



# City of South Bend Common Council

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First District

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Second District

Randy Kelly  
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Fourth District

David Varner  
Fifth District

Oliver Davis  
Sixth District

Gavin Ferlic  
At Large

John Voorde  
At Large

Karen White  
At Large

## NEWS RELEASE

**Subject:** South Bend Common Council Seeking Citizen Members  
**Date:** Thursday, January 4, 2018  
**From:** Council President, Tim Scott  
**Contact:** 574-538-1936

## **South Bend Common Council Seeking Citizen Members to Serve on Standing Committees**

The South Bend Common Council is seeking applications from interested and dedicated individuals who wish to volunteer their time and talents to serve as citizen members on the following Common Council Standing Committees:

**COMMUNITY INVESTMENT**  
**COMMUNITY RELATIONS**  
**HEALTH AND PUBLIC SAFETY**  
**INFORMATION AND TECHNOLOGY (INNOVATION)**  
**PARKS, RECREATION, CULTURAL ARTS & ENTERTAINMENT (VPA)**  
**PERSONNEL AND FINANCE**  
**PUBLIC WORKS AND PROPERTY VACATION**  
**RESIDENTIAL NEIGHBORHOODS**  
**UTILITIES**  
**ZONING AND ANNEXATION**

Section 2-12.3 of the *South Bend Municipal Code* (copy attached) sets forth the regulations addressing "Procedure for Addressing Citizen Appointments".

- Be a resident of the City of South Bend for at least one (1) year
- Be available to attend meetings on a regular basis
- Be interested in the subject matter and/or have some background on committee's topics
- Complete an application form at [southbendin.gov/bcapp](http://southbendin.gov/bcapp) or in person in the Office of the City Clerk on the 4<sup>th</sup> Floor of the County-City Building in downtown South Bend
- Complete a one-time orientation

Council members will interview and select qualified individuals to serve. Persons selected to serve as citizen members will also be sworn in by the City Clerk with the oath being kept on file with that Office. The City Clerk will also maintain copies of all applications submitted by individuals not selected in the event that a vacancy occurs throughout the year (informational only, not disclosable to the public).

We encourage South Bend residents to consider volunteering on a Committee and having your voices heard.

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Sec. 2-10. Eleven standing committees of the Common Council; powers and duties. (a)

There shall be eleven (11) standing committees organized within the Common Council. Each standing committee, except the Council Rules Committee, shall consist of not less than three (3) Council Members. Council Members shall be appointed to each committee by the Council President at the beginning of each calendar year.

(b) Each standing committee, except the Council Rules Committee, shall have not less than one (1) citizen member and at no time shall the number of citizen members constitute more than one-third (1/3) of the total membership of each standing committee.

(c) A person desiring to serve as a citizen member of any of the Council's standing committees, except the Council Rules Committee, must have been a resident of the City of South Bend for not less than one (1) year prior to being considered for appointment. City residency shall be a continuing requirement for membership on all such standing committees. Citizen members shall serve without compensation for one-year terms, with each appointment expiring by the first meeting of the succeeding calendar year of such appointment.

(d) Citizen members shall be appointed by the Chairperson of each standing committee. In making such appointments, the Chairperson shall assure that the citizen members are broadly representative of the South Bend Community.

(e) Upon appointment, the Chairperson shall see that each such citizen member so has on file with the Office of the City Clerk the citizen member's: name, residential address, residential telephone number, business telephone number, and email address.

(f) The Office of the City Clerk shall send to each citizen member notices of all Committee meetings to which they are appointed, along with copies of proposed resolutions or ordinances sent to such Committee for review and recommendation no later than two (2) business days prior to the Committee meeting.

(g) Any citizen member vacancy of a standing committee shall be filled for the unexpired term in the same manner as the original appointment. A vacancy shall be deemed to exist upon the occurrence of any one (1) of the following conditions:

(1) If a citizen member moves his or her permanent place of domicile out of the City of South Bend, dies, resigns, or for any reason refuses to serve during the period for which he or she was appointed; or

(2) If a citizen member fails to attend and participate in the meetings of the standing committee as may be determined by the Committee Chairperson in consultation with the Council President.

(h) All duly appointed citizen members shall have the right to make appropriate motions at Committee meetings and participate in Committee discussions. All such citizen members shall have the right to vote on all matters coming before the Committee to which he or she has been appointed.

(i) There shall be eleven (11) standing committees of the South Bend Common Council. These committees and their area of jurisdiction are as follows:

(1) Parks, Arts, Recreation and Culture (PARC) Committee: Overseeing the various activities of the Century Center, Regional Museum of Art, College Football Hall of Fame, Morris Performing Arts Center, Department of Parks and Recreation, Studebaker Museum and related activities.

(2) Community Investment Committee: Overseeing the various activities of the Department of Community and Economic Development Department and

programs directed by the Division of Community Development, Division of Economic Development and Financial and Program Management.

(3) Community Relations Committee: Overseeing the various activities of the Office of Community Affairs and the relationships and ongoing communications with other public and private entities operating within the City of South Bend.

(4) Council Rules Committee: Overseeing rules and regulations governing the operation of the South Bend Common Council, as well as all matters of public trust as more specifically set forth in section 2-10.1 of the Municipal Code and applicable State and Federal laws.

(5) Health and Public Safety Committee: Overseeing the various activities performed by the Department of Code Enforcement, EMS, Fire Department, Police Department, ordinance violations, and related public health and safety issues.

(6) Information and Technology Committee: Overseeing the various activities of the City's information technologies so that all computer systems, websites, and related technologies are maintained and upgraded so as to remain competitive and up to date with current industry standards.

(7) Personnel and Finance Committee: Overseeing the various activities performed by the Department of Administration and Finance, salaries, budgets, fiscal matters and personnel policies and procedures of the City.

(8) Public Works and Property Vacation Committee: Overseeing the various activities performed by the Building Department, the Department of Public Works and related public works and property vacation issues.

(9) Residential Neighborhoods Committee: Overseeing the various activities of the Neighborhood Partnership Centers and issues related to neighborhood development and enhancement.

(10) Utilities Committee: Overseeing the various activities of all enterprise entities including but not limited to the Bureau of Waterworks, Bureau of Sewers and all related entities.

(11) Zoning and Annexation: Overseeing the various activities related to the Board of Zoning Appeals, Area Plan Commission and the Historic Preservation Commission as well as all related matters addressing annexation and zoning.

The general responsibilities of each standing committee shall include the right to review all legislative proposals, reports and other pertinent information under its jurisdiction; and to monitor on a continuing basis the department(s), bureau(s) and public officials under its jurisdiction. All committees shall deal with any issues referred to it by the Council President or referred to it by a majority of the Common Council. Each standing committee shall report periodically to the Common Council with an annual committee report highlighting activities of the past year by the second Monday of December of each year.

The Chairperson, with the assistance of the Council Attorney, shall be responsible for filing Committee minutes with the Office of the City Clerk within two (2) weeks after each committee meeting. Such minutes shall comply with the Open Door Law and shall include but not be limited to: (1) the date, time and place of the meeting; (2) persons in attendance; (3) summary of all items discussed including all references to proposed resolutions and ordinances referred to it for review and recommendation; (4) a record of

all votes taken; and the time of adjournment. Any documents submitted to a Committee shall be filed with the original of the committee minutes with the Office of the City Clerk. Any majority or minority reports filed with a committee shall also be attached to such Committee minutes.

The Council President shall appoint the Chairperson and Vice Chairperson of each standing committee following his or her election as Council President. A majority of the total membership of a standing committee shall constitute a quorum. The Council President shall have the right to vote on each standing committee only in the event of a tie.

The Office of the City Clerk shall provide notice of all committee meetings, pursuant to applicable State law. Such notice(s) shall also be sent to all citizen members on a committee calling a meeting, along with all copies of documents sent to a standing committee for review and recommendation.

(j) The Council President may appoint special or ad hoc committees. Such committees shall be considered advisory to the Common Council. Such committees shall file appropriate written reports addressing the issue(s) for which they were created with the Council President. Following the completion of their purpose, such special or ad hoc committee shall be dissolved by the Council President unless a majority of the Common Council determines to continue the existence of such committee for a long period of time.

(k) The governing rules of the Common Council as far as they are applicable shall be the rules of each of the standing committees unless determined otherwise by the Committee Chairperson.

(l) It shall be the duty of the Chair Person of each Council Committee to report promptly to the Common Council on all proposed resolutions, ordinances, and other matters referred to it for review and recommendation.

(m) Public hearings on proposed resolutions or ordinances coming before a standing committee shall be conducted pursuant to the following procedures:

(1) Report by an entity having advisory review [Example: Area Plan, Board of Zoning Appeals, Board of Public Works, Community Development, etc.];

(2) Presentation by the parties filing the proposed legislation with copies of all handouts being presented to all Council Members and for the public record;

(3) Public portion: Those speaking in favor shall be followed by those speaking in opposition;

(4) Rebuttal by the petitioning parties; and

(5) Committee discussion and recommendation by proper motions.

(n) The standing committees are authorized to receive exhibits, hear witnesses, and use all applicable powers to procure relevant information on issues referred for review and recommendation. The Committee Chairperson shall report to the Common Council verbally on all action taken on proposed resolutions and ordinances.

(o) In order to assure proper respect to the conduct of all standing committee hearings, the highest standards of dignity, propriety, courtesy and decorum shall be upheld in order to assure the proper fact finding mission through the hearing process. The Chairperson may establish special rules governing such hearings as circumstances may require.

(p) All Council Members and all citizen members of a Council Standing Committee shall abide by the State of Indiana's Uniform Conflict of Interest Disclosure Statement policies and procedures.

(Code 1916, § 7; Code 1962, § 2-11; Ord. No. 5484-73, § 1; Ord. No. 5783-75, § 1; Ord. No. 6032-76, § 1; Ord. No. 6114-77, § 1; Ord. No. 6139-77, § 1; Ord. No. 6237-77, § 3; Ord. No. 6814-80, § 2; Ord. No. 7248-83, § 1; Ord. No. 7297-84, § 1; Ord. No. 7862-88, § 1; Ord. No. 7929-88, § 1; Ord. No. 8237-92, § 1; Ord. No. 8462-94, §§ 3, 4; Ord. No. 9211-01, § II; Ord. No. 9504-04, § V; Ord. No. 9488-04, § I)

Sec. 2-10.1. Powers, duties and procedures of the Council Rules Committee.

- (a) *Standard of conduct generally:* The Common Council recognizes that its Council Members hold their offices as a trust conferred upon them by the citizen voters of the community, and that this public trust requires all Council Members to observe the highest standard of conduct in carrying out their official duties.
- (b) *Function:* The Council further recognizes the Council Rules Committee as part of the enforcing mechanism of the rules and regulations governing the Common Council.
- (c) *Composition:* The Council Rules Committee referred to hereinafter as "committee" shall consist of not less than three (3) members, of whom there shall be a reflection of the political composition of the Council. However, the remaining odd-numbered member shall be the President of the Common Council.
- (d) *Vacancies:* A vacancy on the Rules Committee due to cause shall be filled for the unexpired term in the same manner as the original appointment. A temporary vacancy shall be deemed to exist if the matter under investigation by the committee involves any of the committee members. Said member may return to the committee after the matter has been finally resolved and if the Council Member desires to be reinstated.
- (e) *Officers and staff:* The committee shall elect from its membership a Chair Person and a Vice-Chair Person who shall each be selected for one-year terms. The City Clerk or a designee of said office shall serve as the custodian of its records and minutes. The City Attorney's Office and the Council attorneys may furnish legal assistance to the committee, and the committee, within the limits of its budgetary appropriation may be authorized to employ or engage the services of such other personnel on a limited basis as it deems necessary for the purposes for which it was created.
- (f) *Duties:* The committee, in addition to such other duties as may be prescribed to it by this Code, shall have the following responsibilities:
- (1) To receive and hear any complaint properly filed which alleges misconduct of any Council Member or any violation of the rules and regulations thereof;
  - (2) To obtain information with respect to any complaint filed pursuant to this section and to that end may issue subpoenas upon a majority vote of its members to compel the attendance and testimony of witnesses, and to issue subpoena duces tecum for the production of books, papers, records or other documents relevant or material to any matter under investigation or in question before the committee;
  - (3) To recommend to the Common Council whatever sanction deemed appropriate with respect to particular Council Members as will best maintain in the minds of the public the highest standard of conduct and character in carrying out official Council duties;
  - (4) To recommend additional legislation to the Council relating to the conduct and ethics of the Council Members;
  - (5) To act as an advisory body to the Common Council and to individual Council Members on questions relating to possible conflicts of interest and misconduct;

(6) To maintain permanent records of its investigations, inquiries and proceedings; and  
(7) Issue contempt citations upon the vote of the majority against any person of Council Member who fails or refuses to appear in compliance with a subpoena, or having appeared, fails to testify under oath; or fails to furnish relevant material pursuant to a subpoena duces tecum.

(g) *Investigations:* The committee shall conduct an investigation into the alleged conduct of any Council Member only (a) upon written complaint signed by the complaining party, or (b) if initiated by at least two (2) members of the committee. When a complaint is filed with the committee, a copy shall be promptly sent to the Council Member alleged to have committed the violation. The committee shall determine in a nonpublic executive session whether the complaint alleges facts sufficient to constitute statutory violation. In making such determination the committee shall:

(1) Determine by the affirmative vote of the majority of the committee that the complaint fails to allege specific facts which if proven, would constitute a violation of the rules and regulations;

(2) Refer the complaint to the proper legal advisor or other person designated by the committee for such purpose, who shall perform a preliminary investigation and report back to the committee as soon as possible for their next meeting, where a recommendation as to the nature and scope of any further action on the case is then made. If the committee determines the complaint does not allege facts sufficient to constitute a Code or statutory violation, the complaint shall be dismissed and the complainant and Council Member so notified. If the committee determines the complaint does allege facts sufficient to constitute a Code or statutory violation, it shall promptly investigate the alleged violation. If, after the limited preliminary investigation, the committee determines that probable cause exists to support an alleged violation, it shall convene a hearing on the matter within thirty (30) days after making such determination. All action and all records relating to the preliminary investigation shall be confidential.

(h) *Hearings:* If the committee determines a public hearing is to be held, the Council Member-respondent shall be allowed to examine and make copies of all evidence in the committee's possession relating to the charge(s). At the hearing, the committee shall receive testimony and evidence and the charged party shall be afforded appropriate due process protection, including the right to be present at the hearing, the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross-examine opposing witnesses. All witnesses shall be sworn unless the chairman, for good cause, decides that a witness does not have to be sworn. (i)

*Written report:* After the hearing, the committee shall make a written report of whether or not there was competent, sufficient and substantial evidence of a Code or statutory violation. Such report shall be supported and signed by a majority of committee members. If the committee determines that the Council Member-respondent has not violated a Code or statutory provision, it shall dismiss the charge(s). If a violation is found by the committee, the committee shall then recommend appropriate sanction(s) to the Common Council.

(j) *Council action:* The Common Council shall consider and act upon each report from committee within ten (10) days after receipt thereof and make its findings known at a regular or special Council meeting. In making such a determination, the Council shall:

- (1) Have the City Clerk send copies of the report and findings to each Council Member as soon as practicable;
  - (2) Not receive any testimony or other evidence but may remand a case to the committee for the taking of additional testimony with specific instructions as to what additional evidence or other testimony is needed;
  - (3) In its discretion hear opinions from the public present at said meeting, however, these opinions shall not be regarded as evidence;
  - (4) Affirm, modify or reject committee's findings as to whether or not a violation was committed;
  - (5) Upon modification or rejection of committee's findings, file a written report setting forth the Council's findings and reasons therefore;
  - (6) Not be bound to follow committee's recommendations as to sanctions.
- (k) *Sanctions:* Upon finding that a Council Member-respondent violated the code of conduct of the Common Council or other provision of this Code, the Council by majority vote may take any or none of the following actions:
- (1) Private censure;
  - (2) Public censure;
  - (3) Recommend to the Council Member-respondent that he or she resign his or her position on a standing and/or special committee;
  - (4) Recommend to the Council Member-respondent that he or she resign from his or her office of Councilman;
  - (5) Refer the matter to the County Prosecutor's Office for appropriate action; or
  - (6) Refer the matter, by a vote of two-thirds ( 2/3) of the Council for expulsion from the Common Council.
- (l) *Advisory opinions:* Upon written request of any Council Member, the committee shall render an advisory opinion within thirty (30) days after receipt of the request on any question relating to possible conflicts of interest and misconduct affecting the Council Member's official function. A majority of the members of the committee shall concur in the opinion to be rendered. The committee shall maintain a permanent record of all opinions so rendered. Upon any advisory opinion being submitted to the Council at a general meeting, the Council shall affirm, modify or reject the committee's opinion giving reasons for any modifications or rejection. A Council Member shall not be held to have violated the standards of ethical conduct if he or she acted in reasonable and good faith reliance upon an advisory opinion duly affirmed by the Council.
- (Ord. No. 6114-77, § 1; Ord. No. 7929-88, § 1)