordinance, clause or provision shall be itself
35 repealed, the repeal shall not be construed to revive the former ordinance, clause or
36 provision, unless it shall be therein so expressly provided.

1 **§ 32.63 EFFECTIVE DATE**

2 Any ordinance passed by the Council, requiring publication shall take effect from and
3 after the due publication thereof in the manner prescribed by IC 5-3-1, or in the case of
4 an urgent necessity regarding its immediate effectiveness proclaimed by the Mayor is
5 posted in the manner prescribed in IC 36-4-6-14(b)(2), unless therein otherwise
6 expressly provided. An ordinance not requiring publication shall take effect from its
7 passage, after it is signed by the Presiding Officer of the Council, and either it is signed
8 by the Mayor or passed over his veto by the Council in accordance with IC 36-4-6-16.

9

10 **§ 32.64 REQUESTS FOR PRIOR APPROVAL**

11 (A) From time to time the Common Council of the city is requested by various
12 departments of the executive branch of government of the city to give its promise that it
13 will, on presentation of a properly drawn ordinance or resolution affecting a particular
14 subject matter, pass an ordinance or resolution thereon at a future Regular meeting of
15 the Common Council. Such action is customarily referred to as "prior approval." Such
16 "prior approval" is in derogation of the strict letter of the law regarding presentation and
17 passage of ordinances and resolutions but is in the best interest of the city.

18 (B) Any request for a "prior approval" presented to the Common Council shall require
19 two-thirds vote of the members of the Council. All "prior approval" requests must be
20 passed at a Committee Session on a second or fourth Tuesday meeting of the Council.
21 The only exception to this requirement shall be with the approval of the Council
22 President, or by the City Clerk if the President is not available.

23

24 **§ 32.65 SPECIAL PROVISIONS CONCERNING UTILITY BOND ISSUANCE
25 ORDINANCES**

26 (A) Whenever the Board of Public Works of the city has determined and the
27 Common Council thereof finds that any utility is in need of improvements, extensions,
28 additions, expansions or repairs and that funds for said project should be provided by
29 the issuance and sale of revenue bonds payable solely out of said utility's revenues and
30 not constituting a general obligation of the city, and that rates and charges are
31 increased as a result thereof, the Council shall provide in the ordinance authorizing said
32 bond issue that when said bond issue is paid off that the Board of Public Works shall
33 notify in writing the Council within 90 days of the terminal payment of such bond issue.

34 (B) Said ordinance shall provide that concurrently with said written notification the
35 Board of Public Works shall make a written showing as to why in its opinion said city
36 utility rates or other Special revenue requirements should not be reduced because of
37 the reduced debt service requirement arising from satisfaction of their outstanding debt.

1 **§ 32.66 CERTAIN RESOLUTIONS AND REQUESTS COMING BEFORE THE**
2 **COUNCIL**

3 (A) Certain resolutions that come before the Council for introduction, discussion and
4 passage shall meet the following protocol:

5 (1) The resolution thesis shall have a direct primary effect on the citizens of the
6 city.

7 (2) The resolution thesis shall pertain to:

8 (a) Activities of a local governmental entity, such as food and beverage tax use,
9 parks and recreation, and local judicial system, which will directly affect the
10 citizens of the city; or

11 (b) If the resolution is in support of legislation for the Indiana General Assembly
12 or the United States Congress, the resolution thesis shall have sponsorship by a
13 member of the local delegation to the Indiana General Assembly, i.e. nine
14 Senators and Representatives from Fort Wayne/Allen County; and/or two
15 Senators and one Representative to the United States Congress which have a
16 direct effect on the citizens of the city.

17 (B) This protocol shall assist elected officials and citizens in judging acceptance of,
18 or guidance in writing of, certain resolutions. The Common Council will be able to
19 make a strong and effective stand in their support of certain regional and national
20 legislation that will directly and primarily affect those people the Councilmembers have
21 been elected to serve.

22 (C) This protocol shall not affect resolution theses that may be written and introduced
23 for discussion and passage for city department specific needs, such as bond issues
24 and other municipal borrowing, zoning issues, economic development issues, police
25 and fire issues, other department policies and responsibilities that may be set forth by
26 state statute.

27 (D) This protocol does not stand as an impediment to any member of the Common
28 Council to bring forth a letter of support for a bill before the Indiana General Assembly,
29 or United States Congress, that such letter may be circulated amongst the body for
30 signature. An announcement shall be made at the beginning of a Committee Session
31 that such letter of support shall be circulated, but no formal action shall be taken.
32 Each elected official may sign or not, as he/she chooses.

33 (E) Certain resolutions that are introduced, discussed and passed by the Common
34 Council are non-binding. They reflect the opinion of the elected official who signs the
35 document.

36 (F) Other requests for written documents honoring certain persons shall meet the
37 following protocol:

38 (1) A "certificate of honor" shall be written to organizations, groups or individuals
39 that may request a resolution for recognition.

- (2) The organization, group or individual shall provide written material about their subject for language composition at least two weeks before the certificate is needed.
- (3) There shall be no public presentation at a City Council meeting; however, if a Councilmember is invited to read such certificate at an event honoring said organization, group or individual, the certificate of honor shall be given to the Councilmember for that purpose.
- (4) Visiting dignitaries such as a sister city delegation, or a city employee who has had a longstanding, significant relationship with the City Council, will receive, upon request, this recognition in a public presentation of the certificate of honor at a City Council meeting.
- (5) All other certificate of honor documents that are written according to this protocol shall be mailed to the appropriate person(s) or given to a City Councilmember or presentation at an outside event.
- (6) A certificate of honor is a document printed on parchment, signed by Councilmembers, dated appropriately, with the city seal and ribbon affixed.

COMMITTEES

§ 32.70 DESIGNATED; COMPOSITION

There shall be four standing Committees within Council, appointed by the President, consisting of a Chair and a Vice-Chair and all other members of the Common Council. Said Chair and Vice-Chair shall alternate as Chair after a period of six months. Said Chair and Vice-Chair of each Committee shall be appointed as follows:

- (A) Finance.
- (B) Regulations.
- (C) Public Works.
- (D) City Utilities.

§ 32.71 DUTIES

The duties of the various standing Committees shall be as follows:

(A) Finance. The Finance Committee shall consider and report on all ordinances and other matters concerning tax levies, revenues, bonds, appropriations, fees, salaries and claims. All ordinances and resolutions concerning these subjects shall be referred to the Finance Committee for its recommendation. The Chair of the Finance Committee shall maintain liaison with the City Controller. No payment for expenses incurred by a

1 Councilmember on official business shall be paid unless same shall be approved in
2 writing by the Finance Committee Chair prior to the expenditure of funds for travel.

3 (B) Regulations.

4 (1) The Regulations Committee shall consider and report on all general ordinances
5 and zoning map ordinances and all other matters of a regulatory nature. All
6 ordinances and resolutions concerning these subjects shall be referred to the
7 Regulations Committee for its recommendation. The Chair of this Committee shall
8 maintain liaison with the Board of Public Safety.

9 (2) The Regulations Committee shall also consider and report on all ordinances
10 concerning the annexation of territory to the city and the revision of corporate
11 boundaries. All ordinances and resolutions concerning these subjects shall be
12 referred to the Regulations Committee for its recommendation. The Chair of the
13 Regulations Committee shall maintain liaison with their city plan commission with
14 regard to annexation matters.

15 (C) Public Works. The Public Works Committee shall consider and report on all
16 ordinances and resolutions, including those concerning contracts, pertaining to streets
17 and alleys, track elevation, flood prevention, printing and franchises. All ordinances
18 and resolutions concerning these subjects shall be referred to the Public Works
19 Committee for its recommendation. The Chair of the Public Works Committee shall
20 maintain liaison with the Board of Public Works.

21 (D) City Utilities. The City Utilities Committee shall consider and report on all
22 ordinances and resolutions, including the approval of contracts, concerning matters
23 pertaining to, the City Waterworks, the City Sewage Treatment Utility and sanitary and
24 storm sewers. All ordinances and resolutions concerning these subjects shall be
25 referred to the City Utilities Committee for its recommendation. The Chair of the City
26 Utilities Committee shall maintain liaison with the General Superintendent of the City
27 Utilities and with the Board of Public Works on all matters pertaining to City Utilities.

28

29 **§ 32.72 ASSIGNMENT OF MATTERS**

30 (A) Any matter coming before the Council, which does not fall within the specific
31 province of a standing Committee, as prescribed in § 32.71, may be assigned to such
32 of the Committees as the President or City Clerk may determine, or to a Special
33 Committee if the Committee be deemed appropriate by the President.

34 (B) When a subject is referred to a Committee or a Special Committee, the said
35 Chair of the Committee shall introduce said ordinance or resolution in Regular
36 Session and refer it to the proper Committee for discussion.

37

38

39

1 **§ 32.73 COMMITTEE ACTION**

2 All ordinances and/or resolutions referred to a Committee must be signed by a
3 majority of Councilmembers present at the Committee Session before final action can
4 be taken at the Regular Session.

6 **BOARDS AND COMMISSIONS**

8 **§ 32.85 METHOD OF CHOICE**

9 (A) Where there are two candidates, the selection as to who shall be chosen shall be
10 determined on the basis of the one of who receives the highest number of votes from
11 the Common Council.

12 (B) Where there are more than two candidates, the Common Council shall choose its
13 appointment in the following manner:

14 (1) Each member of Council shall vote for his/her first choice for appointment.

15 (2) The person receiving the majority vote shall be given the appointment.

16 (3) If no person receives a majority, the person with the lowest number of votes
17 is dropped and Council re-votes. In the event of a tie vote for the lowest number
18 of votes, all tying low votes shall be dropped.

20 **§ 32.86 ELECTION OF COMMISSION MEMBERS**

21 A commission or Special body such as the City Plan Commission or Community
22 Services Council, to which Council shall be entitled to name a member of its body, shall
23 be selected from the Council no later than its first meeting in January of each year to
24 serve until the end of the current calendar year except for commissions asking for
25 multiple year selections, commissions with terms otherwise provided for by law, and
26 boards and commissions that have appointments to them with expirations that do not
27 line with the calendar year. The City Clerk shall keep a current list of Boards and
28 Commissions to which Council makes appointments.

SECTION 2. That this ordinance shall be in full force and effect after any and all necessary approval by the Mayor.

Martin Bender, Council Member

APPROVED AS TO FORM AND LEGALITY

Joseph G. Bonahoom, City Council Attorney

**AN ORDINANCE AMENDING CHAPTER 32:
COMMON COUNCIL IN THE
CITY OF FORT WAYNE MUNICIPAL CODE OF ORDINANCES**

WHEREAS, the Common Council is the legislative and fiscal body of the City of Fort Wayne and conducts meetings in accordance with Indiana State Code; and

WHEREAS, the processes for conducting the meetings of Common Council are outlined in Chapter 32 of the Fort Wayne Municipal Code of Ordinances; and

WHEREAS, through a review of the current processes it was determined that there were certain items that needed to be addressed in order to facilitate a meeting of Common Council in a more effective manner, including, but not limited to, moving the open public comment time into the committee session of Common Council where feedback from citizens can be more efficiently obtained, prior to any voting.

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

SECTION 1. Repeal and replace Chapter 32: Common Council with the following.

CHAPTER 32: COMMON COUNCIL

General Provisions

32.01 Common Council

32.02 Councilmanic districts

Duties of Officers

32.15 President

32.16 Vice-President

32.17 City Clerk

32.18 Sergeant-at-Arms

Conduct of Business

32.30 Sessions; regular and committee

- 32.31 Quorum; majority vote required for passage of ordinance
- 32.32 Special meetings
- 32.33 Order of business
- 32.34 Rules of order
- 32.35 Amendments to rules
- 32.36 Decorum and debate
- 32.37 Motions
- 32.38 Questions
- 32.39 Reconsideration
- 32.40 Divisions
- 32.41 Introduction
- 32.42 Determination of results of voting
- 32.43 Roll call votes

Ordinances and Resolutions

- 32.55 Numbering system prior to introduction
- 32.56 Introduction
- 32.57 Ordinances; classes
- 32.58 Disposition within Council and committee
- 32.59 Public hearings
- 32.60 Recordation; proof of publication
- 32.61 Repealed or modified
- 32.62 Repeal not to revive former ordinance
- 32.63 Effective date
- 32.64 Requests for prior approval
- 32.65 Special provisions concerning utility bond issuance ordinances
- 32.66 Certain resolutions and requests coming before the Council

Committees

- 32.70 Designated; composition

- 32.71 Duties
- 32.72 Assignment of matters
- 32.73 Committee action

Boards and Commissions

- 32.85 Method of choice
- 32.86 Election of commission members

GENERAL PROVISIONS

§ 32.01 COMMON COUNCIL.

[Reserved for future legislation]

Cross-reference:

Duties of Common Councilmembers, see § 31.01(B)

§ 32.02 COUNCILMANIC DISTRICTS.

The city is hereby divided and the following Councilmanic Districts are hereby established:

(A) City Councilmanic District Number 1 shall consist of the following precincts, which are presently numbered by the Allen County Election Board as follows:

Precincts: 151, 152, 153, 154, 156, 157, 158, 162, 163, 164, 166, 168, 169, 170, 172, 174, 175, 176, 177, 178, 179, 180, 183, 184, 185, 186, 188, 189, 190, 192, 194, 195, 196, 197.

(B) City Councilmanic District Number 2 shall consist of the following precincts, which are presently numbered by the Allen County Election Board as follows:

Precincts: 200, 203, 204, 205, 207, 209, 210, 211, 212, 213, 214, 216, 217, 218, 255, 256, 257, 259, 260, 261, 262, 270, 285, 287, 288, 289, 290, 291, 292, 293, 294, 296, 297, 298.

(C) City Councilmanic District Number 3 shall consist of the following precincts, which are presently numbered by the Allen County Election Board as follows:

Precincts: 303, 304, 306, 307, 309, 310, 311, 312, 313, 314, 315, 316, 318, 319, 320, 321, 322, 323, 327, 360, 364, 366, 367, 368, 370, 371, 373, 399.

(D) City Councilmanic District Number 4 shall consist of the following precincts, which are presently numbered by the Allen County Election Board as follows:

Precincts: 410, 411, 415, 418, 452, 454, 456, 457, 459, 460, 461, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 490.

(E) City Councilmanic District Number 5 shall consist of the following precincts, which are presently numbered by the Allen County Election Board as follows:

Precincts: 502, 503, 504, 505, 509, 512, 516, 518, 519, 553, 554, 555, 557, 561, 565, 567, 569, 575, 576, 577, 578, 579, 581, 582, 583, 585, 590, 592, 594, 596, 678.

(F) City Councilmanic District Number 6 shall consist of the following precincts, which are presently numbered by the Allen County Election Board as follows:

Precincts: 602, 603, 605, 607, 608, 610, 612, 651, 652, 653, 654, 656, 658, 660, 662, 663, 665, 667, 670, 671, 672, 674, 675, 679, 682, 690, 692.

DUTIES OF OFFICERS

§ 32.15 PRESIDENT

(A) The President shall preside at all regular and special meetings, preserve order and decorum and decide all questions of order subject to appeal to the Council. She/he shall appoint all standing committees and all special committees that may be ordered by the Council. All standing committees shall be appointed at the commencement of each year of the term of Council and shall serve only during the term of each year of the President appointing the committees. She/he shall fill all existing vacancies that may occur in any of the committees.

(B) The President shall also sign all ordinances, orders and resolutions passed by the Council before their presentation to the Mayor, as well as the journal of proceedings.

§ 32.16 VICE-PRESIDENT

The Vice-President shall preside at all meetings of the Common Council and perform all other duties of the President in the absence of the latter; provided, that in the event the office of President shall become vacant, she/he shall not automatically succeed thereto. Upon such vacancy, a new President shall be selected by election of the members of the Council at its next regular meeting.

§ 32.17 CITY CLERK

(A) The City Clerk shall keep an accurate journal of the proceedings of the Common Council. She/he shall have the proceedings videotaped in their entirety, both committee and regular sessions, and a copy made available for the public and any city department to view by appointment. She/he shall keep all videotapes in order by date and stored in a safe and accessible area.

(B) The Clerk shall keep a permanent file of all original papers, documents, reports and correspondence filed with or submitted to the Council.

(C) The Clerk shall also be custodian of all ordinances, resolutions, and all other papers pertaining to the business of the Common Council, except when such ordinances, resolutions, or other papers are necessarily in the hands of any commission, board or official for consideration thereof.

(D) She/he shall call the roll of the members of the Common Council, in alphabetical order at each meeting.

§ 32.18 SERGEANT-AT-ARMS

The Sergeant-at-Arms shall preserve order in the lobby outside the Council chambers and assist the President in doing so within the chambers.

CONDUCT OF BUSINESS

§ 32.30 SESSIONS; REGULAR AND COMMITTEE

(A) (1) Regular session shall be defined as the meetings where Councilmembers introduce proposed ordinances and resolutions which are then assigned into committee for later discussion, and for voting on concurrence and passage of previously introduced ordinances and resolutions that have been discussed and given a recommendation, or passed out of committee with no recommendation.

(2) Committee session shall be defined as the meeting where Councilmembers discuss the ordinances and resolutions that have previously been introduced into their respective committees during a regular meeting.

(B) Agenda and Order of Business. There shall be and agenda prepared by the clerk and approved by the council president for both committee and regular sessions. Said agenda shall be posted in accord with state law.

(1) The Regular session order of business shall be in accord with section 32.33 of this the Fort Wayne code of ordinances.

(2) The committee session order of business shall be identified in the agenda for the committee session. The president of Council may modify the order of business in the committee session, add or delete items or change the order of items, to effectively and efficiently conduct the business of Council.

(C) Every Tuesday of each month, except a fifth Tuesday that may fall in a month, Common Council shall meet in committee session at 5:30 p.m. On the first and third Tuesday,

Councilmembers will meet only in committee session, during which there shall be a time for open comments from citizens[MF1]. On the second and fourth Tuesday, the Council shall meet in committee session, immediately following followed by[MF2] regular session. Any change in the above meeting schedule shall be publicly announced not less than 48 hours prior to the meeting to be canceled.

§ 32.31 QUORUM; MAJORITY VOTE REQUIRED FOR PASSAGE OF ORDINANCE

A quorum shall consist of a majority of all members-elect; provided, that no ordinance, order or resolution shall be passed which shall not have received the votes of the majority of all the members-elect of the Common Council, unless a greater vote is required by statute.

§ 32.32 SPECIAL MEETINGS

Special meetings of the Common Council shall be held upon the call of the Mayor or any five members of the Council, subject to the following provisions:

(A) It shall be the duty of the person calling the special meeting to duly notify the City Clerk thereof in writing in time to reasonably permit the City Clerk to prepare and serve notice on all members in time to allow them to be present at the meeting, which notice of such special meeting to be served in writing upon each member, either in person or by notice left at his/her place of residence.

(B) Only such ordinances, resolutions, or such communications received or other business shall be considered or acted upon as are specifically stated in the call for the meeting.

(C) Special meetings may be held upon call, waiver of notice and consent, signed by all members of the Common Council, in which case the requirements of divisions (A) and (B) above shall not apply. In addition, public notice shall be given to the news media prior to the special meeting, as prescribed, and in accordance with, IC 5-14-1.5-5.

§ 32.33 ORDER OF BUSINESS

(A) The following order of business shall be observed by the Common Council at its regular session:

- (1) Presentation of the national colors.
- (2) Moment of silent prayer.
- (3) Roll call of members.
- (4) Approval of the journal of the proceedings of regular or special meetings.
- (5) Communications.
- (6) Introduction of ordinances and resolutions by committees in the following order:

- (a) Public Works.
- (b) City Utilities.
- (c) Finance.
- (d) Regulations.

(7) Reports of committees of ordinances and resolutions to which the reports refer, in the following order:

- (a) Public Works.
- (b) City Utilities.
- (c) Finance.
- (d) Regulations.

(8) Voting on ordinances and resolutions, subsequent to reports given and accepted, in the following order:

- (a) Public Works.
- (b) City Utilities.
- (c) Finance.
- (d) Regulations.

(9) Miscellaneous business.

~~(10) Session is open for comment from the public.~~

~~(11) Session is open for comment from the Council.~~

~~(12) Retirement of colors.~~

(B) The reading of the journal may be dispensed with at any time by order of the Council.

(C) The Council may order a return to any order of business after the call of the regular order of business.

[D] The President of Council may modify the order of business, add or delete items, or change the order of items, in either regular or committee session to effectively and efficiently conduct the business of Council[MF3].

§ 32.34 RULES OF ORDER

Robert's Rules of Order, Revised, the latest edition, shall be the controlling authority on all questions of parliamentary law and procedure not specifically covered by the rules within this subchapter for the conduct of business or by statute or ordinance.

§ 32.35 AMENDMENTS TO RULES

The rules provided for in this subchapter may be amended, modified or annulled by a majority vote of all of the members-elect of the Common Council. All proposed amendments to such rules shall be referred to the Committee on Regulations without debate, which Committee shall consider and report to the Council on the rules in accordance with the procedure specified in § 32.71. The Committee on regulations shall, however, also have the authority to recommend changes in the rules on its own volition at any time; provided, that no vote may be taken on any such recommendation unless notice of its proposal shall have been given by the Committee to the Council in writing at a regular meeting of the Council, not later than the meeting immediately preceding that at which the Committee proposes to submit its recommendation.

§ 32.36 DECORUM AND DEBATE

(A) When any Councilmember is about to speak or present any matter to the Council, she/he shall respectfully address him- or herself to the Presiding Officer, and, on being recognized, may address the Council, and shall confine him- or herself to the question in debate and shall avoid personalities.

(B) No Councilmember shall speak more than twice on the same question without leave of the Council, and no more than once until every Councilmember choosing to speak shall have spoken. All speeches shall be limited to five minutes, unless further time is granted by the Council. Time consumed in answering questions shall not be considered as part of the speaker's time.

(C) When two or more Councilmembers request to be heard at the same time, the Presiding Officer shall decide which shall speak first.

(D) During regular sessions, while the Presiding Officer is putting a question or addressing the Council, or when any member is speaking, no member shall engage in any private conversation or walk across or leave the room without the permission of the Presiding Officer.

(E) No Councilmember shall impugn the motive of any other.

(F) Any Councilmember may change his or her vote before the announcement of the result by the Presiding Officer.

(G) If any Councilmember fails to follow these rules of decorum on debate, he/she shall be subject to a point of order addressed to the Presiding Officer.

§ 32.37 MOTIONS

(A) When any motion is made, it shall be stated by the Presiding Officer, or being in writing, it shall be handed to the Clerk and read aloud, after which debate thereon shall be in order, and it

shall be entered upon the journal with the name of the Councilmembers making it, unless it is withdrawn at the same meeting.

(B) Every motion shall be reduced to writing, except the following: Motion for the previous question, motion to adjourn, to adjourn to a day certain, to recess, to reconsider at the same meeting, to lay on the table, to hold to a day certain, to commit, to suspend the rules, to concur, to approve, to make a matter of record, to place on file, to refer to committee, to place on passage, and to remove an item from a Consent Agenda for discussion; and every other motion not so reduced to writing shall be out of order.

(C) Any ordinance or resolution held to a day certain shall automatically be placed on the agenda for that date.

(D) Any motion or resolution which in effect contemplates a violation of law, or is in conflict with any ordinance, shall be out of order.

(E) A motion to adjourn cannot be reconsidered.

(F) Any matter laid on the table may be taken from the table by a vote of the Council at any meeting after the meeting at which it is tabled.

(G) A motion to “reconsider” and “that when the Council adjourn it adjourn to meet on a day certain” are privileged questions and are debatable.

(H) Any business which by law or necessity must or should be transacted within or by a certain time will be considered a question of privilege.

(I) A motion to “suspend the rules” is a privileged question, is not debatable, cannot be amended except to the acceptance of the mover and shall require the affirmative vote of seven of the members of the Council being present and voting.

§ 32.38 QUESTIONS

The motion for a “previous question” shall preclude all other motions or amendments except the motion to adjourn. If the motion is sustained, the Chair shall at once put the question, first upon the pending amendments in their order, and then upon the main question.

§ 32.39 RECONSIDERATION

When any question has been once decided in the affirmative or negative, any Councilmember voting with the prevailing side may move a reconsideration thereof at the same or next regular meeting; provided, that no such motion shall be introduced at the next regular meeting unless the Councilmember intending to make the motion shall have given written notice of such intention at the meeting at which the vote which he/she desired to have reconsidered was taken.

§ 32.40 DIVISIONS

Any member may demand a division of a question when the question is capable of a division.

§ 32.41 INTRODUCTION

No matter or proposition on a subject different from that under consideration shall be admitted under color of an amendment.

§ 32.42 DETERMINATION OF RESULTS OF VOTING

The Presiding Officer shall decide whether any question is carried by affirmative or negative vote; provided, that if in doubt or if a roll call vote be demanded, the Council shall decide by roll call vote.

§ 32.43 ROLL CALL VOTES

(A) All votes upon the passage of ordinances and resolutions, upon motions to suspend the rules or motions to reconsider, shall be by the roll call, or by voice vote.

(B) Upon a roll call vote on any question, after any one Councilmember shall have voted, it shall not be in order for any Councilmember to offer remarks except in explanation of his or her vote, which he or she may do only simultaneously with the casting of his or her vote.

(C) Any Councilmember may demand a roll call upon any question to be voted upon by the Council, and when such demand is made the Clerk shall call the roll.

ORDINANCES AND RESOLUTIONS

§ 32.55 NUMBERING SYSTEM PRIOR TO INTRODUCTION

(A) Immediately prior to introduction, each ordinance and resolution shall have assigned to it by the City Clerk a bill number. The bill number shall consist of a letter prefix, as prescribed in this section, followed by the last two digits of the calendar year in which introduced, and followed by the number in the sequence of introduction within each particular month. All bills, regardless of subject matter, shall be numbered in the same sequence for each month.

(B) Upon passage of an ordinance, the Clerk shall assign to it a number in the order of its passage, each of the five types of ordinances to be numbered in a separate sequence, beginning with Number one for each such type, together with the appropriate prefix therefor as prescribed in this section.

(C) The prefix for appropriation ordinances, to be used both on bill numbers and ordinance numbers, shall be the letter "A." The prefix for special ordinances, to be used both for bill numbers and ordinance numbers, shall be the letter "S." The prefix for zoning map ordinances,

both for bill numbers and ordinance numbers, shall be the letter "Z." The prefix for annexation ordinances, both for bill numbers and ordinance numbers, shall be the letter "X." And the prefix for general ordinances, both for bill numbers and ordinance numbers shall be the letter "G."

(D) The Clerk shall also assign a number to each resolution upon its adoption. Resolutions shall be numbered in a separate sequence, beginning with number one to which there shall be added the prefix "R." The same prefix shall be used with bill numbers assigned to resolutions at the time of introduction.

(E) (1) Any proposal which contemplates action relating only to the internal procedures of a council, its staff, or relates to appointment or confirmation of appointments made exclusively by the council, shall be designated "a proposal for a council resolution." The proposal shall be properly before the council for final action at the same meeting at which it is introduced, unless the president or the council refers or postpones the proposal.

(2) The Clerk of the Council shall designate each such proposal when passed by a majority vote of Council as a Special Council Resolution and shall distinguish each such Special Council Resolution by a serial numbering system which is first denominated by year and then by sequential number.

§ 32.56 INTRODUCTION

Except by consent of a majority of the Councilmembers present, no ordinance or resolution shall be introduced until either the City Attorney or the duly appointed attorney for the Common Council shall have indicated his/her approval or disapproval as to the form and legality. The ordinance or resolution shall be in the hands of the City Clerk by 12:00 p.m. (noon) on the Friday previous to the day of the regular sessions (the second and fourth Tuesdays of each month). The only exception to this requirement shall be with the approval of the Council President, or by the City Clerk if the President is not available.

§ 32.57 ORDINANCES; CLASSES

Ordinances shall be of five distinct classes as follows: Appropriation ordinances, special ordinances, zoning map ordinances, annexation ordinances, and general ordinances.

(A) Appropriation ordinances shall be limited to those appropriating the funds of the city.

(B) Special ordinances shall be limited to those relating to contracts and the business affairs of the city.

(C) Zoning map ordinances shall be limited to those amending the zoning map of the city.

(D) Annexation ordinances shall be limited to those annexing territory to the city.

(E) General ordinances shall be limited to those relating to the government of the city.

§ 32.58 DISPOSITION WITHIN COUNCIL AND COMMITTEE

(A) No ordinance shall be placed for passage the same day it is introduced except by suspension of the rules, requiring seven affirmative votes. At least two-thirds of the members of the Council must vote in the affirmative for passage of any ordinance on the same day it is introduced. The vote to suspend the rules shall take place during the committee session immediately prior to the regular session where the bill shall be formally introduced and then placed on consideration for passage. This division does not apply to a zoning ordinance or amendment to a zoning ordinance that is adopted under IC 36-7.

(B) An ordinance introduced pursuant to § 32.57 above shall:

(1) Be read by its title by the Chair of the Committee who signed that ordinance for introduction pursuant to § 32.56, and that Chair shall make a motion for formal introduction for said ordinance.

(2) Upon passage of the motion for introduction of an ordinance or ordinances, the Chair of the committee shall move to refer said ordinance or ordinances to his/her committee for discussion and recommendation (other than amendments to the Zoning ordinance, street and alley vacations and the like, which are required by law to be first referred to the City Plan Commission).

(3) The committee to which it is referred after discussion of an ordinance shall have the power to amend an ordinance and shall vote upon that committee's recommendation as to whether the ordinance shall pass, not pass, or come out of said committee with no recommendation.

(4) At the next regular session of the Council, the committee chair shall report as to the recommendation of his/her committee, as well as any amendments to the ordinance passed by that committee. At such time, the ordinance shall then be subject to further amendment by the Council.

(5) Thereafter, upon motion duly presented, it shall be placed upon its passage, and in such instance shall thereafter be subject to a final vote thereon.

(C) Any ordinance failing to receive a sufficient number of votes on final passage will be considered as lost; provided that the vote thereon may be reconsidered within the time and in the manner set forth in § 32.39.

(D) Final vote for passage of a resolution may be taken at the meeting at which it is introduced, or said resolution may be referred to the appropriate committee as determined by a majority of the Council present; provided that a resolution requiring affirmative action on behalf of the city shall be processed the same as an ordinance. In the event that the majority of the Common Council votes during Committee session that final passage of the resolution shall take place during regular session, the ordinance shall be discussed during Committee session, immediately prior to the regular session when the bill will be formally introduced and then placed on consideration for passage.

(E) Common Council may elect to utilize a consent agenda to approve contracts falling under the purview of Common Council (the agenda a "Consent Agenda"). When utilizing the Consent

Agenda to approve contracts for Consultant Services, any member of Common Council may remove a particular contract from the Consent Agenda and have it placed in the appropriate committee for discussion and recommendation as an individual item. In the event a contract is removed from the Consent Agenda, it shall proceed as an individual item per the procedure outlined in Chapter 32.

(F) Once properly introduced, no proposed ordinance or proposed resolution shall be eligible for further action after the last day of the calendar year following the year of introduction. Any such ordinance or resolution which has not been finally disposed of by the last day of the calendar year following the year of introduction will expire and be considered withdrawn.

§ 32.59 PUBLIC HEARINGS

(A) Public hearings shall be held on all ordinances and resolutions as required by Indiana Statutes in the manner prescribed by said statute, after due notice required by law.

(B) A motion to conduct a public hearing duly made and passed by Common Council, requires a public hearing on any other resolution or ordinance when such public hearing is not otherwise required by law.

(C) A committee chair may call for public comment during consideration of an ordinance or resolution before a committee session of Common Council, any member of Common Council may request a citizen be recognized for the purpose of public comment during such consideration or, prior to a meeting of Common Council, a citizen may request to make a public comment by contacting a member of Council. Such a request made by a Council member or a citizen, shall not be unreasonably denied.

§ 32.60 RECORDATION; PROOF OF PUBLICATION

All ordinances passed by the Common Council shall be recorded by the Clerk in a book of ordinances. The original shall be filed in the Clerk's office and due proof of publication of all ordinances requiring publication, by the affidavit of the printer or publisher, shall be procured by the Clerk and attached thereto, or written and attested thereto, or written and attested upon the face of the ordinance.

§ 32.61 REPEALED OR MODIFIED

Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the part of an ordinance thus repealed or modified shall continue in force until the due publication of the ordinance repealing or modifying the same, when the publication shall be required to give effect thereto, unless therein otherwise expressly provided; but no suit, proceeding, right, fine, forfeiture or penalty instituted, created, given secured or accrued, under any ordinance previous to its repeal, shall in any way be affected, released or discharged, but may be prosecuted, enjoyed and recovered, as fully as if such ordinance had continued in force, unless it shall be therein otherwise expressly provided.

§ 32.62 REPEAL NOT TO REVIVE FORMER ORDINANCE

When any ordinance repealing a former ordinance, clause or provision shall be itself repealed, the repeal shall not be construed to revive the former ordinance, clause or provision, unless it shall be therein so expressly provided.

§ 32.63 EFFECTIVE DATE

Any ordinance passed by the Council, requiring publication shall take effect from and after the due publication thereof in the manner prescribed by IC 5-3-1, or in the case of an urgent necessity regarding its immediate effectiveness proclaimed by the Mayor is posted in the manner prescribed in IC 36-4-6-14(b)(2), unless therein otherwise expressly provided. An ordinance not requiring publication shall take effect from its passage, after it is signed by the Presiding Officer of the Council, and either it is signed by the Mayor or passed over his veto by the Council in accordance with IC 36-4-6-16.

§ 32.64 REQUESTS FOR PRIOR APPROVAL

(A) From time to time the Common Council of the city is requested by various departments of the executive branch of government of the city to give its promise that it will, on presentation of a properly drawn ordinance or resolution affecting a particular subject matter, pass an ordinance or resolution thereon at a future regular meeting of the Common Council. Such action is customarily referred to as "prior approval." Such "prior approval" is in derogation of the strict letter of the law regarding presentation and passage of ordinances and resolutions but is in the best interest of the city.

(B) Any request for a "prior approval" presented to the Common Council shall require two-thirds vote of the members of the Council. All "prior approval" requests must be passed at a committee session on a second or fourth Tuesday meeting of the Council. The only exception to this requirement shall be with the approval of the Council President, or by the City Clerk if the President is not available.

§ 32.65 SPECIAL PROVISIONS CONCERNING UTILITY BOND ISSUANCE ORDINANCES

(A) Whenever the Board of Public Works of the city has determined and the Common Council thereof finds that any utility is in need of improvements, extensions, additions, expansions or repairs and that funds for said project should be provided by the issuance and sale of revenue bonds payable solely out of said utility's revenues and not constituting a general obligation of the city, and that rates and charges are increased as a result thereof, the Council shall provide in the ordinance authorizing said bond issue that when said bond issue is paid off that the Board of Public Works shall notify in writing the Council within 90 days of the terminal payment of such bond issue.

(B) Said ordinance shall provide that concurrently with said written notification the Board of Public Works shall make a written showing as to why in its opinion said city utility rates or other special revenue requirements should not be reduced because of the reduced debt service requirement arising from satisfaction of their outstanding debt.

§ 32.66 CERTAIN RESOLUTIONS AND REQUESTS COMING BEFORE THE COUNCIL

(A) Certain resolutions that come before the Council for introduction, discussion and passage shall meet the following protocol:

(1) The resolution thesis shall have a direct primary effect on the citizens of the city.

(2) The resolution thesis shall pertain to:

(a) Activities of a local governmental entity, such as food and beverage tax use, parks and recreation, and local judicial system, which will directly affect the citizens of the city; or

(b) If the resolution is in support of legislation for the Indiana General Assembly or the United States Congress, the resolution thesis shall have sponsorship by a member of the local delegation to the Indiana General Assembly, i.e. nine Senators and Representatives from Fort Wayne/Allen County; and/or two Senators and one Representative to the United States Congress which have a direct effect on the citizens of the city.

(B) This protocol shall assist elected officials and citizens in judging acceptance of, or guidance in writing of, certain resolutions. The Common Council will be able to make a strong and effective stand in their support of certain regional and national legislation that will directly and primarily affect those people the Councilmembers have been elected to serve.

(C) This protocol shall not affect resolution theses that may be written and introduced for discussion and passage for city department specific needs, such as bond issues and other municipal borrowing, zoning issues, economic development issues, police and fire issues, other department policies and responsibilities that may be set forth by state statute.

(D) This protocol does not stand as an impediment to any member of the Common Council to bring forth a letter of support for a bill before the Indiana General Assembly, or United States Congress, that such letter may be circulated amongst the body for signature. An announcement shall be made at the beginning of a committee session that such letter of support shall be circulated, but no formal action shall be taken. Each elected official may sign or not, as he/she chooses.

(E) Certain resolutions that are introduced, discussed and passed by the Common Council are non-binding. They reflect the opinion of the elected official who signs the document.

(F) Other requests for written documents honoring certain persons shall meet the following protocol:

(1) A "certificate of honor" shall be written to organizations, groups or individuals that may request a resolution for recognition.

(2) The organization, group or individual shall provide written material about their subject for language composition at least two weeks before the certificate is needed.

(3) There shall be no public presentation at a City Council meeting; however, if a Councilmember is invited to read such certificate at an event honoring said organization, group or individual, the certificate of honor shall be given to the Councilmember for that purpose.

(4) Visiting dignitaries such as a sister city delegation, or a city employee who has had a longstanding, significant relationship with the City Council, will receive, upon request, this recognition in a public presentation of the certificate of honor at a City Council meeting.

(5) All other certificate of honor documents that are written according to this protocol shall be mailed to the appropriate person(s) or given to a City Councilmember or presentation at an outside event.

(6) A certificate of honor is a document printed on parchment, signed by Councilmembers, dated appropriately, with the city seal and ribbon affixed.

COMMITTEES

§ 32.70 DESIGNATED; COMPOSITION

There shall be four standing committees within Council, appointed by the President, consisting of a Chair and a Vice-Chair and all other members of the Common Council. Said Chair and Vice-Chair shall alternate as Chair after a period of six months. Said Chair and Vice-Chair of each committee shall be appointed as follows:

- (A) Finance.
- (B) Regulations.
- (C) Public Works.
- (D) City Utilities.

§ 32.71 DUTIES

The duties of the various standing committees shall be as follows:

(A) Finance. The Finance Committee shall consider and report on all ordinances and other matters concerning tax levies, revenues, bonds, appropriations, fees, salaries and claims. All ordinances and resolutions concerning these subjects shall be referred to the Finance Committee for its recommendation. The Chair of the Finance Committee shall maintain liaison with the City Controller. No payment for expenses incurred by a Councilmember on official business shall be paid unless same shall be approved in writing by the Finance Committee Chair prior to the expenditure of funds for travel.

(B) Regulations.

(1) The Regulations Committee shall consider and report on all general ordinances and zoning map ordinances and all other matters of a regulatory nature. All ordinances and resolutions concerning these subjects shall be referred to the Regulations Committee for its recommendation. The Chair of this Committee shall maintain liaison with the Board of Public Safety.

(2) The Regulations Committee shall also consider and report on all ordinances concerning the annexation of territory to the city and the revision of corporate boundaries. All ordinances and resolutions concerning these subjects shall be referred to the regulations committee for its recommendation. The Chair of the regulations committee shall maintain liaison with their city plan commission with regard to annexation matters.

(C) Public Works. The Public Works Committee shall consider and report on all ordinances and resolutions, including those concerning contracts, pertaining to streets and alleys, track elevation, flood prevention, printing and franchises. All ordinances and resolutions concerning these subjects shall be referred to the Public Works Committee for its recommendation. The Chair of the Public Works Committee shall maintain liaison with the Board of Public Works.

(D) City Utilities. The City Utilities Committee shall consider and report on all ordinances and resolutions, including the approval of contracts, concerning matters pertaining to, the City Waterworks, the City Sewage Treatment Utility and sanitary and storm sewers. All ordinances and resolutions concerning these subjects shall be referred to the City Utilities Committee for its recommendation. The Chair of the City Utilities Committee shall maintain liaison with the General Superintendent of the City Utilities and with the Board of Public Works on all matters pertaining to City Utilities.

§ 32.72 ASSIGNMENT OF MATTERS

(A) Any matter coming before the Council, which does not fall within the specific province of a standing committee, as prescribed in § 32.71, may be assigned to such of the committees as the President or City Clerk may determine, or to a special committee if the committee be deemed appropriate by the President.

(B) When a subject is referred to a committee or a special committee, the said Chair of the committee shall introduce said ordinance or resolution in regular session and refer it to the proper committee for discussion.

§ 32.73 COMMITTEE ACTION

All ordinances and/or resolutions referred to a committee must be signed by a majority of Councilmembers present at the committee session before final action can be taken at the regular session.

BOARDS AND COMMISSIONS

§ 32.85 METHOD OF CHOICE

(A) Where there are two candidates, the selection as to who shall be chosen shall be determined on the basis of the one of who receives the highest number of votes from the Common Council.

(B) Where there are more than two candidates, the Common Council shall choose its appointment in the following manner:

(1) Each member of Council shall vote for his/her first choice for appointment.

(2) The person receiving the majority vote shall be given the appointment.

(3) If no person receives a majority, the person with the lowest number of votes is dropped and Council re-votes. In the event of a tie vote for the lowest number of votes, all tying low votes shall be dropped.

§ 32.86 ELECTION OF COMMISSION MEMBERS

A commission or special body such as the City Plan Commission or Community Services Council, to which Council shall be entitled to name a member of its body, shall be selected from the Council at no later than its first meeting in January of each year to serve until the end of the current calendar year except for commissions asking for multiple year selections, and except for commissions with terms otherwise provided for by law, and boards and commissions that what have appointments to them with expirations that do not line with the calendar year. The City Clerk shall keep a current list of Boards and Commissions to which Council makes appointments.

SECTION 2. That this ordinance shall be in full force and effect after any and all necessary approval by the Mayor.

Martin Bender, Council Member

APPROVED AS TO FORM AND LEGALITY

Joseph G. Bonahoom, City Council Attorney