



OFFICE OF THE CITY CLERK

BIANCA L. TIRADO, CITY CLERK

COUNCIL RULES

FEBRUARY 26, 2024 4:25 P.M.

Committee Members Present:

Sheila Niezgodski, Troy Warner

Committee Members Absent:

Sharon L. McBride

Other Council Present:

Ophelia Gooden-Rodgers, Sherry Bolden-Simpson, Canneth Lee, Karen L. White, Dr. Oliver Davis, Rachel Tomas Morgan

Other Council Absent:

None

Others Present:

Bianca L. Tirado, Elivet Quijada-Navarro, Danica Kulemeka, Victoria Stowell, Matthew Neal, Bob Palmer

Presenters:

Bianca L. Tirado

Agenda:

Bill No. 10-24 – Amendment Section 2-7
Contractual Services for Minutes

Please note the attached link for the meeting recording:

<http://docs.southbendin.gov/WebLink/browse.aspx?dbid=0&mediaid=380844>

Committee Member Sheila Niezgodski called to order the Council Rules Committee meeting at 4:25 p.m.

Committee Member Troy Warner introduced Bill No. 10-24, which amends Section 2-7(c) of Chapter Two (2), Article One (1) of the South Bend Municipal Code. The amendment would allow the City Clerk to hire outside contractual services for the initial preparation of drafts of meeting minutes. All meeting minutes would still need to be reviewed by the City Clerk's Office as well as the Council's Sub-Committee on Minutes. This is necessary to handle the backlog of incomplete minutes from 2022 and 2023.

Bianca L. Tirado, City Clerk, with offices on the 4th floor of the County-City Building, gave the presentation. An internal audit found that there were eighty-six (86) Council minutes from 2022 and 2023 that were left incomplete or were never drafted. Under current statutes only those directly employed by the Clerk's office can draft and submit meeting minutes.

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Danica Kulemeka
CHIEF DEPUTY/ CHIEF OF STAFF

Elivet Quijada-Navarro
DEPUTY/ DIRECTOR OF POLICY

Matthew Neal
DIRECTOR OF SPECIAL PROJECTS

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Council Member Niezgodski asked if Luke Britt, Indiana's Public Access Counselor, was notified of the audit.

Clerk Tirado responded yes.

Councilmember Dr. Oliver Davis asked what Luke Britt's thoughts on the current situation are.

Bob Palmer, Council Attorney, stated that there is nothing controversial regarding Bill No. 10-24, and therefore there has been no official statement from Luke Britt.

Councilmember Dr. Davis requested a response from Luke Britt

Attorney Palmer stated that he can reach out for a response.

Councilmember Dr. Davis asked why this matter was not addressed in 2023.

Council Member Warner stated that the previous Clerk's office was unable to timely prepare accurate minutes in-part due to understaffing.

Councilmember Dr. Davis stated that there was a public perception that Clerk Tirado's previous contract was created at least in-part to address meeting minutes.

Attorney Palmer stated that Clerk Tirado's contract was to be a consultant on behalf of the Common Council, which did not make her a member of the Clerk's Office, and therefore the current statutes legally prevented her from preparing the minutes.

Councilmember Dr. Davis asked why Clerk Tirado's previous contract did not have to be brought in front of the Council.

Attorney Palmer stated that there was no vote on Clerk Tirado's previous contract because a vote was not required. The money used to pay-out the contract came from the Council's budget allocation.

Councilmember Dr. Davis asked if there is a financial limit to what the Council can pay for contractual help.

Attorney Palmer stated that the financial limit for professional services is the amount the Council allocated to the subcategory, Professional Services, when the Council voted on the budget. The money for Clerk Tirado's previous contract was taken from the Council's budget subcategory of Professional Services.

Councilmember Dr. Davis stated that he believes contractual services should be required to go before a vote of the Full Council. Councilmember Dr. Davis asked if there was a request for proposal (RFP) for Clerk Tirado's previous contract.

Attorney Palmer stated that he believes an RFP was not required, but that he will get a definitive answer within the week.

Committee Member Niezgodski stated that the Council does not need permission from Luke Britt to ammend a City of South Bend ordinance. Committee member Niezgodski stated that she



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believes there doesn't need to be an RFP until a threshold of two hundred and fifty thousand dollars (\$250,000) is met.

Councilmember Sherry Bolden-Simpson asked for clarification regarding the Access to Public Records Act (APRA).

Clerk Tirado outlined the requirements for APRA.

Councilmember Canneth Lee reiterated that only people directly hired in the Clerk's Office are allowed to work on the minutes.

Committee Member Niezgodski reiterated that Clerk Tirado's previous contract was to assist the Council, and therefore it would have been against the law for her to work on the minutes.

Councilmember Karen L. White reiterated that Bill No. 10-24 would allow for the City Clerk to hire outside contractual services for the initial preparation of drafts of meeting minutes.

Councilmember Rachel Tomas Morgan reiterated that Bill No. 10-24 is necessary to help with the backlog of minutes that were not completed in 2022 and 2023.

Committee Member Niezgodski moves to a public hearing.

Dawn Jones, 602 Cushing Street, South Bend IN 46616, stated that the Clerk's Office had previously contracted a company to help with minutes, and asked why there needs to be an amendment now to do the same thing.

Jordan Giger, 302 South Falcon Street, South Bend IN 46619, asked why this amendment wasn't proposed last year.

Sue Kesim, 4022 Kennedy Drive, South Bend IN 46614, inquired about oversight of Clerk Tirado's previous contract. Kesim stated that artificial intelligence could be used to help with minutes.

Katherine Redding, 418 Lamonte Terrace, South Bend IN 46616, requested Bill No. 10-24 be tabled.

Logan Foster, 1138 College Street, South Bend IN 46628, requested Bill No. 10-24 be tabled.

Don Foster, 132 Chapin Street, South Bend IN 46601, requested Bill No. 10-24 be tabled.

Drew Duncan, 2023 Miami Street, South Bend 46613, stated their disapproval of Bill No. 10-24.

Committee Member Warner motioned to table Bill No. 10-24 until March 25, 2024, which was seconded by Committee Member Niezgodski and carried by a vote of two (2).

Committee Member Sheila Nizgodski - <i>Aye</i>	Committee Member Troy Warner - <i>Aye</i>
Committee Member Sharon L. McBride - <i>Absent</i>	

Committee Member Niezgodski adjourned the Council Rules Committee meeting at 5:09 p.m.

Respectfully Submitted,

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Sheila Niezgodski

Sheila Niezgodski, Committee Member

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