

**AN ORDINANCE adding 33.004: “Mayoral Appointee Term Limits” in Chapter 33: Departments, Boards, and other Administrative Bodies of the Fort Wayne Municipal Code of Ordinances to include term limits for appointments**

**WHEREAS**, the Fort Wayne City Council has implemented term limits to govern appointments made to certain boards and commissions within the City Council appointment process; and

**WHEREAS**, the Mayor of the City of Fort Wayne has more appointments than Council, and can therefore provide greater opportunities to residents to be involved with the governance of their community; and

**WHEREAS**, some boards and commissions require specialized skills and/or membership in a political party or other organization or the Mayor is required by code to appoint a person who holds a certain job; and

**WHEREAS**, it is imperative that the process of board and commission appointments engages diverse members of the community, and brings new voices into the local government to ensure that all members of the community feel connected to governmental activities; and

**WHEREAS**, to ensure parity in board makeup, it is essential that all appointees abide by the same set of rules, regardless of appointing body.

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

**SECTION 1.** Add section 33.004 “Mayoral Appointee Term Limits” as follows:

**(A) Term Limits.** Mayoral appointees to boards and commissions shall be subject to a limit of term limits as follows:

1. For appointments carrying a one (1) year term a limit of four (4) consecutive terms on the same board or commission
2. For appointments carrying a two (2) or three (3) year term, a limit of two (2) consecutive terms on the same board or commission
3. For appointments carrying a four (4) year term one term on the same board or commission

**(B) Other Parameters for Appointees and Term limits**

1. An appointee may be re-appointed to the same board or commission after not serving on said Board or commission for a period of one (1) term.


- 1 2. Appointees to the Board of Zoning Appeals and the Internal Audit Committee  
2 shall not be subject to the term limits set forth in herein. However, when positions  
3 become available for those aforementioned excluded boards, the Mayor should  
4 use the opportunity to consider nominating candidates who enhance board  
5 diversity.  
6  
7 3. This ordinance is applicable to any appointee that has exhausted the term limits as  
8 identified in subsection A of the Section 33.004 of the Fort Wayne Code as of  
9 1/1/2024. If a candidate cannot be identified within sixty (60) days of the previous  
10 appointment's expiration, the Mayor may re-appoint a person for an additional  
11 term.  
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13 4. A candidate may sit for additional term(s) if that candidate is the current Chair or  
14 President of the board or commission and/or removal of the candidate would  
15 cause irreparable harm to the board or organization due to unforeseen  
16 circumstances.  
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18 5. For boards and commissions that have specific positional appointment  
19 requirements, dictated by state or local code, the positions that are specifically  
20 referenced in code are excluded from the term limits herein.  
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23 **SECTION 2.** That this Ordinance shall be in full force and effect after any and all necessary  
24 approval by the Mayor.  
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26   
27 Jason Arp, Council Member  
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30 Glynn Hines, Council Member  
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34 APPROVED AS TO FORM AND LEGALITY  
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36   
37 Joseph G. Bonahoom, City Council Attorney

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

**SECTION 1.** Add section 33.004 “Mayoral Appointee Term Limits” as follows:

(A) **Term Limits.** Mayoral appointees to boards and commissions shall be subject to a limit of two (2) consecutive terms, (said term as defined by code or policy), on the same board or commission. An appointee may be re-appointed to the same board or commission after not serving on said Board or commission for a period of one (1) term.

(B) **Other Parameters for Appointees and Term limits**

1. Appointees to the Board of Zoning Appeals and the Internal Audit Committee shall not be subject to the term limits set forth in herein. However, when positions become available for those aforementioned excluded boards, the Mayor should use the opportunity to consider nominating candidates who enhance board diversity


2. The prescribed term limits and other provisions contained herein, are applicable to any appointee (except those excluded in section B 1 herein) having served two (2) complete terms as of 1/1/2024



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3. If a candidate cannot be identified within sixty (60) days of the previous appointment's expiration, the Mayor may re-appoint a person for a third (3<sup>rd</sup>) consecutive term
  4. A candidate may sit for additional term(s) if that candidate is the current Chair or President of the board or commission and/or removal of the candidate would cause irreparable harm to the board or organization due to unforeseen circumstances
  5. For boards and commissions that have specific positional appointment requirements, dictated by state or local code, the positions that are specifically referenced in code are excluded from the term limits herein

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

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Jason Arp, Council Member

  
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Glynn Hines, Council Member

26 APPROVED AS TO FORM AND LEGALITY

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Joseph G. Bonahoom, City Council Attorney

**BILL NO. G-23-06-42**

## **REPORT OF COMMITTEE ON REGULATIONS**

**July 11, 2023**

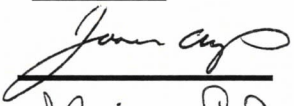
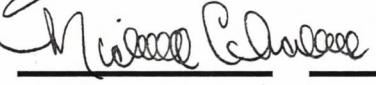
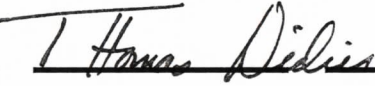
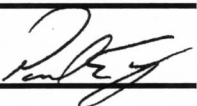
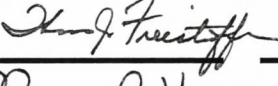
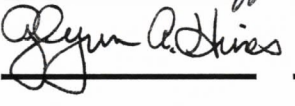
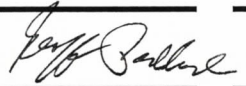

**Tom Freistroffer Chair**

**Sharon Tucker Co-Chair**

**All Council Members**

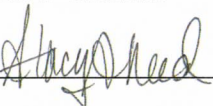
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**COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance**

<u>COUNCIL MEMBER</u>	<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>
<u>ARP</u>	<u></u>	<u></u>	<u></u>
<u>CHAMBERS</u>	<u></u>	<u></u>	<u></u>
<u>DIDIER</u>	<u></u>	<u></u>	<u></u>
<u>ENSLEY</u>	<u></u>	<u></u>	<u></u>
<u>FREISTROFFER</u>	<u></u>	<u></u>	<u></u>
<u>HINES</u>	<u></u>	<u></u>	<u></u>
<u>JEHL</u>	<u></u>	<u></u>	<u></u>
<u>PADDOCK</u>	<u></u>	<u></u>	<u></u>
<u>TUCKER</u>	<u></u>	<u></u>	<u></u>

**STACY REED**

**DEPUTY CITY CLERK**



Public Hearing Date: N/A

Read the first time in full and on motion by Councilperson Freistroffer.

Read the second time by title and referred to the Regulations Committee.

Read the third time in full and on motion by Councilperson Freistroffer, placed on passage by the following vote:

<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
ARP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CHAMBERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DIDIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENSLEY	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FREISTROFFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HINES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JEHL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PADDOCK	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TUCKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: July 11, 2023

  
STACY REED, DEPUTY CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

General Ordinance No. G-23-06-42  
AA on the 11th day of July, 2023

ATTEST:

  
STACY REED  
DEPUTY CITY CLERK

  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th  
of July 2023, at the hour of 2:00 o'clock P.M. E.S.T.

  
STACY REED, DEPUTY CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_ 2023, at the  
hour of \_\_\_\_\_ o'clock \_\_\_\_\_ E.S.T.

**VETOED**

  
THOMAS C. HENRY, MAYOR



# CITY OF FORT WAYNE

THOMAS C. HENRY, MAYOR

To: Fort Wayne Common Council  
From: Mayor Thomas C. Henry *TC*  
Date: July 14, 2023  
Re: Veto of G-23-06-42 as amended

I am vetoing G-23-06-42 as amended, which seeks to set term limits for mayoral appointments to the City's boards and commissions. The City Council is free to set term limits for its own appointments, but this legislative overreach by Council violates the established principle of the separation of powers.

For some time, Council has been preoccupied with the number of board and commission appointments made by the Mayor, many of which appointments are required by state statute. To ensure efficient governing of the city, state law requires the Mayor make appointments to boards and commissions in order "to efficiently perform the administrative functions required to fulfill the needs of the city's citizens." Many of the City's boards and commissions function as extensions of executive responsibilities. The General Assembly's decision to not include term limits in legislating the parameters for mayoral appointments leaves the decision of whether to impose such limitations in the executive, not the legislative, branch.

A balance must be maintained between appointing new members and renewing the terms of members currently serving on boards and commissions. Members who continue their service offer expertise, leadership, and institutional knowledge. As this bill takes into account all time served before January 1, 2024, the engagement of a number of dedicated citizens who have freely and generously given of their time and talent to serve our City would be lost.

I regularly review my board and commission appointments during and nearing the conclusion of members' terms. As the one given the responsibility to make such appointments, I take this duty seriously. The bill proposed by City Council restricts my ability to appoint qualified people to serve our community by setting arbitrary limits on their terms of service. Thus, I must veto this ordinance as it limits me from discharging the executive functions I was elected to perform.

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