

RESOLUTION NO. 19-01

**A RESOLUTION OF THE HISTORIC PRESERVATION COMMISSION
OF SOUTH BEND AND ST. JOSEPH COUNTY, INDIANA
ALLOWING REPRESENTATIVES OF THE INDIANA STATE DEPARTMENT OF
HEALTH TO COMMUNICATE ELECTRONICALLY DURING MEETINGS**

WHEREAS, the Historic Preservation Commission of South Bend and St. Joseph County, Indiana (the "Commission") operates pursuant to Article 13 of Chapter 21 of the South Bend Municipal Code, as may be amended from time to time (the "City Ordinance"), Title XV, Chapter 154, §§ 154.245-154.263 of the St. Joseph County Code of Ordinances, as may be amended from time to time (the "County Ordinance"), and the terms of the Interlocal Agreement between the City of South Bend and St. Joseph County dated December 12, 2017, as the same may be amended from time to time (the "Interlocal Agreement"); and

WHEREAS, pursuant to Section 3.04 of the Interlocal Agreement, the Commission will conduct its business in accordance with the Indiana Open Door Law (I.C. Sec. 5-14-1.5) and the Indiana Access to Public Records Act (I.C. Sec. 5-14-3), as well as its bylaws; and

WHEREAS, it is the opinion of the Commission that the public is best served by in-person attendance at the Commission's meetings, although in-person attendance by the public is not a requirement of the Indiana Open Door Law, the Indiana Access to Public Records Act, the County Ordinance, the City Ordinance, or the Commission's bylaws; and

WHEREAS, pursuant to Article 2 of the Commission's bylaws, the Commissioners and the Historic Preservation Staff ("Staff") have certain responsibilities to the community and the profession, as well as to adhere to certain standards of conduct, specifically by:

- (a) providing opportunities for meaningful public participation in the Commission's work (Art. 2(2)(a)(6));
- (b) seeking compromises or alternatives where necessary to achieve its goals and provide substantial justice for citizens (Art. 2(2)(a)(9));
- (c) making decisions that are in the best interests of the community (Art. 2(2)(a)(12));
- (d) rendering all practicable assistance to organizations in an emergency when heritage resources are at risk (Art. 2(2)(b)(7));
- (e) seeking the advice of other professionals on matters that fall outside of their expert knowledge or competence (Art. 2(2)(c)(9));
- (f) providing clear explanations when different treatment is provided to similarly situated properties (Art. 2(2)(c)(10)); and
- (g) not participating in deliberations or decisions without adequate preparation and knowledge of the matter before them (Art. 2(2)(c)(12)); and

WHEREAS, approximately eighty percent (80%) of the housing stock in the City of South Bend (the "City") is at risk for lead paint contamination, and among children tested in certain census tracts, up to thirty-one percent (31%) exhibit elevated blood lead levels in excess of 10 mg/dl; and

WHEREAS, the City has identified several funding streams, including grants, to perform work to transform up to two hundred (200) lead-contaminated homes within the City into healthy homes (the “Project”), which funding sources are administered locally and through the State of Indiana; and

WHEREAS, certain of these homes are located within designated historic districts within the City under the purview of the Commission; and

WHEREAS, in order to allow for meaningful public participation in the Commission’s work, help the Commission make decisions that reflect the best interests of the community, and prepare themselves for decisions regarding the transformative work to be performed on the contaminated properties in historic districts, representatives from the Indiana State Department of Health (the “Representatives”) have requested time as needed during meetings in which petitions related to the Project are to be heard to address the Commission regarding the format of the grant program, the bid-awarding process for the proposed construction, and other requirements from the State with regard to the grants; and

WHEREAS, the Representatives have further requested to attend meetings telephonically by speaker phone, since they are located in Indianapolis and may provide input with regard to all of the homes contained in the Project; and

WHEREAS, the Project represents a special situation within the City wherein addressing lead poisoning is a priority of the City’s administration and the protection of heritage resources is also a long-standing objective of the City; and

WHEREAS, the Commission acknowledges that allowing the Representatives to attend meetings telephonically by speaker phone would be a compromise that would allow the Commission to understand and ask questions regarding the process for completing the Project under the terms of the grants in order to make decisions that are in the best interests of the community; and

WHEREAS, the Commission will allow the Representatives to attend meetings telephonically by speaker phone for the limited purpose of providing information regarding the Project as set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION AS FOLLOWS:

1. The Representatives may attend meetings of the Commission in which petitions for Certificates of Appropriateness related to properties within the Project are heard telephonically by speaker phone or by any other electronic means in which all Commission members and the public present at the meeting may hear the Representatives and the Representatives may hear them.

2. Staff shall provide the Representatives with contact information prior to the meeting in order to establish a communication link, and such link shall commence prior to the

meeting's call to order or such other time as agreed upon in advance by Staff and the Representatives.

3. This Resolution represents a compromise under special circumstances as set forth herein and is not intended and shall not be construed as a general allowance for the Representatives or any other party to attend Commission meetings by any means other than in person.

4. This Resolution shall take effect immediately upon its adoption by the Commission.

ADOPTED at a meeting of the Historic Preservation Commission of South Bend and St. Joseph County, Indiana, held on February 4, 2019, at 1308 County-City Building, 227 W. Jefferson Blvd., South Bend, Indiana 46601.

**HISTORIC PRESERVATION COMMISSION
OF SOUTH BEND AND ST. JOSEPH COUNTY**

Michele Gelfman, President

ATTEST:

Greta Fisher, Secretary