

Disclaimer: Undergoing technology updates experienced some lost of video & audio recording for dictation.

Be it remembered that the Common Council of the City of South Bend, Indiana met in the Council Chambers of the County-City Building on Monday, August 11, 2014 at 7:00 p.m. The meeting was called to order by Council President Derek Dieter and the Invocation and Pledge to the Flag were given.

ROLL CALL

COUNCILMEMBERS:

Present:	Tim Scott	1 st District
	Valerie Schey	3 rd District
	Fred Ferlic	4 th District
	David Varner	5 th District
	Oliver J. Davis	6 th District, Vice-President
	Derek Dieter	At-Large, President
	Gavin Ferlic	At-Large
	Karen L. White	At-Large, Chairperson Committee of the Whole
Absent:	Henry Davis, Jr.	2 nd District (Medical-leave)

OTHERS PRESENT:

Kathleen Cekanski-Farrand	Council Attorney
John Voorde	City Clerk
Janice I. Talboom	Deputy
Kareemah Fowler	Chief Deputy

REPORT FROM THE SUB-COMMITTEE ON MINUTES

Councilmember Schey made a motion that the minutes of the July 28, 2014, meeting of the Council be accepted and placed on file. Councilmember Ferlic seconded the motion which carried by a voice vote of eight (8) ayes.

SPECIAL BUSINESS

John Voorde sworn in Ms. Glenda Wright-Hernandez for the Human Rights Commission

Councilmember President Davis reported that one appointment was made to the NB WB Mission Board, and three appointments to the Animal Control

BILL NO. 14 -69

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, PUBLICLY COMMENDING AND HONORING 3- YEAR -OLD ALEXIS LANGLEY FOR HER HEROIC ACTIONS DURING A MEDICAL EMERGENCY



RESOLUTION NO. 4379-14

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND
PUBLICLY COMMENDING AND HONORING 3-YEAR-OLD ALEXIS LANGLEY
FOR HER HEROIC ACTIONS DURING A MEDICAL EMERGENCY**

Whereas, the South Bend Common Council notes that in 1957, the National Association of Fire Chiefs recommended that a single number be identified which would be used nationwide for reporting emergencies; and

Whereas, the Common Council further notes that in 1968, 9-1-1 was designated as the national emergency number in the United States to be used solely in emergency situations so that callers would be linked directly to an emergency dispatch center, with Canada later converting to this 9-1-1 emergency system in 1972; and

Whereas, on Tuesday, July 8, 2014, Matt Langley of South Bend, fell down thirteen (13) steps to the bottom of his home's staircase and became unconscious; with the only other person home at the time being his little 3-year-old daughter, Alexis; and

Whereas, little Alexis "sprang into action" and ran to the bottom of the stairs and "then went to the living room and grabbed the phone and dialed 9-1-1; and

Whereas, firefighters and paramedics from South Bend Engine 5 and Medic 2 were dispatched to the Langley home, where they then verbally coached little Alexis to unlock the front door which had three (3) locks; after which her father was administered emergency care and then transported to a local hospital for further treatment.

Now, Therefore, be it resolved, by the Common Council of the City of South Bend, Indiana, as follows:

Section I. The Common Council of the City of South Bend, Indiana, publicly honors little 3-year-old **ALEXIS LANGLEY** for her prompt action in dialing 9-1-1 so that the South Bend Fire Department could respond quickly to the medical emergency of her father.

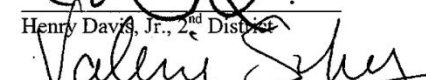
Section II. The Common Council is proud to commend **ALEXIS LANGLEY** for recognizing that her Daddy needed help, and in the words of her Dad:

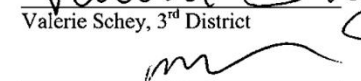
"Alexis is one of a kind. I'm not going to brag, I'm just going to say my daughter did the right things and for what she did, she's my hero..."

Section III. This Resolution shall be in full force and effect from and after its adoption by the Council and approval by the Mayor

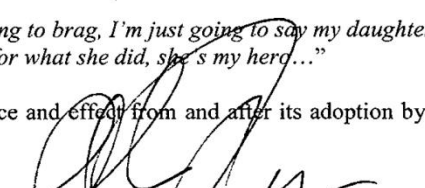

Tom Scott, 1st District

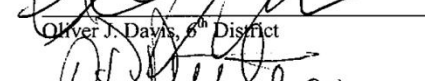

Henry Davis, Jr., 2nd District


Valerie Schey, 3rd District


Dr. Fred Ferlic, 4th District

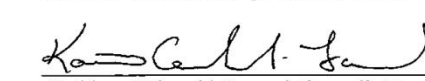

Dr. David A. Varner, 5th District


Oliver J. Davis, 6th District


Derek D. Dieter, At Large

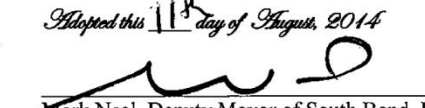

Gavin Ferlic, At Large Council Member


Karen L. White, At Large Council Member


Kathleen Cekanski-Farrand, Council Attorney

Attest:

John Voorde, City Clerk

Adopted this 11th day of August, 2014

Mark Neal, Deputy Mayor of South Bend, IN

Councilmember Vice-President Dieter made the presentation to honor 3-year-old Alexis Langley.

Chief Cox- Alexis job well done, you learned all about 911 from your parents, great job. I would also like to commend the dispatcher that worked everything out.

Councilmember Scott-Great job we appreciate what you done we are so proud of you.

Councilmember Schey-Alexis, you are a hero and a rock star, tomorrow you will be on the news and everyone will be asking for your autograph, so be ready.

Councilmember Ferlic- Alexis the council will send you out to Dairy Queen tonight. Alexis responded thanks everyone.

Councilmember Oliver J. Davis- Alexis I'm proud of you and it's great that your parents have a daughter like you.

Councilmember Dieter- Good job Alexis, keep it up. Hopefully we don't have to see you back, keep learning your lessons and keep it up.

Councilmember Karen L. White- We are so proud of you and to have the knowledge to call 911 not only are you his hero, but you are ours too.

Alexis- made a comment to the council about her mom.

Councilmember Dieter made a move for adoption, councilmember Ferlic seconded the motion, which was carried by a voice vote of eight (8) ayes.

ANNOUNCEMENT: REPRESENTING THE CITY ADMINISTRATION WILL BE KATHRYN ROOS CHIEF OF STAFF AND DEPUTY MAYOR MARK NEAL

REPORTS OF CITY OFFICES-DEPUTY MAYOR MARK NEAL

Mayor Deputy Mark Neal limited his report to the 2015 budget. He reported that they are making great strides to achieve the community's goals. We know what we must do with tearing down barriers and what matters most. The top priority is expanding the economy and creating jobs. First part of the year the Department of Community Investments announced 19 major economical development projects creating 1,287 jobs and \$173 million in private investments, including in May the Noah Corporation of \$57 million in investments in new capital in South Bend by 2025 creating 524 new jobs over the next 10 years. In June the city announced a public private partnership with GE, University of Notre Dame, IDEC, Great Lakes Capital to bring the nations research facility for jet engine and turbo technology bringing 57 jobs through 2018, additional jobs to support the increased needs of specific components. Once operation in full capacity it's economic impact is estimated at \$15 million a year. South Bend has taken strong-strides in is Smart Streets initiative. This year we will be restoring the area of the city's Westside, enhancing the investment with business, for shopping, dining, and reside. This has been a year on progress on the city's vacant and abandoned houses. Allocated resources have made this a great priority. We will be continuing to improve the life of our residence. We take our residence inquiries seriously, we are looking to make things more efficient and cost effective. We will be adding more lights in the cities in our parks and neighborhoods. We have three key elements first making the basics easy, offering good government, and third promote job creation where all our residents can thrive. Tax abatements, Tiff, and investment revolving loan fund are a critical tool to our growth and improvements to our community. We would like to show that South Bend along with Muncie, Anderson, and Indianapolis are cities that are impacted by the heart of the circuit breaker. There are four quadrants and we are at high concern it indicates that our challenge is significant but we have been effectively managing it. The circuit breaker has dropped South Bends funding by 31%, \$29 million of general funds is no longer there. The overall budget for 2015 is just over \$311.4 million including spending on bond proceeds we expect to spend for 2015. We are focusing on our core values which include creating more public/private partnerships, and cutting-edge innovation. The 2015 budget priorities our neighborhoods, smart streets, public safety, vacant and abandonment homes, and technology innovation. Next year South Bend will host a birthday party at the end of May to celebrate our success. We want the budget to reflect a 2% pay increase to our employees as a way of thanks. To quote, Mayor Pete, "We are building a safe well connected community where anyone can thrive." This administrations seeks to make South Bend more efficient in allocating resources

and tighter use of technology to improve public service, public safety, and economic development improving the life of our residents. We will continue to keep moving forward.

Councilmember Ferlic- on slide five or six you have an old picture.

Councilmember President Davis- we continue to look forward to working with you on the 2015 budget. Deputy Mayor responded we will have a series of meetings going in a detail budget and we will have it up online for residents who have questions or comments about the budget.

RESOLVE INTO THE COMMITTEE OF THE WHOLE

At 7:33 p.m. Councilmember Schey made a motion to resolve into the Committee of the Whole. Councilmember Varner seconded the motion which carried by a voice vote of eight (8) ayes. Councilmember Schey, Chairperson, presiding.

Councilmember Schey, explained the procedures to be followed for tonight's meeting in accordance with Article 1, Section 2-11 of the South Bend Municipal Code.

Councilmember Schey stated that a brochure may be found on the railing in the Council Chambers explaining those procedures.

PUBLIC HEARINGS

BILL NO. 34-14

PUBLIC HEARING ON A BILL AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT SOUTHEAST CORNER OF MEADOW AND LOMBARDY 64+ OR - ACRE SITE, COUNCILMANIC DISTRICT NO. 6 IN THE CITY OF SOUTH BEND, INDIANA

Councilmember Varner made a motion to hear the second substitute. Councilmember Ferlic seconded that motion, which carried with a voice vote of eight (8) ayes.

The Zoning and Annexation committee met and send sub 34-14 this to the full council with a favorable recommendation.

Mrs. Hill- Offices on the 11th floor- The property on Meadow and Lombardy is surrounded by property north, agriculture field, apartments, a baseball field, and vacated property. They propose a building with parking spaces, and the rest for storage, they are proposing 6 foot barn to the north with additional trees, and on the west 6 foot barn and landscaping with evergreens. At the public hearing, there were two neighbors from apartments that spoke in opposition. It comes with a favorable recommendation from the Area Plain commission and industrial zoning, the appropriate infrastructure will be put in place.

Petitioner- Andrew- 211 W Washington St. - I would like to thank the redevelopment commission for your help during this process. The development company filling that space are local here in South Bend, they have intentions to expand with additional office space, 650 jobs that bring 524-525 welder jobs to the city of South Bend. This project represents over half the jobs for the year of 2015.

Councilmember White- what is the average entry level salary for these positions? What be the skill set level. Petition responded the average entry level salary would be \$16 and hour. The skill set would be high skilled Welders, and training those out of high school and local colleges.

Councilman Scott- Can you talk about the buffers on the Northside and the road coming in, will it be paved and where will the trucks go coming and going? Petitioner responded on the northern portion there is a 100 foot setback that have high trees of 60-80 feet, beyond that we will have 6 foot high burners on the property lines, along with additional tress. The dust may or

may not be created we will have outdoor storage, with a private drive for truck and employee traffic. We don't wish to have any issues with neighbors or residence.

There being no one present wishing to speak to the Council in favor.

Those wishing to speak in opposition to this bill:

Eleanor Bottom- 1054 Gardner Lane- she spoke in opposition, kids families plays right there, this project will take-a-way from our property values. They should look to other areas that are already industrial.

Rebuttal from the petitioner the land we are acquiring is zoned Industrial, so it is not a quantum leap, second we will be voluntarily be putting in additional greenery and burners to make this fantastic and it might help increase the property value as employees will be looking to move closer to the facility. We are not looking to be a bad neighbor, we have meetings scheduled on August 21st.

Councilmember White- will the public meeting be advertised on the cities website? Petitioner- we welcome those who want to speak and we welcome those opinions of others and we definitely don't want to decrease the property value for those around us.

Councilmember White made a motion for favorable recommendation to full Council concerning this bill as amended. Councilmember seconded the motion which carried by a voice vote of eight (8) ayes.

BILL NO. 41 -14

PUBLIC HEARING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING SECTIONS OF CHAPTER 9, ARTICLE 3, OF THE SOUTH BEND MUNICIPAL CODE TO ADDRESS AMBULANCE /MEDICAL SERVICE FEES

Councilmember Scott, made a motion to continue until August 25, 2014. Councilmember seconded the motion, which carried forward with a voice vote of eight (8) ayes.

RISE AND REPORT

Councilmember Dieter made a motion to rise and report to full Council. Councilmember Schey seconded the motion which carried by a voice vote of eight (8) ayes.

ATTEST:

ATTEST:

John Voorde, City Clerk

Valerie Schey, Chairperson
Committee of the Whole

REGULAR MEETING RECONVENED

Be it remembered that the Common Council of the City of South Bend reconvened in the Council Chambers on the fourth floor of the County-City Building at 7:13 p.m. Council President Oliver Davis, presided with nine (9) members present.

BILLS – THIRD READING

BILL NO. 33 -14

THIRD READING ON A BILL OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ANNEXING TO AND BRINGING WITHIN THE CITY LIMITS OF SOUTH BEND INDIANA, AND AMENDING THE ZONING ORDINANCE FOR

PROPERTY LOCATED IN PENN TOWNSHIP,
CONTIGUOUS THEREWITH; COUNCILMANIC
DISTRICT 5 DELDORA LLC 17716, 17802 & 17830
IRELAND ROAD, MISHAWAKA, IN 46544

This bill had third reading. Councilmember White made a motion to amend as it was in the Committee of a Whole. Councilmember Garner seconded the motion which carried.

Councilmember Ferlic made a motion to pass 33-14 as amended. Councilmember Schey seconded that motion. The bill passed by a roll call vote of eight (8) ayes.

BILL NO.34 -14

THIRD READING ON A BILL AMENDING THE
ZONING ORDINANCE FOR PROPERTY LOCATED
AT SOUTHEAST CORNER OF MEADOW AND
LOMBARDY 64+ OR - ACRE SITE, COUNCILMANIC
DISTRICT NO. 6 IN THE CITY OF SOUTH BEND,
INDIANA

This bill had third reading. Councilmember White made a motion to amend as it was in the Committee of a Whole. Councilmember Garner seconded the motion which carried.

Councilmember Garner made a motion to pass the amended version. Councilmember White seconded that motion, which carried by a roll call vote of eight (8) ayes.

BILL NO 41 -14

THIRD READING ON A BILL OF THE COMMON
COUNCIL OF THE CITY OF SOUTH BEND, INDIANA,
AMENDING SECTIONS OF CHAPTER 9, ARTICLE 3,
OF THE SOUTH BEND MUNICIPAL CODE TO
ADDRESS AMBULANCE /MEDICAL
SERVICE FEES

This bill had third reading. Councilmember White made a motion to pass this bill. Councilmember Oliver Davis seconded the motion which carried. The bill passed by a roll call vote of nine (9) ayes.

RESOLUTIONS

BILL NO. 14 -73

A RESOLUTION OF THE COMMON COUNCIL OF
THE CITY OF SOUTH BEND, INDIANA, APPROVING
AN INTERLOCAL AGREEMENT FOR THE
ELIMINATION, REORGANIZATION, AND
CONSOLIDATION OF PUBLIC SAFETY ANSWERING
POINTS IN ST. JOSEPH COUNTY, INDIANA, AND
ALL MATTERS RELATED THERETO

Bill No. 14-73

RESOLUTION NO. 4380-14

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING AN INTERLOCAL AGREEMENT FOR THE ELIMINATION, REORGANIZATION, AND CONSOLIDATION OF PUBLIC SAFETY ANSWERING POINTS IN ST. JOSEPH COUNTY, INDIANA, AND ALL MATTERS RELATED THERETO

WHEREAS, each of four local governmental units in St. Joseph County, Indiana (the "County"), namely, (i) the County; (ii) the City of South Bend, Indiana ("South Bend"), (iii) the City of Mishawaka, Indiana ("Mishawaka"), and (iv) the Clay Fire Territory (the "Territory", and together with the County, South Bend and Mishawaka, the "Parties") currently operate a Public Safety Answering Point ("PSAP") for dispatching fire, ambulance and law enforcement services;

WHEREAS, pursuant to IND. CODE § 36-8-16.7-47(e), each PSAP operator in the County is to enter into an interlocal agreement under IND. CODE § 36-1-7 with every other PSAP operator in the County to ensure that the County does not contain more than the number of PSAPs authorized by IND. CODE § 36-8-16.7-47(c) after December 31, 2014;

WHEREAS, Ordinance 79-13 (the "Ordinance"), passed by the St. Joseph County Council (the "County Council") on January 14, 2014 and approved by the Board of Commissioners of the County of St. Joseph, Indiana (the "County Commissioners") on January 15, 2014, established the Public Safety Communications Consortium of St. Joseph County, Indiana;

WHEREAS, the Ordinance established a Public Safety Communications Executive Board (the "Executive Board") for the purpose, among other things, of making recommendations regarding the implementation of a consolidated dispatch function for the County;

WHEREAS, on July 21, 2014, the Executive Board by resolution (i) deemed it to be advisable, and in the best interests of each of the Parties to enter into a proposed form of an Interlocal Agreement for the Elimination, Reorganization, and Consolidation of Public Safety Answering Points in St. Joseph County, Indiana (the "Interlocal Agreement") among the Parties pursuant to IND. CODE § 36-1-7; (ii) approved the Interlocal Agreement; (iii) and recommended to the County Council, the County Commissioners, the South Bend Common Council, the Mishawaka Common Council, and the Board of the Clay Fire Territory that each of such bodies approve the execution and delivery of the Interlocal Agreement by each of the Parties; and

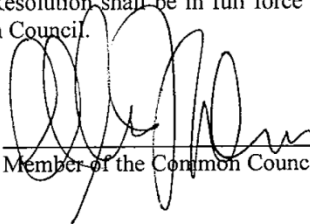
WHEREAS, there has been presented to this meeting a copy of the proposed form the Interlocal Agreement, and the members of the South Bend Common Council have reviewed the proposed Interlocal Agreement and deem it advisable and in the best interest of South Bend for South Bend to enter into the Interlocal Agreement:

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND AS FOLLOWS:

SECTION 1. Approval of Interlocal Agreement. The South Bend Common Council hereby deems it advisable and in the best interest of the City of South Bend for South Bend to enter into the Interlocal Agreement. The substantially final form of Interlocal Agreement presented to this meeting, and incorporated herein by reference, is hereby approved by the South Bend Common Council. The Mayor or the Deputy Mayor and the City Clerk are hereby authorized and directed, for and on behalf of South Bend, to execute and deliver the Interlocal Agreement and to approve any changes in the form or substance of the Interlocal Agreement, such approval to be conclusively evidenced by its execution by the Mayor and City Clerk.

SECTION 2. No Conflict. All ordinances, resolutions, and orders or parts thereof in conflict with the provisions of this Resolution are to the extent of such conflict hereby repealed.

SECTION 3. Effectiveness. This Resolution shall be in full force and effect from and after its passage by the South Bend Common Council.



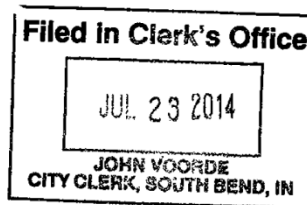
Member of the Common Council

ATTEST:



City Clerk

PRESENTED 8-11-14 as Amended
NOT APPROVED
ADOPTED 8-11-14 as Amended



Councilmember Dr. Ferlic Health and Public Safety met earlier today and discussed the pros and cons and send this to the full Council with a favorable recommendation.

Petitioner- we are talking about the consolidation of our 911 call center. He brought with them a team of people in support of the bill. Our focus is requesting your approval of the center local

agreement to reduce our four (4) call centers to two (2), the interlocal agreement states that certain action take place to get approval for the consolidation for the two facilities by December 31st. The focus is we will be that we weed out two and retain approximately \$2 million in E9 revenues and move eventually to a signal site providing the most effective and cost efficient to our residence. We appreciate the council's insight and guidance as part of this consolidation. All reduced will be exclusively reviewed for the new center before adding new employees. We have a transparency with our staff as we go through this transition.

Councilmember President Oliver Davis- in the last meeting we had a public meeting and heard the pros and cons are we still going to have another public hearing after this?

Council Attorney- if there are any new questions shared at the committee meeting/

Petitioner did you see the questions put out earlier today?

Councilmember-Are there any females on the operations board? Petitioner responded that it is reflective of those on the board.

Steven Cox- Fire Chief 523 S Michigan St- the fire chief and police chief and several others serve on the Operations board which are all voted on by the township police chief so to answer your question currently there are no females on the board. Councilmember are there plans to have a female on the board down the road? Mr. Cox the boards have the positions outlined by title, should those positions be voted in the county sheriff then there shall be a female. Councilmember just get that to me at some point. Mr. Cox, two weeks President Davis asked about the foundation in any other county have one versus two, we have one of the consultants with us to explain. In Evansville, and Allen County have consolidated in one. The consultant is also working with several other cities that are going from two to one.

Councilmember White- to Deputy Mayor Neal I appreciate all the discussions and I want those questions and responses to ensure that those employees have a clear process. By the end of August our current employees will have to apply to those positions? Petitioner responded in this is approved our Executive Director is going to start work immediately and bring together the documents and the county HR that outline the expectations and consideration for positions available, only current employees until we go through those applicants. Councilmember White, I don't know how quickly we can get that through the city clerk. Petitioner responded we are looking to get those done as quickly as possible to get to our employees to smooth over this transition.

Councilmember Oliver Davis-the proposed two percent raise, would they be including that in the package that they will be offering people? Petitioner responded as part of these agreements there is a consolidated piece that lists all the salaried positions. Councilmember Oliver will that indicate the increase? Petitioner I'm going to look to the county for close proximity of that, they are in \$40k-\$43k range. The budget that they are passing is to include a 2% raise so would it not include the raise? I think there should be a fair reflective amount for the raise. Councilmember Oliver stated that he feels that no-one takes a paycheck in light of the matter that there is a two percent raise be taken in to account.

Jonathan- Assisted in the consolidated budget of the dispatch- within the \$6.1 million budget which accounts for \$4.2 million allowance for total cost of labor and benefits, so numbers were constructed by consolidated dispatchers and transfer employees. Councilmember Oliver From your point of view you don't see anyone being switched over having to take a pay cut? Petitioner the money is there so that should not happen.

Councilmember Dieter- this was letter on the 7th that was addressed to the commissioner, that the 70,000 administrator calls are included in the call count. Petitioner as discussed the call volume, dealt with administration cost that some numbers will have certain adjustments. The formula in the local agreement administration would go to the front desk, so behind the scene, would go to the consolidated dispatch. Councilmember so how do you explain where the 70,000 calls go?

Jerry- 701 W Saddle St.- As mention front desk answer approximately 91,000 calls certain percentage, develop and are dispatched with the center, 70,000 calls just end up to be everyday questions and answers. Councilmember Dieter the call count will not be at the dispatch center, that's the confusion? Jerry certain area codes will change and the rest will goes to the dispatch center

Councilmember White I just want to ask for clarification during the budget process that the staffing had to be reduced and will no longer be county employees. Deputy Mayor, yes that is correct.

Councilmember Scott- That can happen sooner as it will role in to two centers before December? Petitioner that is correct, expectation construction will be done by early September, everyone will be an employee of their respected district until January 1st.

Councilmember Schey-Can we get clarification Section 7.01 whether it is 2013 or 2014 I'm assuming that they received an increase for 2014? Petitioner correct that would not be logical to have 2013. Councilmember Oliver that was my concern with the budget and the wording on the documents? Petitioner the important fact is that there are funds available for the transition and we took in to consideration the current salaries as we created the budget and made modification so the budget. Councilmember Oliver I'm not concerned if the money is there as I know it is there but when it is written like that then there's justification why people are not paid that because of the language written there. I think it can be cleared up if the language is changed.

Councilmember Dr. Ferlic, Kathy can we skip the way the vote takes place with the date 2014 and not 2013, for the 2015 budget

Council Attorney Kathy stated that we can accept the play as a signatory to this as we can correct it, agree that we need the proper date.

Petitioner- I understand the date to 2013, I'm not aware the date should be 2014, as the work was being done during 2014, the financial model that included an increase, there is flexibility in that number at the county's discretion as that's how the paper has to be drafted. Councilmember Oliver if it's at the county's discretion we also have a discretion that we don't appropriate the money based on the county said or not they don't get it, I think this is a simple thing to update, you are also stating that it is based on 2013. Petition from the city's administration we noted that we will be forth coming with an appropriation request that we are looking to pay out all sick pay and vacation and willing to make reasonable accommodations. Councilmember Oliver, is it possible to get the numbers of the appropriation with the 2% so that no one feels they're moving and getting a cut, that's is what I would like to see in here. Everybody is going to do as much as possible. Councilmember Oliver my point is what you state and the language are not matching up this is my point.

Councilmember White- We are making sure that our employees are not losing ground, we are in support but the language needs to be changed in order for us to move on. Petitioner I understand we don't expect anyone to take a pay cut of lower than what they are currently receiving.. Councilmember White my point is that unless it is writing, we need to make sure the agreed upon is in the agreement. Petitioner- I completely agree with Councilmember White.

Executive Director- Public Safety Communications Consortium- there is a couple points for clarification, there are a certain number of people needed to maintain the center, and then we come up with the number for the grand total, that was in 2014, we will be hitting 57 people and 3 supervisors and establish wages, we are not justifying paying one entity a pay raise and not another entity. Councilmember Oliver we represent everyone and what we are stating that the language is not reflective of what you are stating. Do you have someone in legal that can work with our City Council attorney?

Councilmember Dr. Ferlic, I think if the word can be changed 2013 to 2014 we can move forward?

A 10 minute recess was allowed to converse and reconvene.

Council Attorney Kathy the issue was with language on page 7, Section 7.03 which references December 31st, 2013 in reference to the pay rate, the common council in bill 14-73 one of sentences the substantially final form of the interlocal agreement, which means if you find due diligence than you have the authority to correct it, we agree that it is 2014, and if the council goes through than they will correct it to 2014

Councilmember Dr. Ferlic- I want to thank Karen for finding and the fire chief so I will toast to that.

Councilmember Scott made a motion to amend bill 14-73 that there's a script error on page 7 on the interlocal agreement and therefore we would strike 2013 to 2014. Councilmember Ferlic seconded the motion, which carried by a voice vote of eight (8).

Councilmember Oliver so it is clear that it will be 2014, Council Attorney it is still at their discretion, but the minimum is 2014.

A Public Hearing was held on the Resolution at this time.

Councilmember Karen, I just want to thank everyone for responding to the question in terms of the timeframe, I want to let them know that we spent a lot of time this afternoon asking question in the best interest of our citizens, so that you for your last minute efforts.

Petitioner- thank you everyone for getting this done, and I appreciate the hard work from the council and the city employees.

Councilmember Scott- we needed to take a recess to get numbers and get facts right, when it is all said and done I can see the big picture, a lot of time there is no work around. I think South Bend has the best dispatchers around, it's not just a normal job. There's always someone there, this isn't an easy decision. Let's learn from these mistakes and move on from it in the future.

Councilmember Oliver- I'm glad we were able to work it out, I want us to go forward, but not inconsideration that we weren't looking out for the citizens and the employees.

There being no one present wishing to speak to the Council either in favor of or in opposition to this bill, Councilmember made a motion to adopt the amended bill to the full Council concerning this bill. Councilmember seconded the motion which carried and the Resolution was adopted by a roll call vote eight (8) ayes.

BILL NO. 14 -75

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND RECOMMENDING THAT PERSONNEL POLICIES AND PROCEDURES BE DEVELOPED FOR ALL CITY OF SOUTH BEND ELECTED OFFICIALS- THE MAYOR, THE CITY CLERK AND THE COMMON COUNCIL -- WHICH REFLECT BEST PRACTICES

RESOLUTION NO. 4381-14

BILL NO. 14-75 as amended

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND
RECOMMENDING THAT PERSONNEL POLICIES AND PROCEDURES BE DEVELOPED
FOR ALL CITY OF SOUTH BEND ELECTED OFFICIALS - ~~THE MAYOR, THE CITY~~
CLERK AND THE COMMON COUNCIL -- WHICH REFLECT BEST PRACTICES** *MS*

Whereas, the South Bend Common Council acknowledges that *Indiana Code* § 2-7-1-14 defines “public official” as “an individual who holds office in the executive, judicial, or legislative branch of the state or federal government or a political subdivision of either of those governments and includes an official or employee of a state educational institution”; and

Whereas, the South Bend Common Council acknowledges that *Indiana Code* § 36-4-7-2 defines “compensation” as the “total of all money paid to an elected city officer for performing duties as a city officer, regardless of the source of funds from which the money is paid”; and

Whereas, the Common Council further notes that *Indiana Code* § 36-4-7-2 authorizes the city legislative body to fix the annual compensation of all elected city officers by ordinance; and

Whereas, the Council acknowledges that the *Internal Revenue Code* sets forth withholding requirements for taxable fringe benefits; however the amount and types of such benefits as well as types of leaves vary from municipality to municipality; and

Whereas, on March 1, 2014, the Internal Revenue Service updated provisions addressing the “Classification of Elected and Appointed Officials” and noted in part that:

“Although there is no precise definition for the term ‘public official’ or ‘public officer’, the courts have generally held that anyone who exercises significant authority pursuant to public laws is a public officer. This includes any official who administers or enforces public laws, whether the individuals is elected by the public or appointed to an office”; and

Whereas, to further complicate matters, federal and state laws govern some leaves, but not all, and no “established answer” could be given by the Indiana Association of Cities and Towns (IACT) with regard to policies governing various leaves for elected public officials; and

Whereas, many communities, like the City of South Bend, have not specifically addressed personnel policies governing their elected public officials; however, it is noted in Chapter 2.165 entitled “General Employment Provisions” of the *Evansville, Indiana, Municipal Code*, the following definition is codified as Section 2.165.040:

“Definition of employee. As used in this chapter, the term ‘employee’ shall mean persons in the employ of the city and all elected officials of the City”; and

Resolution Requesting Personnel Policies & Procedures for Elected Public Officials
Page 2

Whereas, fair, reasonable, clear and consistent personnel policies foster a more efficient and productive overall work force, especially when compensation and monetary fringe benefits of city employees as well as elected public officials are paid for by public tax dollars; and

Whereas, there is a need for a detailed and comprehensive review by both the legislative and executive bodies of the City of South Bend, so that personnel policies for elected city officials can be developed which address items not specifically addressed by applicable state or federal law.

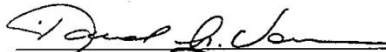
Now, Therefore, be it resolved, by the Common Council of the City of South Bend, Indiana, as follows:


Section I. The Common Council of the City of South Bend, Indiana, believes that sound and fair personnel policies governing city elected public officials would be in the best interests of the city.

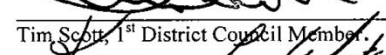
Section II. The Common Council therefore believes that the Council, in collaboration with the City Administration should develop draft policies and procedures for elected public officials which address those items which are not currently governed by state or federal laws.

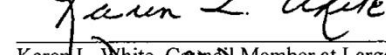
Section III. The Council therefore recommends that the City's Human Resources Director, a representative of the Department of Law, and the Council Attorney be requested to provide a preliminary draft of personnel policies and procedures for ~~the Mayor~~, the City Clerk and the Common Council which are not otherwise addressed by applicable state or federal law and which represent best practices; with such draft being submitted to these elected city officials within forty-five (45) days from the adoption of this Resolution.

Section IV. This Resolution shall be in full force and effect from and after its adoption by the Council and approval by the Mayor.


 Dr. David Varner, 5th District Council Member


 Tim Scott, 1st District Council Member.


 Karen L. White, Council Member at Large


 Derek D. Dieter, Council Member at Large

Adopted this 11th day of August, 2014, by a vote of 7 to 1.

Defeated this day of August, 2014, by a vote of .

Councilmember White the Personnel and Finance Committee met earlier this afternoon and send this bill to the full Council with favorable recommendation.

Councilmember Dr. Varner- this is a resolution that asks that they find the solution in 45 days, and help our legal department and HR for those who we work. It would like an amended offer and would like to ask our council attorney.

Council Attorney in the title line 3 the following words would be struck all the mayor, section the mayor,

Councilmember Ferlic made a motion to accept the amended. Seconded by Councilmember Dieter, which was carried forward by a voice vote of eight (8).

Councilmember Varner, made a motion to be continued as amended until September 11th, motion seconded by Councilmember Schey, which carried by a voice vote of six (5) ayes and three (3) nays.

A public hearing was held at this time.

Councilmember Dr. Ferlic made a motion to adopt this resolution as amended, motion seconded by Councilmember Dieter which carried seven (7) ayes, (1) nay Councilmember Davis.

BILL NO. 14 -76

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ACCEPTING THE ADVISORY RECOMMENDATION OF THE BOARD OF PUBLIC WORKS, RATIFYING, CONFIRMING AND APPROVING CERTAIN ACTIONS AND APPROVING THE EXECUTION OF A PROJECT DEVELOPMENT AGREEMENT WITH AMERESCO, INC. RELATED TO A GUARANTEED ENERGY SAVINGS CONTRACT FOR CENTURY CENTER

RESOLUTION NO. 4382-14

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA ACCEPTING THE ADVISORY RECOMMENDATION OF THE BOARD OF PUBLIC WORKS, RATIFYING, CONFIRMING AND APPROVING CERTAIN ACTIONS AND APPROVING THE EXECUTION OF A PROJECT DEVELOPMENT AGREEMENT WITH AMERESCO, INC. RELATED TO A GUARANTEED ENERGY SAVINGS CONTRACT FOR CENTURY CENTER

WHEREAS, on November 25, 2013, the Common Council of the City of South Bend ("Council") adopted its Resolution No. 4302-13 appointing the Board of Works ("Board") and the Department of Public Works of the City of South Bend ("Department") as authorized agents of the Council for purposes of meeting the provisions required by IC 36-1-12.5 and other Indiana laws leading up to the final review of and the execution by the Council of a Guaranteed Energy Savings Contract for the use of energy saving technology at Century Center; and

WHEREAS, IC 36-1-12.5-2.5-2 defines a "guaranteed savings contract" as a contract to (i) evaluate and recommend to the governing body conservation measures, and (ii) provide for the implementation of at least one (1) conservation measure; and

WHEREAS, on August 7, 2014, the Board adopted its Resolution No. 35-2014 confirming the Board's compliance with IC 36-1-12 and further making its advisory recommendation to the Common Council of the City of South Bend, Indiana that the Council approve and execute a Project Development Agreement with Ameresco, Inc., the form of said agreement being attached hereto and incorporated herein as *Exhibit 1*, and a copy of said Resolution No. 35-2014 attached hereto and incorporated herein as *Exhibit 2*; and

WHEREAS, the Board has heretofore reviewed the proposed form of Project Development Agreement as attached hereto and incorporated herein as *Exhibit 1* to the Board's Resolution No. 35-2014 and upon completion of the energy audit as described in the Project Development Agreement, Ameresco shall prepare and deliver a Project Proposal which shall be incorporated into a separate Energy Savings Contract which upon recommendation of the Board of Public Works is intended to be approved and executed as a separate agreement by and between the Council and Ameresco, Inc.

WHEREAS, the Board has affirmed that the actions referred to in its Resolution No. 35-2014 were undertaken solely at the direction of and as authorized agents to the Council pursuant to the Council's Resolution No. 3705-07 and not on the Board's own behalf; and

WHEREAS, the Common Council of the City of South Bend desires to accept the Board's advisory recommendation and to approve and execute the Guaranteed Energy Savings Contract with such changes as may be suggested by the City's Department of Law; and

WHEREAS, the Common Council of the City of South Bend further desires to ratify, confirm and approve various other actions undertaken to date by the Board and the Department in

their respective capacities as authorized agents of the Common Council incidental to the authority granted by Council Resolution No. 4302-13.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, that:

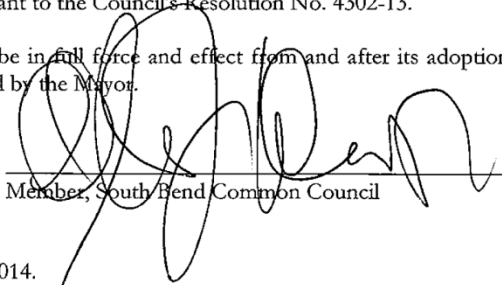
Section 1. The Common Council of the City of South Bend hereby accepts the advisory recommendation of the Board of Public Works of the City of South Bend that the Council approval and execute a Project Development Agreement with Ameresco, Inc., the form of said agreement being attached hereto and incorporated herein as *Exhibit A* with such changes as may be suggested by the City's Department of Law with approval of such changes evidenced by the execution and attestation respectively, of the agreement.

Section 2. The Common Council of the City of South Bend hereby authorizes the execution of the documents as described in this Resolution and as presented at this meeting with such changes as may be suggested by legal counsel with approval of such changes evidenced by the execution and attestation respectfully, of the contract.

Section 3. The Common Council of the City of South Bend hereby acknowledges the Board of Public Works assurance and commitment as expressed in the Board's Resolution No. 35-2014 that, upon approval and execution of the Project Development Agreement and/or the Energy Savings Contract by the Council, staff members of the Department of Public Works shall supervise all work done incidental to the Guaranteed Savings Contract concerning Century Center, including the power to authorize change orders and ensure its continue compliance with Indiana law and its continued adherence to the direction expressed in the Council's Resolution No. 3705-07.

Section 4. The Common Council of the City of South Bend hereby ratifies, confirms and approves the actions taken by the Board of Public Works and the Department of Public Works of the City of South Bend in their respective capacities as authorized agents to and on behalf of the Common Council pursuant to the Council's Resolution No. 4302-13.

Section 5. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

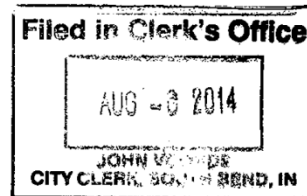


Member, South Bend Common Council

Adopted this 11th day of August, 2014.

PRESENTED 8-11-14
~~NOT APPROVED~~
ADOPTED 8-11-14

*.*Res SBCCouncil_Project Development, Century Center_Ameresco_FINAL 14085



Culvac- offices on the 13th floor of this building- last year put in a motion for energy savings contract that allows us to capture energy savings and develop an agreement with Ameresco.

There being no one else present wishing to speak to the Council either in favor of or in opposition to this Resolution, Councilmember White made a motion to adopt this Resolution.

Councilmember Oliver Davis seconded the motion which carried and the Resolution was adopted by a roll call vote of eight (8) ayes.

BILLS - FIRST READING

There were no first readings to present before Council.

UNFINISHED BUSINESS

There was no unfinished business to be held before the Council.

NEW BUSINESS

There was no new business to be presented to before the Council.

PRIVILEGE OF THE FLOOR

COMMENTS REGARDING THE CAR WASH ON LINCOLNWAY WEST, SOUTH BEND

Jesse Davis- P.O. 10205- I have been approached by 4 citizens that have had their sidewalks replaced and most have already paid but have not received their sidewalks repaired.

Samuel Brown-P.O. Box 1976 South Bend- representing Citizens United for a Better Government, I don't feel workers on the street are receiving their fare pay, I feel we need to fight until the very end to figure it out.

Rhonda Richards-1020 Clover St. - I'm here to ask you to respond to the claim I filed on June 30th, to take disciplinary action on Henry Davis, I ask that you please take a stand. I have brought with me a copy of the original form.

ADJOURNMENT

There being no further business to come before the Council, President Oliver Davis adjourned the meeting at 9:06 p.m.

ATTEST:

ATTEST:

John Voorde, City Clerk

Oliver Davis, President