



# OFFICE OF THE CITY CLERK

## BIANCA L. TIRADO, CITY CLERK

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### COUNCIL RULES

March 25, 2024 4:20 P.M.

Committee Members Present: Sharon L. McBride, Sheila Niezgodski, Troy Warner

Committee Members Absent: None

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, Matthew Neal, Bob Palmer

Presenters: Bianca L. Tirado

Agenda: Bill No. 10-24 – Amending Sec 2-7 (c) Duties of the City Clerk Services for Minutes

**Please note the attached link for the meeting recording:**

<https://docs.southbendin.gov/WebLink/browse.aspx?dbid=0&mediaid=381559>

Committee Member Sharon McBride called to order the Council Rules Committee meeting at 4:20 p.m.

Committee Member Troy Warner states that Bill No. 10-24 amends Section 2-7 to allow the City Clerk to hire outside contractual services, particularly, to help catch up the backlog of minutes from 2022 and 2023.

Clerk Bianca Tirado stated that there are many Full Council meeting minutes from 2023 that were never brought in front of Council for approval and need minor edits. Clerk Tirado stated that since January 2024 her office has completed nine (9) Full Council meeting minutes from 2022.

Councilmember Sherry Bolden-Simpson asked if there has ever been someone outside of the Clerk's Office helping with the minutes without a change to Section 2-7.

INTEGRITY | SERVICE | ACCESSIBILITY

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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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Councilmember Karen L. White stated that during COVID there was a lack of resources which made it difficult to keep up with the minutes; therefore, after speaking with the legal department, fiscal affairs, and the Council, an agreement was made with an outside company to help bring the minutes back into compliance. The contract was terminated once the Council began meeting again in-person.

Councilmember Bolden-Simpson asked if the standards for the minutes being in compliance is based on council standards or state statutes.

Committee Member McBride stated that there are many minutes not in compliance with state statutes. Indiana code requires meeting minutes to include the date of the meeting, the time of the meeting, the location of the meeting, roll calls, and general substance of all matters discussed.

Councilmember Canneth Lee states that Clerk Tirado's Office did the audit to help understand the extent of the missing meeting minutes.

Councilmember Bolden-Simpson requested clarification regarding the standards that need to be met for committee meeting minutes.

Attorney Bob Palmer stated that committee meetings fall under Indiana's Open Door Law.

Councilmember Dr. Oliver Davis requested clarification regarding the timing of the utilization of outside contractual services during COVID.

Committee Member McBride stated that an outside contractual service was used during COVID with Council approval, but after COVID the Council was made aware that another person outside the Clerk's Office was doing minutes without Council approval.

Committee Member McBride opened the discussion to the public.

Shayla Kimbrough, 52579 Little Fox Trail, Warren Township IN 46628, asked if there was training in the Clerk's Office for the people tasked with completing the minutes, and asked why this discussion was not had in 2023.

Committee Member McBride stated that there were conversations in 2023 with the previous Clerk's Office regarding a failure to complete meeting minutes in a timely matter. Committee Member McBride stated that in 2023 the Council and the Clerk's Office met with Indiana's Public Access Counselor in an executive session to speak about the noncompliance of the meeting minutes. Recently, Luke Britt again gave approval for the use of outside contractual services to bring the meeting minutes back into compliance. This discussion is occurring now in 2024 because the audit conducted by Clerk Tirado's Office allowed the Council to know how many meeting minutes were not completed.

Shayla Kimbrough asked why there was not an audit done in 2023, and asked why there was not training regarding meeting minutes for members of the previous Clerk's Office.

Committee Member McBride stated that an audit would have been the responsibility of the previous Clerk's Office. Committee Member McBride stated that the Council was told there would be training of the previous Clerk's Office staff, but that the previous Clerk's Office never followed



through with the training. The Council did not find out until months later that outside help was completing minutes without Council approval.

Dawn Jones, former City Clerk, 602 Cushing Street, South Bend IN 46616, stated that she has drafts of meeting minutes from 2023 that had not been approved by Council, and that the previous contractual agreement with Minute Solutions was ended for financial reasons. Dawn Jones stated that Indiana Law does not require the Clerk’s Office to complete committee meeting minutes.

Committee Member Warner stated that Section 2-7 subsection (j) of the South Bend Municipal Code requires the City Clerk’s Office to “maintain all minutes of the standing and special committees of the Common Council.”

Councilmember Bolden-Simpson requested clarification regarding the hiring capacities of the Clerk’s Office.

Councilmember White stated that the Clerk can hire full time employees.

Councilmember Dr. Davis asked why there was not a written statement explaining the rationale for allowing contractual services to help with meeting minutes during COVID.

Committee Member McBride stated that legal counsel, Luke Britt, and herself all made statements in regard to allowing contractual services to help with meeting minutes during COVID.

Committee Member Sheila Niezgodski motioned to send Bill No. 10-24 to the Committee of the Whole with a favorable recommendation, which was seconded by Committee Member Warner and carried by a vote of three (3) ayes.

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

Committee Member McBride adjourned the Council Rules Committee meeting at 4:52 p.m.

Respectfully Submitted,

Sharon McBride, Committee Member

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Please give Reasonable Advance Request when Possible