



SHARON L. MCBRIDE

3RD District Council Member and Council President

FROM: COUNCIL PRESIDENT SHARON L. MCBRIDE
SUBJECT: SBHA BILL NO. 85-23
DATE: THURSDAY, DECEMBER 07, 2023
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FOR IMMEDIATE RELEASE

Bill No. 85-23, adding a section to the Municipal Code to change the manner in which Commissioners of the Housing Authority of South Bend are appointed, was filed late in the day on Tuesday November 21, 2023. The Tuesday filing complied with a request from the City Clerk's office to have filings made on Tuesday instead of the normal filing deadline of noon on Wednesday because of the Thanksgiving holiday and the need to timely post notice of the upcoming meetings to comply with the Indiana Open Door Law. Bill 85-23 was assigned to the Residential Neighborhoods Standing Committee at the Council meeting on November 27, 2023.

It is the responsibility of the Council's Attorney to ensure that all filed bills comply with State and Federal Law. Council members are entitled to rely on their attorney's opinions. Sometimes questions regarding the legality of a Bill arise after the Bill is filed, but before it is assigned to Committee. In the case of Bill No. 85-23, there was insufficient time to thoroughly review the Federal and State statutes affecting the Bill prior to it being assigned to a Committee due to the Thanksgiving holiday. To the extent that a preliminary review did not establish whether Bill No. 85-23 complied with all Federal and State statutes, any oversight was the responsibility of the Council's Attorney.

More often, questions regarding the legality of a Bill arise during the two-week period between the Bill being assigned to a Committee and the time the Bill is considered by the Committee. In such cases, the Council Attorney will provide a legal opinion to the Chair of the Committee before the Committee meets.

The Council Attorney will provide an opinion on the legality of Bill 85-23 to the Chair of the Residential Neighborhoods Committee prior to its next meeting. If the Bill is determined to be contrary to Federal or State law, the Bill may be withdrawn or will tabled indefinitely. If it is determined to be in compliance with Federal and State law, the Bill will proceed as any other Bill. This Bill, as with any other Bill that is filed with the Common Council, will not be voted out of Committee if it is contrary to Federal or State law.

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