

**STANDARD OPERATING PROCEDURES MANUAL
OF THE
SOUTH BEND COMMON COUNCIL**

Created February 1, 2016

Updated February 1, 2017

Preface

On January 1, 2016, a newly elected 9-member South Bend City Council and newly elected South Bend City Clerk officially took office to serve the citizens of the city.

In the interest of further promoting best practices in the legislative branch of city government, as well as in the Office of the City Clerk, the following *Standard Operating Procedures Manual* has been developed. This document is intended to address day-to-day operational procedures, policies and practices. These standard operating procedures are supplemental to the Common Council governing rules and regulations, which were duly passed by ordinance and codified into Chapter 2 of the *South Bend Municipal Code*.

This *Manual* will serve as a quick reference to address routine policies and procedural questions, so that when an issue may arise that each may be timely and reasonably addressed. These SOPs may be amended or updated from time to time to achieve greater operational efficiencies. Additional SOPs may be added, as deemed necessary, with all members of the South Bend Common Council, their support staff, and the Office of the City Clerk, as well as, the standing committees, boards, and commissions being updated on all additions and/or changes.

This *Manual* is also designed to complement the Common Council's Mission Statement:

“To make certain that our City Government is always responsive to the needs of our residents and that the betterment of South Bend is always our highest priority”.

This *Manual* is authorized pursuant to the authority granted to the Council President to “perform any function proper and necessary for the effective and efficient operation of the office as deemed in the public interest” as set forth in *South Bend Municipal Code* § 2-6; and in furtherance of the “duties of the City Clerk as Clerk of the Council” as set forth in *South Bend Municipal Code* § 2-7.

If any Council Member has any questions or concerns, they should be brought to the attention of the Council President so that each may be timely and reasonably addressed.

We look forward to a very productive and positive term of office, as we work together for the betterment of the citizens of South Bend. Thank you.

Tim Scott

Tim Scott, Council President

Kareemah Fowler

Kareemah Fowler, City Clerk

February 1, 2016

Updated February 1, 2017

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Standard Operating Procedure # 01-2016-SBCC

Addressing

Use of South Bend Common Council Stationery

Effective Date: February 1, 2016

Purpose: This Standard Operating Procedure (SOP) establishes policies and procedures addressing the use of Council stationery, so that professional and systematic standards are routinely followed by all Council Members, their support staff, and the Office of the City Clerk.

Scope: This SOP governs when Council stationery may be used by a Council Member.

Responsibility: It is the responsibility of each Council Member to comply with this SOP.

Procedure and Governing Rules:

South Bend Common Council stationery may only be used when a Council Member desires to address a matter concerning official government business of the City of South Bend. In limited circumstances, if a Council Member is requested to issue a letter of reference for an individual, Council stationery may be used so long as it is limited to his/her knowledge of the individual and does not convey a recommendation on behalf of the Common Council or the City of South Bend, Indiana.

Council stationery is defined as that which contains the City Seal and the name of the Common Council.

In order to comply with the Americans With Disabilities Act (ADA), the stationery must also contain the street address, telephone contact information and the TDD number 574.235.5567.

It is the responsibility of the Council Member using Council stationery, and not that of the Office of the City Clerk, to maintain copies of all documents issued on Council stationery, in the event that a request for public records is received by the City pursuant to the Indiana Public Records Act. Compliance with this governing law is the duty of the Council Member.

In the event that a Council Member desires to issue a statement which is an opinion or editorial comment which does not pertain to pending proposed legislation or city governmental issues or topics, in such instances the Council support staff and the staff of the Office of the City Clerk shall not assist, and such statement shall only be issued on personal letterhead. In such instances the individual Council Member shall be solely responsible for the dissemination of such opinions and editorial comment.

In the event that a Council Member needs assistance in the preparation of a document he/she wishes to issue on Council stationery, he/she must give reasonable notice to the Council Attorney and the Legislative Research Assistant, especially if the document is also to be issued in Spanish.

1. In the event that a Council Member needs assistance in having a communication typed on Council stationery, he/she shall contact the staff member assigned by the City Clerk, in a reasonable period of time to complete such task.
2. All usage of Council stationery shall be done in a manner which is consistent with all rules of decorum governing members of the South Bend Common Council, and in particular the provisions of *South Bend Municipal Code § 2-8 (k)* which provides in part that “*no member shall impugn a motive of another*”, and *South Bend Municipal Code § 2-8 (o)* which provides in part that “*each Council Member shall observe the highest standards of dignity, propriety, courtesy, respect and decorum...*”



Standard Operating Procedure # 02-2016-SBCC

Addressing

News or Press Releases Issued by South Bend Council Members

Effective Date: February 1, 2016

Purpose: This Standard Operating Procedure (SOP) addresses news or press release policies and procedures of the Common Council, so that professional and systematic standards are routinely followed by all Council Members, their support staff, and the Office of the City Clerk.

Scope: This SOP governs any and all press or news media releases concerning official government business of the City of South Bend which a Council Member wishes to issue.

Responsibility: It is the responsibility of each Council Member to comply with this SOP.

Procedure and Governing Rules:

Any proposed News Release may only use the City Seal and picture of the Council Member issuing such release, if the subject matter pertains to official government business of the City of South Bend.

The group picture of the Common Council may only be used on a News Release if the release is being issued on behalf of the entire Council.

Each News Release must conspicuously list the date, the name of the Council Member(s), contact telephone number(s), the TDD number 574-235-5567, and the subject matter being addressed.

Assistance in drafting a proposed News Release may be given by the Council Attorney and the Legislative Research Assistant, upon reasonable notice being given by the requesting Council Member(s).

If a proposed News Release is also to be simultaneously issued in Spanish, as well as English, a reasonable period of time must be given to the Legislative Research Assistant to prepare such a translation.

Each proposed News Release must be consist with all rules of decorum governing members of the South Bend Common Council, and in particular the provisions of *South Bend Municipal Code* § 2-8 (k) which provides in part that “*no member shall impugn a motive of another*”, and *South Bend Municipal Code* § 2-8 (o) which provides in part that:

“...each Council Member shall observe the highest standards of dignity, propriety, courtesy, respect and decorum...” Any proposed News Release found to be in violation of this provision or which contains editorial comments not pertaining to proposed legislation will not be issued by the Office of the City Clerk. In such circumstances, the Council Member submitting such a proposed News Release shall be advised by the Office of the City Clerk so that he/she may take appropriate corrective actions to edit said News Release, with notice also being given to the Council President of such action.

1. Drafts of News Releases will be checked for grammar and spelling, however the Council Member planning to issue such a release is responsible for the facts being addressed.
2. The final version of each News Release which meets the standards set forth in this SOP must be initialed, signed by the Council Member(s), or must have been officially authorized by the issuing Council Member(s) to use his or her stamped signature stamp by the staff member assigned by the City Clerk who is in charge of issuing such releases. Proposed News Releases found to be in compliance with the SOP shall then be stamp-filed with the date and time by the individual assigned by the City Clerk to receive and review such documents, and then publicly released and disseminated by the Office of the City Clerk.
3. The Office of the City Clerk shall only transmit News Releases complying with this SOP to the news media, the Common Council and support staff, affected City departments, the Mayor's Office, and those who may have jurisdiction over the subject matter of the release. The Office of the City Clerk shall have such release posted on the Common Council website within a reasonable period of time, with limited paper copies placed in the Office of the City Clerk. The Office of the City Clerk may assist in preparing the requested number of copies for a properly called News or Press Conference so long as there is compliance with Standard Operating Procedure # 03-2016. The Office of the City Clerk shall maintain a copy of all issued releases.



Standard Operating Procedure # 03-2016-SBCC

Addressing

Use of Council Informal Meeting Room

Effective Date: February 1, 2016

Updated: February 1, 2017

Purpose: This Standard Operating Procedure (SOP) establishes policies and procedures addressing the use of the Council Informal Meeting Room, so that professional and systematic standards are routinely followed by all Council Members, their support staff, and the Office of the City Clerk. This standard operating procedure (SOP) shall also apply to all standing committees, boards, and commissions.

Scope: This SOP governs the process for reserving and using the Council Informal Meeting Room.

Responsibility: It is the responsibility of each Council Member, standing committee, board, and commission to comply with this SOP.

Procedure and Governing Rules:

The Council Informal Meeting Room located on the 4th Floor of the County-City Building is used by many other governmental agencies and departments. So that there is proper scheduling of the use of that room, the following procedure and rules must be adhered to:

1. Any Council Member or officer of a board or commission may request to reserve the Council Informal Meeting Room for a specific date and time; with the approximate duration of time that the room will be needed.
2. If the request to reserve the Council Informal Meeting Room is for an official meeting of a standing committee, board or commission, then the Office of the City Clerk must be provided with the topic of discussion for the meeting and agenda, if applicable. The Office of the City Clerk will post notice of the meeting in compliance with Indiana's Open Door Law and Public Records Act.
3. Notification of an official meeting of a standing committee, board or commission may be completed by filling out the "Standing Meeting Request Protocol Form" [Form A] or the online fillable form found on the South Bend Common Council website at <https://www.southbendin.gov/meeting-request-protocol-form>.
4. Such request must be made to the staff person assigned by the City Clerk who oversees the scheduling of the use of the Council Informal Meeting Room.
5. Requests shall be handled on a first-come first serve basis, unless another governmental entity or department has prior confirmation for the usage of such room on a regular basis.

6. When confidentiality is needed for Council Members and support staff assigned to the At Large office, if the Council Informal Meeting Room is not in use, it may be used by such individuals on an as needed basis with limited notice being required in such instances.
7. If there is a need to use any technology equipment, request must be made at time of initial notification to the Office of the City Clerk. The Council Informal Meeting Room is equipped with recording equipment that may be used for official meetings.
8. In no instance may the room exceed the Fire Marshal's maximum occupancy of thirty-five (35) persons.
9. The room shall be used for official Council government business only.
10. It is the responsibility of the Council Member(s) reserving the room to return the room free of any papers or other objects which were not in the room initially, and with all furniture returned to their original locations.
11. If the request for use of the Council Informal Meeting Room is for a news or press conference, the Office of the City Clerk shall be advised, so that the appropriate number of copies of News or Press Releases which comply with SOP # 02-216-SBCC, may be available for the requesting Council Member(s) prior to the conference.
12. All News or Press Conferences must be conducted in a manner which is consistent with all rules of decorum governing members of the South Bend Common Council, and in particular the provisions of the *South Bend Municipal Code § 2-8 (k)* which provides in part that "*no member shall impugn a motive of another*", and *South Bend Municipal Code § 2-8 (o)* which provides in part that "*each Council Member shall observe the highest standards of dignity, propriety, courtesy, respect and decorum...*"



Standard Operating Procedure # 04-2016-SBCC

Addressing

Off-Site Council Member News or Press Conferences & Working with Media

Effective Date: February 1, 2016

Purpose: This Standard Operating Procedure (SOP) establishes policies and procedures addressing off-site Council Member News or Press Conferences, so that professional and systematic standards are routinely followed by all Council Members, their support staff, and the Office of the City Clerk.

Scope: This SOP governs the process to be followed in the event that a Council Member desires to hold a news or press conference which would not be either in the Council Member's Council Office or in the Council Informal Meeting Room on the 4th Floor of the County-City Building.

Responsibility: It is the responsibility of each Council Member to comply with this SOP.

Procedure and Governing Rules:

Providing information to the news media when a Council Member initiates or is working on a key project, or is planning to introduce proposed legislation which is of significant interest to the public, may be appropriate from time to time. Calling a news conference where the press is invited to hear a Council Member speak and address questions at a location in the City, is usually reserved to significant news-worthy topics. This may be at times be the most efficient and effective means to deliver information to the public. In light of the background preparation which includes but is not limited to proper scheduling, notice of the proposed news conference by the Office of the City Clerk, handout preparation, and post-news conference posting of releases on the Council's website, the following procedure and rules must be adhered to:

1. Advanced reasonable notice to the Office of the City Clerk must be given by the Council Member(s) of the specific date, time and location of where the proposed off-site news conference is to be held.
2. Such request must be made to the staff person assigned by the City Clerk who oversees the scheduling of the use of the Council Informal Meeting Room.
3. Assistance from the Office of the City Clerk and Council Support Staff shall be used only for official Council government business, and reasonable time for such assistance must be given.
4. If handouts are anticipated to be used, the Office of the City Clerk shall be advised, so that the appropriate number of copies of News or Press Releases which comply with SOP # 02-216-SBCC, may be available for the requesting Council Member(s) prior to the conference.
5. If links from the news or press conference are anticipated to be made to the Common Council's Facebook page, the Council Member must comply with Policy # 02-2013 Addressing Council Facebook Standards, which are on file with the Office of the City Clerk.

6. All News or Press Conferences must be conducted in a manner which is consistent with all rules of decorum governing members of the South Bend Common Council, and in particular the provisions of *South Bend Municipal Code § 2-8 (k)* which provides in part that “*no member shall impugn a motive of another*”, and *South Bend Municipal Code § 2-8 (o)* which provides in part that “*each Council Member shall observe the highest standards of dignity, propriety, courtesy, respect and decorum...*”
7. Some points to keep in mind when conducting a News or Press Conference include:
 - Think about the subject matter and identify key messages
 - Speak clearly and pause when asked a question so that your response is factual
 - Politely correct a reporter if he or she makes an incorrect statement. You may ask the reporter to repeat or summarize an item to make sure that they understand it correctly.
 - Only discuss items which you have firsthand knowledge about and never exaggerate, guess or discuss confidential information.
 - Always be prepared to provide further background information if requested.



Standard Operating Procedure # 05-2016-SBCC

Addressing

Standing Committee Meetings and Use of Protocol Form

Effective Date: February 1, 2016

Updated: February 1, 2017

Purpose: This Standard Operating Procedure (SOP) establishes policies and procedures addressing when the “Standing Meeting Request Protocol Form” is to be used, so that professional and systematic standards are routinely followed by all Council Members, their support staff, and the Office of the City Clerk.

Scope: This SOP governs when a Council Member who is a Chairperson of a Standing Committee is required to use the Standing Meeting Request Protocol Form.

Responsibility: It is the responsibility of each Council Member to comply with this SOP.

Procedure and Governing Rules:

1. The Office of the City Clerk maintains and regularly updates a 1-page form entitled “Standing Meeting Request Protocol Form” [Form A] which is accessible from that office or from the Common Council’s website at <https://www.southbendin.gov/meeting-request-protocol-form> .
2. This form was originally developed several years ago for the purposes of:
 - Helping streamline the process for calling a Committee meeting;
 - Assuring that there was proper notification to key people, who may be involved with the topic under discussion, were given reasonable notice and preparation time of the proposed committee meeting;
 - Enabling compliance with Indiana’s Open Door Law and Public Records Act with regard to timely notice to City officials, the public and media, proper posting of the meeting notice, collaboration with off-site individuals in charge of a location for recording of the meeting by the Office of the City Clerk;
 - Enabling compliance with the Americans With Disabilities Act (ADA) with regard to accessibility to the meeting location.
3. The Standing Meeting Request Protocol Form is required to be completed by a Committee Chairperson when:
 - a) A proposed committee meeting is planned to be held on a date other than the 2nd or 4th Monday of the month; or
 - b) A proposed committee meeting is requested to be held on a 2nd or 4th Monday, but would have no proposed resolutions or proposed ordinances on the committee agenda which are scheduled for public hearing that evening at the 7 p.m. South Bend Common Council meeting.

4. Proposed committee meetings which fall into the category described in paragraph 3b above, must submit their request to the Office of the City Clerk, no later than noon on the Wednesday prior to the Monday regular Common Council meeting.
5. Standing Committees which have Bills referred to them for review and recommendation for the Monday Common Council meeting will always take precedence for scheduling over requests for meetings having non-agenda items. If reasonable time exists for a Standing Committee meeting which does not have a 7 p.m. Council agenda item, it may be scheduled as the last Committee meeting, immediately prior to the Informal Meeting of the Council.
6. If time does not exist for the scheduling of a Standing Committee which meets the criteria of paragraph 3b above, the Office of the City Clerk shall notify the requesting Committee Chairperson and the Council President. Notification that a request to schedule a Committee meeting cannot be granted, shall be given no later than the close of business on the Thursday following the Wednesday deadline when the Protocol form was received.



Standard Operating Procedure # 06-2016-SBCC

Addressing

Conflict of Interest Annual Review

Effective Date: February 1, 2016

Purpose: This Standard Operating Procedure (SOP) establishes policies and procedures addressing an annual conflict of interest review by each Council Member, so that professional and systematic standards are routinely followed by all Council Members, their support staff, and the Office of the City Clerk.

Scope: This SOP governs the annual conflict of interest review required to be conducted by Council Member and by each citizen member which a Standing Committee Chairperson may appoint to a standing committee.

Responsibility: It is the responsibility of each Council Member to comply with this SOP.

Procedure and Governing Rules:

Following the Organizational Meeting held on the first Monday of January of each year, the Council President elected to serve in that capacity for the calendar year has the responsibility to appoint members of the Council to each of the Council's eleven Standing Committees. Following those appointments, each Common Council Member has the responsibility to:

1. To abide by the State of Indiana's Uniform Conflict of Interest Disclosure Statement policies and procedures set forth in *Indiana Code* § 35-44.1-1-1, *et seq.*, and *South Bend Municipal Code* § 1-10(p).
2. Determine whether he or she needs to complete a conflict of interest form and have it accepted by the Common Council at a public meeting, and then have it filed with the appropriate offices.
3. Complete the Uniform Conflict of Interest Disclosure Form (Form #236) available from the Office of the City Clerk and then return the completed form to the City Clerk for acceptance at the next regular Common Council meeting under "Unfinished Business" and then have it filed with the Office of the City Clerk, the Clerk of the Circuit Court and the State Board of Accounts.
4. Review this process with any and all citizen members who may be appointed to a Standing Committee by the Council Member who chairs a committee during the orientation session.



Standard Operating Procedure # 07-2016-SBCC

Addressing

Annual Standing Committee Organizational Meetings and Orientation Sessions With Persons Appointed As Committee Citizen Members

Effective Date: February 1, 2016

Updated: February 1, 2017

Purpose: This Standard Operating Procedure (SOP) establishes policies and procedures addressing initial duties of Standing Committee Chairpersons and Appointed Committee Citizen Members, so that professional and systematic standards are routinely followed by all Council Members, their support staff, and the Office of the City Clerk.

Scope: This SOP governs the activities a Standing Committee Chairperson is initially responsible for, after being appointed to chair a Committee in January of each year. As well as, the duties and responsibilities of a Citizen Member selected to serve on a Standing Committee.

Responsibility: It is the responsibility of each Council Member and citizen member to comply with this SOP.

Procedure and Governing Rules:

The eleven (11) Standing Committees of the South Bend Common Council are responsible for carrying out due diligence requirements on all matters referred to a committee for review and recommendation. In the interest of having the most informed advisory recommendations being made by each of these committees, the Committee Chairpersons have the responsibility to:

1. Schedule an organizational meeting of the Standing Committee no later than the 2nd Monday of February of each year, to review the Committee's duties and responsibilities, to review and discuss the most recent Committee Annual Report filed with the Office of the City Clerk, and to discuss and recommend goals and objectives for the calendar year.
2. To review all applications filed with the Office of the City Clerk by citizens expressing a desire to be appointed as a citizen member. This provision does not apply to the Council Rules Committee Chairperson.
3. To select a qualified citizen member. That person would then be invited to the Office of the City Clerk to be sworn in, followed by a mandatory one-time orientation session where the Office of the City Clerk have the opportunity to share and discuss relevant information which would include but not be limited to responsibilities and duties, attendance requirements, procedures, and compliance with the State of Indiana's Uniform Conflict of Interest Disclosure Statement policies and procedures set forth in *Indiana Code* § 35-44.1-1-1, *et seq.*, and *South Bend Municipal Code* § 1-10(p). This provision does not apply to the Council Rules Committee Chairperson.



Standard Operating Procedure # 08-2016-SBCC

Addressing

Procedures Governing Travel by Council Members

Effective Date: February 1, 2016

Purpose: This Standard Operating Procedure (SOP) re-establishes policies and procedures governing travel by Council Members, so that professional and systematic standards are routinely followed by all Council Members, their support staff, and the Office of the City Clerk.

Scope: This SOP governs all travel for governmental purposes such as mileage, airfare, hotel, meals, parking fees and other related necessary expenses

Responsibility: It is the responsibility of each Council Member to comply with this SOP.

Procedure and Governing Rules:

This Standard Operating Procedure governing travel by South Bend Common Council Members is supplemental to the *City of South Bend Travel Policy # 2.7* which has been in effect since October 1, 2011. This Standard Operating Procedure conforms to the provisions codified in Section 2-2 of the *South Bend Municipal Code* which provides in part that "...each Council Member may use up to one-ninth (1/9) of the monies budgeted for travel and expenses". The referenced *South Bend Municipal Code* section permits an allocation of some or all of a Council Member's 1/9 of the budgeted monies to another Council Member.

Approved budgeted amounts for a calendar year apply as summarized below:

Travel – Mileage	101-03-1-411.32.21	\$ amount budgeted ÷ 9 = \$ <u> </u> per CC Member
Travel – Airfare	101-03-1-411.32.22	\$ amount budgeted ÷ 9 = \$ <u> </u> per CC Member
Travel – Hotel	101-03-1-411.32.23	\$ amount budgeted ÷ 9 = \$ <u> </u> per CC Member
Travel – Meals	101-03-1-411.32.21	\$ amount budgeted ÷ 9 = \$ <u> </u> per CC Member
Travel – Other (parking fees, etc)	101-03-1-411.32.21	\$ amount budgeted ÷ 9 = \$ <u> </u> per CC Member

SBCC Travel Allocation Request Form # 2015-1 must be properly completed, submitted and approved for such allocation(s) to be considered. The Office of the City Clerk shall maintain a current summary of the balances of each of the approved budgeted amounts throughout the calendar year, as well as a breakdown of approved usage of such funds listing the dollar amount expended by the name of each Council Member to assure that the 1/9 allocation is documented and available for review.



**SBCC Travel Allocation
Request Form**

[To be used in conjunction with SOP #08-2016-SBCC]

**Council Member Travel Form Requesting Allocation of
Other Council Member's Budgeted Monies**

This form must be completed and signed by the Council Members listed in # 1 and # 2. This is a pre-travel requirement which must be submitted to the Council President no later than forty-five (45) days prior to the date of the requested travel, along with all other pre-travel documents required by *City of South Bend Travel Policy # 2.7.*

1. _____
Name of Council Member Wishing to Travel

2. _____
Name(s) of Council Member Agreeing to Allocate his/her budgeted monies

3. Travel destination: _____
4. Date of departure: _____ Date of return: _____

5. The following checked items are requested to be allocated to the Council Member listed in line # 1:

<u>Description</u>	<u>Line Item</u>	<u>Total \$ Budgeted</u>	<u>Individual CC Amount</u>
___ Travel – Mileage	101-03-1-411.32.21	\$ ___ budgeted ÷ 9 = \$ ___	per CC Member
___ Travel – Airfare	101-03-1-411.32.22	\$ ___ budgeted ÷ 9 = \$ ___	per CC Member
___ Travel – Hotel	101-03-1-411.32.23	\$ ___ budgeted ÷ 9 = \$ ___	per CC Member
___ Travel – Meals	101-03-1-411.32.21	\$ ___ budgeted ÷ 9 = \$ ___	per CC Member
___ Travel – Other (parking fees, etc)	101-03-1-411.32.21	\$ ___ budgeted ÷ 9 = \$ ___	per CC Member

The Chief Deputy City Clerk completes the last two (2) columns listed above.

Each of the Council Members signing this SBCC Travel Allocation Request Form # 2015-1 certify that the information contained therein is true, complete and correct to the best of their knowledge. Each Council Member agreeing to allocate his/her budgeted monies for travel as indicated above, further acknowledge that he/she has done so voluntarily.

SBCC Travel Allocation Request Form [SOP # 08-2016-SBCC]

Page 2

Name of Council Member Agreeing to Allocate
His/her budgeted monies for travel

Date signed

Name of Council Member Agreeing to Allocate
His/her budgeted monies for travel

Date signed

Name of Council Member Agreeing to Allocate
His/her budgeted monies for travel

Date signed

Name of Council Member Wishing to Travel

Date signed and submitted to Council President

The foregoing SBCC Travel Allocation Request Form # 2015-1 was submitted to me for review. I hereby

_____ Approve

_____ Decline to approve

this _____ day of _____, 20__.

Council President
South Bend Common Council

Submitted for processing to the Chief Deputy City Clerk

this _____ day of _____, 20__.

Council President
South Bend Common Council

The Chief Deputy City Clerk shall notify the Council Member listed in # 1 upon receipt.



Standard Operating Procedure # 09-2016-SBCC

Addressing

Use of City-Owned Technologies

Effective Date: February 1, 2016

Purpose: This Standard Operating Procedure (SOP) re-establishes policies and procedures governing use of city-owned technologies by Council Members, so that professional and systematic standards are routinely followed by all Council Members, their support staff, and the Office of the City Clerk.

Scope: This SOP governs all city-owned technologies including but not limited to iPads, computers made available at Council Member work stations or offices, and other city-owned technologies as they may become available.

Responsibility: It is the responsibility of each Council Member to comply with this SOP.

Procedure and Governing Rules:

This Standard Operating Procedure reaffirms the provisions originally issued as interim policies and procedures in Policy # 01-2013, which have been in effect since January 16, 2013. This SOP summarizes the appropriate use of technology resources which are made available to the Common Council and owned by the City of South Bend.

1. Technology resources are to primarily serve the governmental needs of the City of South Bend.
2. Such technology resources may be used for personal purposes on a limited basis, provided there is:
 - a. No marginal cost to the City of South Bend
 - b. No interference with city government responsibilities
 - c. No political activities
 - d. No access of sites which promote laws or actions which are contrary to the city, state or federal government
 - e. No accessing of inappropriate sites including but not limited to adult content, online gambling, dating services, online shopping or similar activities
 - f. No accessing of sites which promote illegal activities or copyright violations
 - g. No accessing of sites which distribute computer security exploits (hacking sites)
3. If any of the prohibited use items listed in ¶ 2 above are required for a legitimate city governmental reason, the exception process set forth in ¶ 6 of this SOP must be followed.
4. **No Expectation of Privacy:** Nothing in this SOP confers an individual right or is to be construed to provide an expectation of privacy. The provisions of the *Indiana Open Door Law* codified at *Indiana Code* § 5-14-1.5 and *Indiana's Access to Public Records Law* codified at *Indiana Code* § 5-14-3 govern.

5. Additional Responsibilities: Each Council Member is expected to:
 - a. Monitor personal use of the internet, messaging and other applications to ensure that the City of South Bend is being appropriately served
 - b. Adhere to the provisions of the SOP at all times when city-owned technologies are being used
 - c. Read and abide by relevant policies and procedures developed by the Council's Information and Technology Committee
6. Exception Process: Any exception to the policies and procedures set forth in this SOP must be requested in advance and in writing to the Chairperson of the Council's Information and Technology Committee. All exceptions must be documented in writing and retained in the Office of the City Clerk according to the retention schedules and policies. A requested exception which may be granted shall be done on a limited time basis only and shall be reviewed on a case by case basis.
7. South Bend Municipal Code: All governing provisions codified into Chapter 2 of the *South Bend Municipal Code* addressing the Common Council shall be adhered to when using city-owned technologies.
8. Facebook Standards: Policy # 02-2013 issued as Interim Policies and Procedures addressing Council Facebook Standards which have been in effect since February 1, 2013 shall remain in effect. All Council Members are required to verify that he or she has read those policies and procedures as evidenced by signing and dating the form in front of a witness. The Office of the City Clerk maintains all records related to these standards and may provide copies of said interim policies and procedures upon request.



Standard Operating Procedure # 10-2016-SBCC

Addressing Expenditure Request

Effective Date: February 1, 2016

Purpose: This Standard Operating Procedure (SOP) addresses expenditure requests, so that professional and systematic standards are routinely followed by all Council Members, their support staff, and the Office of the City Clerk.

Scope: This SOP governs all requests for an expenditure, other than those related to travel which are addressed in Standard Operating Procedure # 08-2016-SBCC.

Responsibility: It is the responsibility of each Council Member to comply with this SOP.

Procedure and Governing Rules:

The annual budget governing the South Bend Common Council may from time to time include very limited monies for small miscellaneous expenditures. All such funds are governed by City of South Bend Policy # 1.2 Operating and Budgeting Policy which has been in effect since January 1, 2010; as well as provisions of the *Indiana Code* and regulations issued by the Department of Local Government Finance (DLGF).

In the interest of maintaining an accurate internal control system which ensures that all proposed spending is within approved budgetary expenditures, the following rules apply:

1. Supplies needed for day to day operations in carrying out the duties of a Council Member are maintained in the Office of the City Clerk. Requests shall be made to that office on an add-needed and first-come first-serve basis.
2. Any supplies not readily available, may be made to the staff person assigned to handle such duties by the City Clerk, for review and consideration by the Council President.
3. Any supplies which may not be available per paragraphs 1 and 2 above, or other miscellaneous expenditures which a Council Member believes are needed in order to carry out his or her Council manic duties may be considered on a case by case basis. In such limited instances, a requisition form as depicted on the following page must be submitted to the Council President for review. No proposed expenditure may be considered or approved without the Council President's approval after he or she has reviewed the Council's budget balances maintained by a staff person assigned to carry out such duties by the City Clerk.



**South Bend Common Council
Requisition Form**

*Required Per Standard Operating Procedure # 10-2016-SBCC
Addressing Expenditure Request*

Date: _____ **[City Clerk File Stamp]**

Submitted To: _____ in the Office of the City Clerk

Submitted By: _____ **Council Member's Name**

Proposed Expenditure: Provide a brief description of the requested proposed expenditure, approximate cost to be incurred, along with why the expenditure is needed in relation to Council manic duties.

Approximate Date Requested Item(s) Needed: _____

Date Referred to the Council President by the Office of the City Clerk: _____

_____ Approved _____ Denied

_____ **Council President (Signature)** _____ **Date**

If approved, date sent for processing and notification to the requesting Council Member: _____



Standard Operating Procedure # 01-2017-SBCC

Addressing

Off-Site Meetings of a Standing Committee, Board or Commission

Effective Date: February 1, 2017

Purpose: This Standard Operating Procedure (SOP) establishes policies and procedures addressing off-site meetings of standing committees, boards and commissions, so that professional and systematic standards are routinely followed by all Council Members, their support staff, and the Office of the City Clerk. This standard operating procedure (SOP) shall apply to all standing committees, boards, and commissions.

Scope: This SOP governs the procedures and responsibilities for holding an off-site standing committee, board or commission meeting at a location other than the Council Informal Meeting Room.

Responsibility: It is the responsibility of each Council Member, standing committee, board and commission to comply with this SOP.

Procedure and Governing Rules:

All Standing Committees, Boards and Commissions of the South Bend Common Council are responsible for conducting meetings pursuant to Indiana's Open Door Law, Indiana Code § 5-14-1.5, "*all meetings of the governing bodies of public agencies must be open at all times for the purpose of permitting members of the public to observe and record them.*" In order to ensure compliance with state law, off-site meetings must adhere to the following rules and regulations:

1. The Office of the City Clerk must be notified one (1) week in advance of all official meetings of standing committees, boards and commissions. The notification must include a specific date, time and location with the topic of discussion for the meeting and an agenda. The Office of the City Clerk will provide assistance with proper notice and posting at the off-site location.
2. Notification of an official meeting of a standing committee, board or commission may be completed by filling out the "Standing Meeting Request Protocol Form" [Form A] or the online fillable form found on the South Bend Common Council website at <https://www.southbendin.gov/meeting-request-protocol-form>.
3. The secretary or designated clerk of the board or commission is required to submit meeting minutes to the Office of the City Clerk, no later than 10 business days after the meeting. The meeting minutes must include the following:
 - A brief and formal record of the content of the meeting;
 - The order of business items must be consistent with the agenda;
 - A list of the members and presenters at the meeting;
 - Any documents, presentations or handouts from the meeting;
 - Name, address and topic of discussion of members of the public that spoke at the meeting;
 - Any motions or actions taken including topics and results;
 - Recommendations or advisory information that needs to be forwarded to the Council;
 - Appeals or request for information that needs to be forwarded to the Council.

4. It is the preference of the Office of the City Clerk that all meetings of standing committees, boards and commissions be recorded for accurate record keeping. If needed, handheld recording devices are available for use in the Office of the City Clerk. Request for a recording device should be made when providing notification of a meeting.
5. If a board or commission is conducting a hearing at an official meeting, then it is responsible for providing an electronic recording of the meeting to the Office of the City Clerk.
6. The meeting location must be in compliance with the Americans With Disabilities Act (ADA). Contact the Office of the City Clerk for more information. Identify any ADA accommodations needed for the meeting (audio, video, recorder, translator, etc.) to the Office of the City Clerk.



Standard Operating Procedure # 02-2017-SBCC

Addressing

Applications for Standing Committees, Boards and Commissions

Effective Date: February 1, 2016

Updated: February 1, 2017

Purpose: This Standard Operating Procedure (SOP) establishes policies and procedures addressing applications for standing committees, boards and commissions, so that professional and systematic standards are routinely followed by all Council Members, their support staff, and the Office of the City Clerk. This standard operating procedure (SOP) shall apply to all standing committees, boards, and commissions.

Scope: This SOP governs the procedures and requirements for individuals applying to serve on a standing committee, board or commission.

Responsibility: It is the responsibility of each applicant to a standing committee, board or commission to comply with this SOP.

Procedure and Governing Rules:

The following are requirements and instructions for applicants interested in serving on the South Bend Common Council standing committees, boards and commissions. Council Members will interview and select qualified individuals to serve. Persons selected to serve as citizen members will be sworn in by the City Clerk with the oath being kept on file with that Office. All citizen members chosen to serve must attend a one-time orientation session conducted by the Office of the City Clerk, to provide key information about responsibilities and governing regulations of the committees, boards and commissions. The City Clerk will maintain copies of all applications submitted by individuals not selected in the event that a vacancy occurs throughout the year (informational only, not disclosable to the public).

It is the preference of the Office of the City Clerk that all applications be completed online on the South Bend Common Council website at southbendin.gov/bcapp. [Form D] If an applicant is unable to complete the online application or does not have access to a computer with internet, then the Office of the City Clerk will assist in completing an application in person. A computer will be available in the Office of the City Clerk for applicants use.

Requirements for citizen members to serve on Standing Committees pursuant to Section 2-12.3 of the *South Bend Municipal Code*; sets forth the regulations addressing "Procedure for Addressing Citizen Appointment":

1. Be a resident of the City of South Bend for at least one (1) year
2. Be available to attend meetings on a regular basis
3. Be interested in the subject matter and/or have some background on committee's topics
4. Complete an application form at southbendin.gov/bcapp or in person in the Office of the City Clerk on the 4th Floor of the County-City Building in downtown South Bend
5. Complete a one-time orientation conducted by the Office of the City Clerk

General requirements for citizen members to serve on Boards and Commissions pursuant to Section 2-58 of the *South Bend Municipal Code*. Each board or commission may have specific requirements established by Indiana Code or Municipal Code, contact the Office of the City Clerk for more information.

1. Be available to attend meetings on a regular basis
2. Be interested in the subject matter and/or have background on board's/commission's topics
3. Complete an application form at southbend.in.gov/bcapp or in person in the Office of the City Clerk on the 4th Floor of the County-City Building in downtown South Bend

Complete list of all standing committees, boards and commissions of the South Bend Common Council

STANDING COMMITTEES	REQUIREMENTS
Community Investment Committee	South Bend Municipal Code Section 2-10
Community Relations Committee	South Bend Municipal Code Section 2-10
Council Rules Committee	South Bend Municipal Code Section 2-10
Health and Public Safety Committee	South Bend Municipal Code Section 2-10
Information and Technology Committee	South Bend Municipal Code Section 2-10
PARC Committee (Parks, Recreation, Cultural Arts & Entertainment)	South Bend Municipal Code Section 2-10
Personnel and Finance Committee	South Bend Municipal Code Section 2-10
Public Works and Property Vacation Committee	South Bend Municipal Code Section 2-10
Residential Neighborhoods Committee	South Bend Municipal Code Section 2-10
Utilities Committee	South Bend Municipal Code Section 2-10
Zoning and Annexation Committee	South Bend Municipal Code Section 2-10

BOARDS AND COMMISSIONS	REQUIREMENTS
Advisory Commission on Black Males	Indiana Code 12-13-12-1
Alcoholic Beverage Board of St. Joseph County	Indiana Code 7.1-2-4-2
Animal Control Commission	South Bend Municipal Code Section 5-95
Area Board of Zoning Appeals	Indiana Code IC 36-7-4-216
Area Plan Commission	South Bend Municipal Code Section 21-09.02
Board of Parks Commission	Indiana Code IC 36-10-4-3
Board of Public Safety	Indiana Code 36-4-9-5 & IC 36-4-9-6
Board of Public Works	South Bend Municipal Code 20-3
Century Center Board of Managers	South Bend Municipal Code Section 2-52
Disability Rights Commission	
Economic Development Commission	Indiana Code 36-7-12
Heating, Air Conditioning, and Ventilating Examining Board	South Bend Municipal Code 6-36.1

Historic Preservation Commission	<u>South Bend Municipal Code Section 21-13.01</u>
Minority & Women Business Enterprise Diversity Board	<u>South Bend Municipal Code 14.5-3</u>
Morris Performing Arts	<u>South Bend Municipal Code 2-10.1</u>
Redevelopment Commission	<u>Indiana Code 36-7-14-6.1</u>
Redevelopment Authority Board	<u>Indiana Code 36-7-14.5-8</u>
South Bend Electrical Examining Board	<u>South Bend Municipal Code Sec. 6-22</u>
South Bend Housing Authority	<u>Indiana Code 36-7-18-9</u>
South Bend Human Rights Commission	<u>South Bend Municipal Code 2-129</u>
South Bend Museum of Art	<u>South Bend Municipal Code 2-10.1</u>
St. Joseph County Board of Health	<u>Indiana Code 16-20-2-11</u>
St. Joseph County Board of Managers for Hotel-Motel Tax	<u>Indiana Code 6-9-1-1</u>
St. Joseph County Park Board	<u>Indiana Code 36-10-4-6</u>
St. Joseph River Basin Commission	<u>Indiana Code 14-30-3</u>
Transportation Board	<u>Indiana Code 36-9-4-14</u>
Urban Enterprise Association	<u>Indiana Code 5-28-15-13</u>



Standard Operating Procedure # 03-2017-SBCC

Addressing

Boards and Commissions

Updated: February 1, 2017

Purpose: This Standard Operating Procedure (SOP) establishes policies and procedures for South Bend Common Council Boards and Commissions, so that professional and systematic standards are routinely followed by all Council Members, their support staff, and the Office of the City Clerk. This standard operating procedure (SOP) shall apply to all boards and commissions.

Scope: This SOP governs the procedures and requirements for all boards and commissions of the South Bend Common Council.

Responsibility: It is the responsibility of all members of a board or commission to comply with this SOP.

Procedure and Governing Rules:

The following procedures and requirements are established for all Boards and Commissions of the South Bend Common Council. The boards and commissions are responsible for conducting meetings pursuant to Indiana's Open Door Law, Indiana Code § 5-14-1.5, "*all meetings of the governing bodies of public agencies must be open at all times for the purpose of permitting members of the public to observe and record them.*" A board or commission can only make decisions at a properly and lawfully convened meeting. The following are requirements for conducting board and commission meetings in compliance with Indiana's Open Door Law and the Public Records Act.

1. The Office of the City Clerk must be notified one (1) week in advance of all official meetings of boards and commissions. The notification must include a specific date, time and location with the topic of discussion for the meeting and an agenda. [Form B]
2. Notification of an official meeting of a board or commission may be completed by filling out the "Standing Meeting Request Protocol Form" [Form A] or the online fillable form found on the South Bend Common Council website at <https://www.southbendin.gov/meeting-request-protocol-form> .
3. The board or commission must submit an agenda for the official meeting to the Office of the City Clerk. The agenda format should follow the "Sample Meeting Agenda Form" [Form C]. The Office of the City Clerk will assist in composing agendas, if needed.
4. It is the preference of the Office of the City Clerk that all meetings of boards and commissions be recorded for accurate record keeping. If needed, handheld recording devices are available for use in the Office of the City Clerk. Request for a recording device should be made when providing notification of a meeting. The Council Informal Meeting Room is equipped with recording equipment that may be used upon request.

5. The Office of the City Clerk will ensure compliance with Indiana's Open Door Law and the Public Records Act by providing timely notice to City officials, the public and media, proper posting of the meeting notice and collaboration with individuals in charge of an off-site location for recording of the meeting.
6. If a board or commission is conducting a hearing at an official meeting, then it is responsible for providing an electronic recording of the meeting to the Office of the City Clerk.
7. The meeting location must be in compliance with the Americans With Disabilities Act (ADA). Contact the Office of the City Clerk for more information. Identify any ADA accommodations needed for the meeting (audio, video, recorder, translator, etc.) to the Office of the City Clerk.
8. The officers of a board or commission may request to reserve the Council Informal Meeting Room for a specific date, time and topic of discussion; with the approximate duration of time that the room will be needed. Such request must be made to the staff person assigned by the City Clerk who oversees the scheduling of the use of the Council Informal Meeting Room. Requests shall be handled on a first-come first serve basis, unless another governmental entity or department has prior confirmation for the usage of such room on a regular basis. The Office of the City Clerk will post notice of the meeting in compliance with Indiana's Open Door Law.
9. All members chosen to serve on a board or commission must attend a one-time orientation session conducted by the Office of the City Clerk, to provide key information about responsibilities and governing regulations of the committees, boards and commissions. This orientation is for new appointees who have not previously attended.
10. If the secretary or designated clerk of the board or commission is unable to take meeting minutes, then a staff member of the Office of the City Clerk will attend to take proper meeting minutes. An officer of the board or commission should provide notice to the Office of the City Clerk 72 hours in advance of the meeting, unless in the case of an emergency.
11. The secretary or designated clerk of the board or commission is required to submit meeting minutes to the Office of the City Clerk, no later than 10 business days after the meeting. The meeting minutes serve as an accurate and complete record of decisions of the board or commission; they are an important tool in ensuring transparency and accountability. The minutes constitute a brief but formal record of business discussed, actions taken, and those present at the meeting and the formalities that have occurred. It's important to note that minutes are not a transcript of the meeting but must record certain procedural matters, what decisions were made and why, but need not and should not provide a word for word account of what has been said. The content of the minutes should be presented in a manner that mirror the agenda for the meeting. A sign-in sheet of everyone in attendance at the meeting including members of the board or commission, presenters and members of the public must be submitted with the meeting minutes to the Office of the City Clerk.

The meeting minutes must include the following:

- The order of business items should be the same in both the agenda and minutes;
- Approval of meeting minutes from the previous meeting;
- The names of the members and presenters at the meeting;
- Each motion or amendment and the names of the mover and the seconder;
- Any variation, alternation or withdrawal of a motion or amendment;
- Whether a motion or amendment is carried or lost;
- Results of motions or actions including topics;
- Any topics of discussion and decisions taken;
- Any documents, presentations or handouts from the meeting;
- Name, address and topic of discussion of members of the public that spoke at the meeting;
- Recommendations or advisory information that needs to be forwarded to the Council;
- Appeals or request for information that needs to be forwarded to the Council.

12. All boards and commissions must schedule an organizational meeting no later than the 2nd Monday of February of each year. The following topics of discussion should take place at the organizational meeting.

- Discuss and recommend goals and objectives for the calendar year;
- Review and discuss the duties and responsibilities of the board or commission;
- Review the membership, composition and terms of the board or commission;
- Review the powers, purpose, and authority of the board or commission;
- Discuss and set meetings dates that may be established by Indiana Code or the *South Bend Municipal Code* for the board or commission;
- Discuss “quorum” requirements: The number of members required to be present in order to transact the business of the board or commission; these requirements may be established by Indiana or the *South Bend Municipal Code*;
- Election of officers of the board or commission from among its members; president (chair), vice-president (vice-chair) and secretary;
- Discuss duties of officers of the board or commission; duties may be established by Indiana or Municipal Code
 - President (Chairman) – executive officer of board or commission responsible for the day-to-day operations, presiding officer of the board or commission,
 - Vice-President (Vice-Chairman) – executive officer of board or commission responsible for the day-to-day operations when the president (chair) is unable to do so
 - Secretary – executive officer of board or commission responsible for maintaining records such as minutes of meetings, recording officer of the board or commission
- The board or commission may be required by Indiana Code or the *South Bend Municipal Code* to file an annual report. The requirements and filing deadline of the report should be listed by code.

13. If a member of a board or commission resigns, then the Office of the City Clerk must be notified within five (5) days in order to coordinate the appointment of a new member, pursuant to *South Bend Municipal Code § 2-58(b)*.
14. It is the preference of the Office of the City Clerk that all applications be completed online on the South Bend Common Council website at southbendin.gov/bcapp. Council Members will interview and select qualified individuals to serve. Persons selected to serve as citizen members will be sworn in by the City Clerk with the oath being kept on file with that Office. The City Clerk will maintain copies of all applications submitted by individuals not selected in the event that a vacancy occurs throughout the year (informational only, not disclosable to the public).
15. The most recent edition of Robert's Rules of Order shall be the authority on all questions of parliamentary law and procedure. Parliamentary law shall mean the enacted rules and recognized usages which govern the procedure of legislative assemblies.

Complete list of all standing committees, boards and commissions of the South Bend Common Council

STANDING COMMITTEES	REQUIREMENTS
Community Investment Committee	South Bend Municipal Code Section 2-10
Community Relations Committee	South Bend Municipal Code Section 2-10
Council Rules Committee	South Bend Municipal Code Section 2-10
Health and Public Safety Committee	South Bend Municipal Code Section 2-10
Information and Technology Committee	South Bend Municipal Code Section 2-10
PARC Committee (Parks, Recreation, Cultural Arts & Entertainment)	South Bend Municipal Code Section 2-10
Personnel and Finance Committee	South Bend Municipal Code Section 2-10
Public Works and Property Vacation Committee	South Bend Municipal Code Section 2-10
Residential Neighborhoods Committee	South Bend Municipal Code Section 2-10
Utilities Committee	South Bend Municipal Code Section 2-10
Zoning and Annexation Committee	South Bend Municipal Code Section 2-10

BOARDS AND COMMISSIONS	REQUIREMENTS
Advisory Commission on Black Males	Indiana Code 12-13-12-1
Alcoholic Beverage Board of St. Joseph County	Indiana Code 7.1-2-4-2
Animal Control Commission	South Bend Municipal Code Section 5-95
Area Board of Zoning Appeals	Indiana Code IC 36-7-4-216
Area Plan Commission	South Bend Municipal Code Section 21-09.02
Board of Parks Commission	Indiana Code IC 36-10-4-3
Board of Public Safety	Indiana Code 36-4-9-5 & IC 36-4-9-6

Board of Public Works	South Bend Municipal Code 20-3
Century Center Board of Managers	South Bend Municipal Code Section 2-52
Disability Rights Commission	
Economic Development Commission	Indiana Code 36-7-12
Heating, Air Conditioning, and Ventilating Examining Board	South Bend Municipal Code 6-36.1
Historic Preservation Commission	South Bend Municipal Code Section 21-13.01
Minority & Women Business Enterprise Diversity Board	South Bend Municipal Code 14.5-3
Morris Performing Arts	South Bend Municipal Code 2-10.1
Redevelopment Commission	Indiana Code 36-7-14-6.1
Redevelopment Authority Board	Indiana Code 36-7-14.5-8
South Bend Electrical Examining Board	South Bend Municipal Code Sec. 6-22
South Bend Housing Authority	Indiana Code 36-7-18-9
South Bend Human Rights Commission	South Bend Municipal Code 2-129
South Bend Museum of Art	South Bend Municipal Code 2-10.1
St. Joseph County Board of Health	Indiana Code 16-20-2-11
St. Joseph County Board of Managers for Hotel-Motel Tax	Indiana Code 6-9-1-1
St. Joseph County Park Board	Indiana Code 36-10-4-6
St. Joseph River Basin Commission	Indiana Code 14-30-3
Transportation Board	Indiana Code 36-9-4-14
Urban Enterprise Association	Indiana Code 5-28-15-13

Forms:

F. Standing Meeting Request Protocol Form	30
G. Sample Meeting Notice Form	31
H. Sample Meeting Agenda Form	32
I. Citizen Application Form	33
J. Blank Sign-In Sheet for Boards and Commissions	37

South Bend Common Council Standing Meeting Request Protocol Form

Updated 2-14-2017

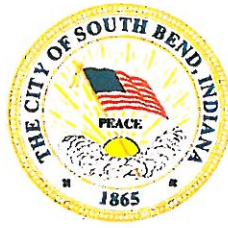
This form is required to be completed by the Chairperson of a Standing Committee or the officers of a board, ad hoc committee, or commission who intend to call a meeting and are requesting services provided by the South Bend City Clerk's Office. If any of the items listed below do not apply, please leave blank. Council Committee Chairs and members please see attached schedule and guidelines.

Name of Meeting Body:											
DATE: Form is Submitted to the Office of the City Clerk											
Proposed Meeting Date and Time											
Location of proposed meeting <input type="checkbox"/> ADA Compatible (check box to confirm)											
Identify any accommodations needed (audio, video, recorder, translator, etc.)											
City Administrators contacted regarding their Availability to attend											
Other Individuals who should be notified and their contact information:											
Topics for Meeting											
Documents (if any) needed for the meeting											
Council Members contacted regarding their availability to attend:	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">_____ Tim Scott</td> <td style="width: 50%; border: none;">_____ Oliver J. Davis</td> </tr> <tr> <td style="border: none;">_____ Regina Preston</td> <td style="border: none;">_____ John Voorde</td> </tr> <tr> <td style="border: none;">_____ Randy Kelly</td> <td style="border: none;">_____ Gavin Ferlic</td> </tr> <tr> <td style="border: none;">_____ Jo M Broden</td> <td style="border: none;">_____ Karen L. White</td> </tr> <tr> <td style="border: none;">_____ Dr. David Varner</td> <td></td> </tr> </table>	_____ Tim Scott	_____ Oliver J. Davis	_____ Regina Preston	_____ John Voorde	_____ Randy Kelly	_____ Gavin Ferlic	_____ Jo M Broden	_____ Karen L. White	_____ Dr. David Varner	
_____ Tim Scott	_____ Oliver J. Davis										
_____ Regina Preston	_____ John Voorde										
_____ Randy Kelly	_____ Gavin Ferlic										
_____ Jo M Broden	_____ Karen L. White										
_____ Dr. David Varner											
Best method to contact you	_____ Email _____ Cell _____ Other:										
Other:											
City Clerk posted notice on:											

_____ I verify that I have verbally contacted the Council Members indicated who are members of the Standing Committee which I chair. Based on these contacts, a quorum of the committee will be present. I further verify that I have contacted the listed City Administrators regarding their availability and request that notice be sent to each of them.

Signature of Chairperson

Reminder: Indiana's Open Door Law requires a minimum of 48-hour written notice of all public meetings (weekends excluded). Notices must be posted and sent by the Office of the City Clerk. Form must be submitted to the City Clerk's Office a minimum of one (1) week prior to the meeting date.



OFFICE OF THE CITY CLERK

KAREEMAH FOWLER, CITY CLERK

MEMORANDUM

TO: MEMBERS OF [COMMITTEE/BOARD/COMMISSION NAME]
FROM: [NAME OF OFFICER SENDING THE NOTICE]
DATE: [DATE THAT THE NOTICE IS BEING POSTED]
SUBJECT: [NAME OF COMMITTEE/BOARD/COMMISSION] MEETING NOTICE

NOTICE

The following [Name of Committee/Board/Commission] meeting has been scheduled for [Day/Date] in the [Room name] on the [Floor Number] of the [Building Name].
[Address of Building].

[Time of Meeting] [Organization Name] [Chair of the Committee]

1. Agenda Items
2. Miscellaneous

cc: [Relevant Parties (Mayor Pete Buttigieg, South Bend Common Council, etc.)]
[Media]

NOTICE FOR HEARING AND SIGHT IMPAIRED PERSONS
Auxiliary Aid or Other Services may be Available upon Request at No Charge.
Please give Reasonable Advance Request when Possible

455 County-City Building • 227 W. Jefferson Boulevard • South Bend, Indiana 46601
Phone 574-235-9221 • Fax 574-235-9173 • TDD 574-235-5567 • www.SouthBendIN.gov

JENNIFER M. COFFMAN
CHIEF DEPUTY/DIRECTOR OF
OPERATIONS

ALKEYNA M. ALDRIDGE
DEPUTY/DIRECTOR OF POLICY

JOSEPH MOLNAR
ORDINANCE VIOLATION CLERK



OFFICE OF THE CITY CLERK

KAREEMAH FOWLER, CITY CLERK

AGENDA

(Date of Meeting)

(Time of Meeting)

1. Call to Order
2. Roll Call- Membership Only
3. Approval of Minutes (Prior Meeting Minutes)
4. Old Business
5. New Business
6. Public Hearing (If Applicable)
 - a. Presenter(s)-Topics of discussion
7. Adjournment- (Ending Time)

455 County-City Building • 227 W. Jefferson Boulevard • South Bend, Indiana 46601
Phone 574-235-9221 • Fax 574-235-9173 • TDD 574-235-5567 • www.SouthBendIN.gov

JENNIFER M. COFFMAN
CHIEF DEPUTY/DIRECTOR OF
OPERATIONS

ALKEYNA M. ALDRIDGE
DEPUTY/DIRECTOR OF POLICY

JOSEPH MOLNAR
ORDINANCE VIOLATION CLERK

**SOUTH BEND COMMON COUNCIL STANDING COMMITTEES AND BOARD
APPOINTMENTS**

CITIZEN APPLICATION FORM

Informational Listings of South Bend Common Council Standing Committees:

Community Investment Committee	Personnel and Finance Committee
Community Relations Committee	Public Works and Property Vacation Committee
Council Rules Committee	Residential Neighborhoods Committee
Health and Public Safety Committee	Utilities Committee
Information and Technology Committee	Zoning and Annexation Committee
Parc Committee (Parks, Recreation, Cultural Arts & Entertainment)	

Informational Listing of South Bend Common Council Appointments to Boards and Commissions:

Animal Care and Control Commission	MBE/WBE Utilization Board
Area Plan Commission	Morris Entertainment, Inc.
Century Center Board of Managers	Redevelopment Commission
Economic Development Commission	Solid Waste Management Board
Historic Preservation Commission	Transpo
Human Rights Commission	Urban Enterprise Association
MACOG	

Section 2-12.3 of the *South Bend Municipal Code* sets forth the regulations addressing "Procedure for Addressing Citizen Appointments".

Section 2-10 of the *South Bend Municipal Code* sets forth the powers and duties of the eleven (11) Standing Committees of the South Bend Common Council. Each Committee is required to have not less than one (1) citizen member and no more than one-third (1/3) of its membership filled by citizen members. By completing and filing this application form, the applicant agrees to abide by the rules and regulations set forth in the South Bend Municipal Code if selected to serve as a citizen member for the current calendar year. Any person selected will be required to be sworn in by proper oath by the Office of the City Clerk, with the Swearing-In Sheet being kept on file in the Office of the City Clerk.

Click here to read Section 2-10 of the *South Bend Municipal Code* in full: <http://bit.ly/2j4NnDb>

***Please return to the City Clerk's Office:**

227 West Jefferson
County-City Building Suite 455
South Bend, Indiana 46601
jcolffman@southbendin.gov

**The Clerk's Office may require state ID for verification of residential address.*

The attached application form can be found at southbendin.gov/bcapp

Application Form

Profile

First Name

Middle Initial

Last Name

Which Boards would you like to apply for?

Home Address

Suite or Apt

City

State

Postal Code

Residence in the City or County:

Email Address

Primary Phone

Alternate Phone

Employer

Job Title

Number of Years You've Lived in South Bend:

Educational Background Including any Degrees and the Name of Colleges and/or Universities:

Interests & Experiences

Briefly describe why you are interested in serving on the requested Committee/Board:

Provide a brief summary of the Issues and/or topics you believe should be addressed by this Committee/Board this calendar year:

Provide a brief summary of your participation in any professional, public service, not-for-profit, or other organizations:

Availability to attend Committee/Board meetings on
weekdays beginning at 3:00 p.m.:

Demographics

Some boards and commissions require membership to be racially, politically or geographically proportionate to the general public. The following information helps track our recruitment and diversity efforts.

Ethnicity

Political Party

Gender

Sexual Orientation

Date of Birth

**The Office of the City Clerk will use the information you provide for statistical purposes only and will hold the information in confidence. This information will not affect your consideration for appointment. The City Clerk will maintain copies of all applications submitted by individuals not selected in the event that a vacancy occurs throughout the year.

Enclosure of Community Overview or Resume is Highly Recommended

References:

F. Complete List of Boards and Commissions	38
G. 2017 Off Council Day Committee Meeting Schedule	39
H. Robert's Rules of Order and Parliamentary Procedure	41
I. Robert's Rules Cheat Sheet	44
J. 2017 Public Access Counselor (PAC) Presentation	49

Complete List of Boards and Commissions

Board/Commission Name	Requirements
Advisory Commission on Black Males	IC 12-13-12-1
Alcoholic Beverage Board of St. Joseph County	Indiana Code 7.1-2-4-2
Animal Control Commission	South Bend Municipal Code Section 5-95
Area Board of Zoning Appeals	Indiana Code IC 36-7-4-216
Area Plan Commission	South Bend Municipal Code Section 21-09.02
Board of Parks Commission	Indiana Code IC 36-10-4-3
Board of Public Safety	Indiana Code 36-4-9-5 & IC 36-4-9-6
Board of Public Works	Municipal Code 20-3
Century Center Board of Managers	South Bend Municipal Code Sec. 2-52.
Disability Rights Commission	
Economic Development Commission	Indiana Code 36-7-12
Heating, Air Conditioning, and Ventilating Examining Board	Municipal Code 6-36.1
Historic Preservation Commission	South Bend Municipal Code Section 21-13.01
Minority & Women Business Enterprise Diversity Board	Municipal Code 14.5-3
Morris Performing Arts	Municipal Code 2-10.1
Redevelopment Commission	IC 36-7-14-6.1
Redevelopment Authority Board	IC 36-7-14.5-8
South Bend Electrical Examining Board	South Bend Municipal Code Sec. 6-22
South Bend Housing Authority	Indiana Code 36-7-18-9
South Bend Human Rights Commission	Municipal Code 2-129
South Bend Museum of Art	Municipal Code 2-10.1
St Joseph County Board of Health	Indiana Code 16-20-2-11
St Joseph County Board of Managers for Hotel-Motel Tax	Indiana Code 6-9-1-1
St. Joseph County Park Board	IC 36-10-4-6
St. Joseph River Basin Commission	Attached
Transportation Board	IC 36-9-4-14
Urban Enterprise Association	IC 5-28-15-13



OFFICE OF THE CITY CLERK
KAREEMAH FOWLER, CITY CLERK

MEMORANDUM

TO: MEMBERS OF THE COMMON COUNCIL
FROM: KAREEMAH FOWLER, CITY CLERK
SUBJECT: 2017 OFF COUNCIL DAY COMMITTEE RESTRICTED MEETING DAYS

The following dates are available for off-Council day committee meetings for 2017. Off day committee meetings are restricted to scheduling on the 1st & 3rd Monday/Wednesday of each month and will be given notice pursuant to Indiana Open Door Law.

The attached form is required for meetings scheduled for all 1st & 3rd Monday/Wednesday and when a Committee Chairperson is proposing a committee meeting for a 2nd or 4th Monday, but has no 7 pm SBCC Agenda items to be discussed.

**POTENTIAL 2017 OFF COUNCIL DAY
COMMITTEE MEETING DATES**

<u>Month</u>	<u>Meeting Date</u>	<u>Committee Chair Filing Deadline (By 12:00 P.M. Noon)</u>
February	1 st	Jan. 26 th
	6 th	Jan. 31 st
	15 th	Feb. 9 th
	20 th	Feb. 14 th
March	1 st	Feb. 26 th
	6 th	Feb. 31 st
	15 th	Mar. 9 th
	20 th	Mar. 14 th
April	3 rd	Mar. 28 th
	5 th	Mar. 30 th
	17 th	Apr. 11 th
	19 th	Apr. 13 th
May	1 st	Apr. 25 th

455 County-City Building • 227 W. Jefferson Boulevard • South Bend, Indiana 46601
Phone 574-235-9221 • Fax 574-235-9173 • TDD 574-235-5567 • www.SouthBendIN.gov

JENNIFER M. COFFMAN
CHIEF DEPUTY CLERK
DIRECTOR OF OPERATIONS

ALKEYNA M. ALDRIDGE
DEPUTY CLERK
DIRECTOR OF POLICY

JOSEPH R. MOLNAR
ORDINANCE VIOLATION CLERK



OFFICE OF THE CITY CLERK

KAREEMAH FOWLER, CITY CLERK

	3 rd	Apr. 27 th
	22 nd	May 16 th
	24 th	May 18 th
June	5 th	May 30 th
	7 th	June 1 st
	19 th	June 13 th
	21 st	June 15 th
July	3 rd	June 27 th
	5 th	June 29 th
	17 th	July 11 th
	19 th	July 13 th
August	2 nd	July 27 th
	7 th	Aug. 1 st
	16 th	Aug. 10 th
	21 st	Aug. 15 th
September	4 th	Aug. 29 th
	6 th	Aug. 31 st
	18 th	Sept. 12 th
	20 th	Sept. 14 th
October	2 nd	Sept. 26 th
	4 th	Sept. 28 th
	16 th	Oct. 10 th
	18 th	Oct. 12 th
November	6 th	1 st
	8 th	3 rd
	20 th	14 th
	22 nd	16 th
December	4 th	Nov. 28 th
	6 th	Nov. 20 th
	18 th	Dec. 12 th
	20 th	Dec. 14 th

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Robert's Rules of Order and Parliamentary Procedure

Background

Parliamentary procedure (or law) originally referred to the customs and rules for conducting business in the British Parliament and later referred to deliberative assemblies in general. In Great Britain, these procedures form a part of the unwritten law of the land, and in our own legislative bodies they are the authority in all cases where they do not conflict with existing rules or precedents.

Henry Martyn Robert was an engineering officer in the regular U.S. Army in the late 1800s. Without warning he was asked to preside over a church meeting and to his embarrassment, he realized that he did not know how. This situation, familiar to many of us who have been in heated or disorderly union meetings, left him determined never to attend another meeting until he knew something of parliamentary law.

Ultimately, he discovered and studied the few books then available on the subject. As he was transferred to various parts of the United States during his military service, he found virtual parliamentary anarchy, since people from different parts of the country had differing ideas about correct procedure.

In 1876, General Robert set out to bring the rules of parliamentary law (by then adopted by the U.S. Congress) to members of ordinary societies and organizations with the publication of the *Pocket Manual of Rules of Order*. It sold half a million copies before it was completely reworked in 1915 and published as *Robert's Rules of Order Revised* and made Robert's name synonymous with the orderly rules in deliberative societies. In 1970 it was substantially expanded and became *Robert's Rules of Order Newly Revised*.

The rules of parliamentary law are constructed upon a careful balance of the rights of the majority, of the minority (especially a strong minority greater than one-third), of individual members and of absentees.

Fundamentally, under the rules of parliamentary law, a deliberative body is a free agent--free to do what it wants to do with the greatest measure of protection to itself and of consideration for the rights of its members.

The current edition of *Robert's Rules* has been developed through a process of updating the book with the growth of parliamentary procedure. All editions of the work issued after the death of the original author have been the work of persons who either knew and worked with the original author or knew and worked with persons who did.

Robert's Rules of Order Newly Revised is designed to provide an answer to nearly any possible question of parliamentary law. It is, therefore, quite detailed. The average person may only occasionally be confronted with the small points that are necessarily dealt in the book, but if you attend many union meetings, you will probably want to own a copy (visit the official Robert's Rules of Order Web site, <http://www.robertsrules.com/>, for information and to order a hardback or paperback copy).

Parliamentary procedure is a time-tested method of conducting business at meetings and public gatherings. It can be adapted to fit the needs of any organization. Today, *Robert's Rules of Order Newly Revised* is the basic handbook of operation for most unions, clubs, organizations and other groups, so it's important that everyone know these basic rules!

The Basics of Parliamentary Procedure

1. The purpose of parliamentary procedure is to make it easier for people to work together effectively and to help groups accomplish their purposes. Rules of procedure should assist a meeting, not inhibit it.
2. A meeting can deal with only one matter at a time. The various kinds of motions have therefore been assigned an order of precedence.
3. All members have equal rights, privileges and obligations. One of the chairperson's main responsibilities is to use the authority of the chair to ensure that all people attending a meeting are treated equally--for example, not to permit a vocal few to dominate the debates.

4. A majority vote decides an issue. In any group, each member agrees to be governed by the vote of the majority. Parliamentary rules enable a meeting to determine the will of the majority of those attending a meeting.

5. The rights of the minority must be protected at all times. Although the ultimate decision rests with a majority, all members have such basic rights as the right to be heard and the right to oppose. The rights of all members--majority and minority--should be the concern of every member, for a person may be in a majority on one question but in minority the on the next.

6. Every matter presented for decision should be discussed fully. The right of every member to speak on any issue is as important as each member's right to vote.

7. Every member has the right to understand the meaning of any question presented to a meeting and to know what effect a decision will have. A member always has the right to request information on any motion he or she does not thoroughly understand. Moreover, all meetings must be characterized by fairness and good faith. Parliamentary strategy is the art of using procedure legitimately to support or defeat a proposal.

Conducting a Meeting

Members express themselves in a meeting by making motions. A motion is a proposal that the entire membership take action or a stand on an issue. Individual members can:

- Call to order
- Second motions
- Debate motions
- Vote on motions

There are four basic types of motions:

- **Main motions:** The purpose of a main motion is to introduce items to the membership for their consideration. They cannot be made when any other motion is on the floor, and they yield to subsidiary, privileged and incidental motions.
- **Subsidiary motions:** Their purpose is to change or affect how a main motion is handled, and is voted on before a main motion.
- **Privileged motions:** Their purpose is to bring up items that are urgent or important matters unrelated to pending business.
- **Incidental motions:** Their purpose is to provide a means of questioning procedure concerning other motions and must be considered before the other motion.

How Motions are Presented

Obtain the floor

- Wait until the last speaker has finished.
- Rise and address the chairperson by saying, "Mr./Ms. Chairperson" or "Mr./Ms. President."
- Wait until the chairperson recognizes you.

Make your motion

- Speak in a clear and concise manner.
- Always state a motion affirmatively. Say, "I move that we..." rather than "I move that we do not..."
- Avoid personalities and stay on your subject.

Wait for someone to second your motion

- Another member will second your motion or the chairperson will call for a second.
- If there is no second to your motion, it is lost.

The chairperson states your motion

- The chairperson will say, "It has been moved and seconded that we ...," thus placing your motion before the membership for consideration and action.
- The membership either debates your motion, or may move directly to a vote.
- Once your motion is presented to the membership by the chairperson, it becomes "assembly property" and cannot be changed by you without the consent of the members.

Expanding on your motion

- The time for you to speak in favor of your motion is at this point in time, rather than at the time you present it.
- The mover is always allowed to speak first.
- All comments and debate must be directed to the chairperson.
- Keep to the time limit for speaking that has been established.
- The mover may speak again only after other speakers are finished unless called upon by the chairperson.

Putting the question to the membership

- The chairperson asks, "Are you ready to vote on the question?"
- If there is no more discussion, a vote is taken.
- On a motion to move the previous question may be adapted.

Voting on a motion

The method of vote on any motion depends on the situation and the bylaws of your organization. There are five methods used to vote by most organizations, they are:

- **By voice**--The chairperson asks those in favor to say "aye," those opposed to say "no." Any member may move for an exact count.
- **By roll call**--Each member answers "yes" or "no" as his name is called. This method is used when a record of each person's vote is required.
- **By general consent**--When a motion is not likely to be opposed, the chairperson says, "If there is no objection..." The membership shows agreement by their silence; however, if one member says, "I object," the item must be put to a vote.
- **By division**--This is a slight verification of a voice vote. It does not require a count unless the chairman so desires. Members raise their hands or stand.
- **By ballot**--Members write their vote on a slip of paper; this method is used when secrecy is desired. There are two other motions that are commonly used that relate to voting.
- **Motion to table**--This motion is often used in the attempt to "kill" a motion. The option is always present, however, to "take from the table", for reconsideration by the membership.
- **Motion to postpone indefinitely**--This is often used as a means of parliamentary strategy and allows opponents of motion to test their strength without an actual vote being taken. Also, debate is once again open on the main motion.

Parliamentary procedure is the best way to get things done at your meetings. It will only work, however, if you use it properly.

Remember to:

- Allow motions that are in order.
- Have members obtain the floor properly.
- Speak clearly and concisely.
- Obey the rules of debate.
- Most importantly, BE COURTEOUS.

Sources: AFT national rep Bob Brown, Robert's Rules of Order Newly Revised, Robert's Rules of Order Web site (www.robertsrules.com)

ROBERTS RULES CHEAT SHEET

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Adjourn	"I move that we adjourn"	No	Yes	No	No	Majority
Recess	"I move that we recess until..."	No	Yes	No	Yes	Majority
Complain about noise, room temp., etc.	"Point of privilege"	Yes	No	No	No	Chair Decides
Suspend further consideration of something	"I move that we table it"	No	Yes	No	No	Majority
End debate	"I move the previous question"	No	Yes	No	No	2/3
Postpone consideration of something	"I move we postpone this matter until..."	No	Yes	Yes	Yes	Majority
Amend a motion	"I move that this motion be amended by..."	No	Yes	Yes	Yes	Majority
Introduce business (a primary motion)	"I move that..."	No	Yes	Yes	Yes	Majority

The above listed motions and points are listed in established order of precedence. When any one of them is pending, you may not introduce another that is listed below, but you may introduce another that is listed above it.

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Object to procedure or personal affront	"Point of order"	Yes	No	No	No	Chair decides
Request information	"Point of information"	Yes	No	No	No	None
Ask for vote by actual count to verify voice vote	"I call for a division of the house"	Must be done before new motion	No	No	No	None unless someone objects
Object to considering some undiplomatic or improper matter	"I object to consideration of this question"	Yes	No	No	No	2/3
Take up matter previously tabled	"I move we take from the table..."	Yes	Yes	No	No	Majority
Reconsider something already disposed of	"I move we now (or later) reconsider our action relative to..."	Yes	Yes	Only if original motion was debatable	No	Majority
Consider something out of its scheduled order	"I move we suspend the rules and consider..."	No	Yes	No	No	2/3
Vote on a ruling by the Chair	"I appeal the Chair's decision"	Yes	Yes	Yes	No	Majority

The motions, points and proposals listed above have no established order of preference; any of them may be introduced at any time except when meeting is considering one of the top three matters listed from the first chart (Motion to Adjourn, Recess or Point of Privilege).

PROCEDURE FOR HANDLING A MAIN MOTION

NOTE: Nothing goes to discussion without a motion being on the floor.

Obtaining and assigning the floor

A member raises hand when no one else has the floor

- The chair recognizes the member by name

How the Motion is Brought Before the Assembly

- The member makes the motion: *I move that (or "to") ...* and resumes his seat.
- Another member seconds the motion: *I second the motion* or *I second it* or *second*.
- The chair states the motion: *It is moved and seconded that ... Are you ready for the question?*

Consideration of the Motion

1. Members can debate the motion.
2. Before speaking in debate, members obtain the floor.
3. The maker of the motion has first right to the floor if he claims it properly
4. Debate must be confined to the merits of the motion.
5. Debate can be closed only by order of the assembly (2/3 vote) or by the chair if no one seeks the floor for further debate.

The chair puts the motion to a vote

1. The chair asks: *Are you ready for the question?* If no one rises to claim the floor, the chair proceeds to take the vote.
2. The chair says: *The question is on the adoption of the motion that ... As many as are in favor, say 'Aye'.* (Pause for response.) *Those opposed, say 'Nay'.* (Pause for response.) *Those abstained please say 'Aye'.*

The chair announces the result of the vote.

1. *The ayes have it, the motion carries, and ...* (indicating the effect of the vote) or
2. *The nays have it and the motion fails*

WHEN DEBATING YOUR MOTIONS

1. Listen to the other side
2. Focus on issues, not personalities
3. Avoid questioning motives
4. Be polite

HOW TO ACCOMPLISH WHAT YOU WANT TO DO IN MEETINGS

MAIN MOTION

You want to propose a new idea or action for the group.

- After recognition, make a main motion.
- Member: "Madame Chairman, I move that _____."

AMENDING A MOTION

You want to change some of the wording that is being discussed.

- After recognition, "Madame Chairman, I move that the motion be amended by adding the following words _____."
- After recognition, "Madame Chairman, I move that the motion be amended by striking out the following words _____."
- After recognition, "Madame Chairman, I move that the motion be amended by striking out the following words, _____, and adding in their place the following words _____."

REFER TO A COMMITTEE

You feel that an idea or proposal being discussed needs more study and investigation.

- After recognition, "Madame Chairman, I move that the question be referred to a committee made up of members Smith, Jones and Brown."

POSTPONE DEFINITELY

You want the membership to have more time to consider the question under discussion and you want to postpone it to a definite time or day, and have it come up for further consideration.

- After recognition, "Madame Chairman, I move to postpone the question until _____."

PREVIOUS QUESTION

You think discussion has gone on for too long and you want to stop discussion and vote.

- After recognition, "Madam President, I move the previous question."

LIMIT DEBATE

You think discussion is getting long, but you want to give a reasonable length of time for consideration of the question.

- After recognition, "Madam President, I move to limit discussion to two minutes per speaker."

POSTPONE INDEFINITELY

You want to kill a motion that is being discussed.

- After recognition, "Madam Moderator, I move to postpone the question indefinitely."

POSTPONE INDEFINITELY

You are against a motion just proposed and want to learn who is for and who is against the motion.

- After recognition, "Madame President, I move to postpone the motion indefinitely."

RECESS

You want to take a break for a while.

- After recognition, "Madame Moderator, I move to recess for ten minutes."

ADJOURNMENT

You want the meeting to end.

- After recognition, "Madame Chairman, I move to adjourn."

PERMISSION TO WITHDRAW A MOTION

You have made a motion and after discussion, are sorry you made it.

- After recognition, "Madam President, I ask permission to withdraw my motion."

CALL FOR ORDERS OF THE DAY

At the beginning of the meeting, the agenda was adopted. The chairman is not following the order of the approved agenda.

- Without recognition, "Call for orders of the day."

SUSPENDING THE RULES

The agenda has been approved and as the meeting progressed, it became obvious that an item you are interested in will not come up before adjournment.

- After recognition, "Madam Chairman, I move to suspend the rules and move item 5 to position 2."

POINT OF PERSONAL PRIVILEGE

The noise outside the meeting has become so great that you are having trouble hearing.

- Without recognition, "Point of personal privilege."
- Chairman: "State your point."
- Member: "There is too much noise, I can't hear."

COMMITTEE OF THE WHOLE

You are going to propose a question that is likely to be controversial and you feel that some of the members will try to kill it by various maneuvers. Also you want to keep out visitors and the press.

- After recognition, "Madame Chairman, I move that we go into a committee of the whole."

POINT OF ORDER

It is obvious that the meeting is not following proper rules.

- Without recognition, "I rise to a point of order," or "Point of order."

POINT OF INFORMATION

You are wondering about some of the facts under discussion, such as the balance in the treasury when expenditures are being discussed.

- Without recognition, "Point of information."

POINT OF PARLIAMENTARY INQUIRY

You are confused about some of the parliamentary rules.

- Without recognition, "Point of parliamentary inquiry."

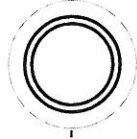
APPEAL FROM THE DECISION OF THE CHAIR

Without recognition, "I appeal from the decision of the chair."

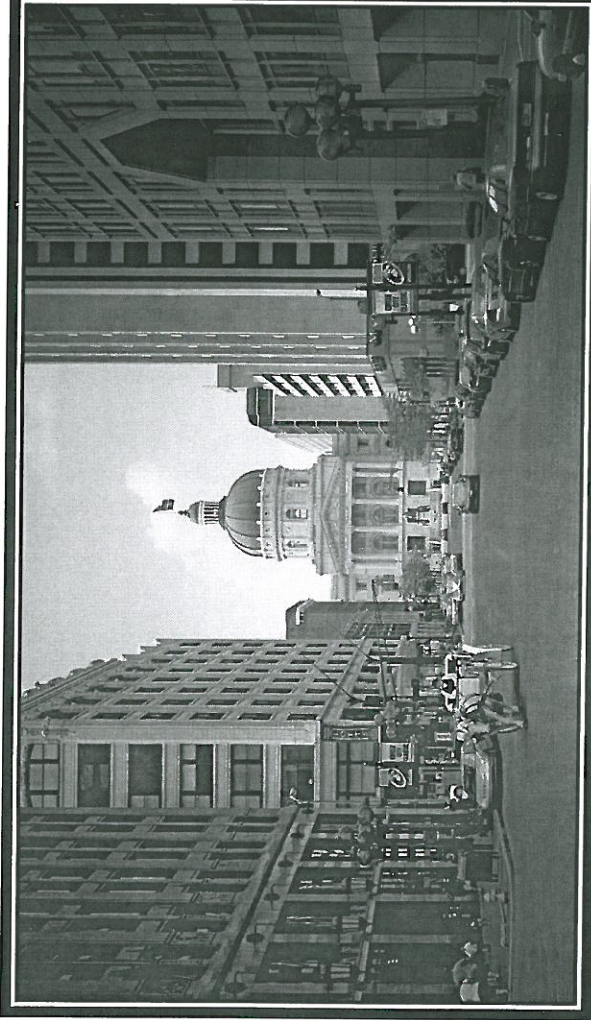
Rule Classification and Requirements

Class of Rule	Requirements to Adopt	Requirements to Suspend
Charter	Adopted by majority vote or as proved by law or governing authority	Cannot be suspended
Bylaws	Adopted by membership	Cannot be suspended
Special Rules of Order	Previous notice & 2/3 vote, or a majority of entire membership	2/3 Vote
Standing Rules	Majority vote	Can be suspended for session by majority vote during a meeting
Modified Roberts Rules of Order	Adopted in bylaws	2/3 vote

Indiana's Public Access Laws



Presented by
Luke Britt, Indiana Public Access Counselor



Access to Public Records Act (APRA)

- **Indiana Code § 5-14-3-1 through 5-14-3-10**
 - **Enacted in 1983 (“APRA”)**

A fundamental philosophy of the American constitutional form of representative government is that government is the servant of the people and not their master.

Accordingly, it is the public policy of the state that all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees.

Providing persons with the information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty it is to provide the information.

This chapter shall be liberally construed to implement this policy and place the burden of proof for the nondisclosure of a public record on the public agency that would deny access to the record and not on the person seeking to inspect and copy the record.”

Public Access Counselor

- The Public Access Counselor provides advice and assistance concerning Indiana's public access laws (the Access to Public Records Act and the Open Door Law) to members of the public and government officials and employees.
- Governor Frank O'Bannon created the office by executive order in 1998 after a statewide collaboration of seven newspapers found great obstacles in obtaining government information in Indiana.
- In 1999, the General Assembly created the office statutorily.



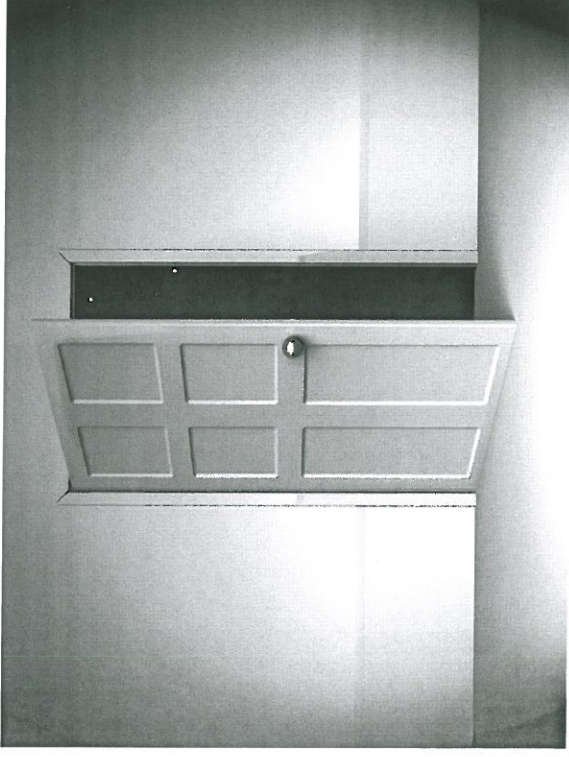
Indiana's Open Door Law (ODL)

“...It is the intent of this chapter that the official action of public agencies be conducted and taken openly, unless otherwise expressly provided by statute, in order that the people may be fully informed...” IC 5-14-1.5-1.



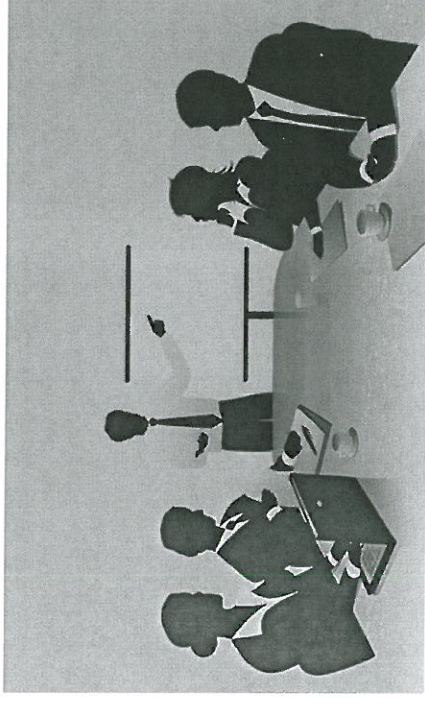
Basics

- A Majority
- Governing Body
- Official Action
- Public Business
- Notice
- Open to the Public



Official Action vs. Final Action

- Official Action:
 - Discussions
 - Deliberations
 - Receiving Information
 - Giving Information
- Final Action:
 - Voting
 - Decisions



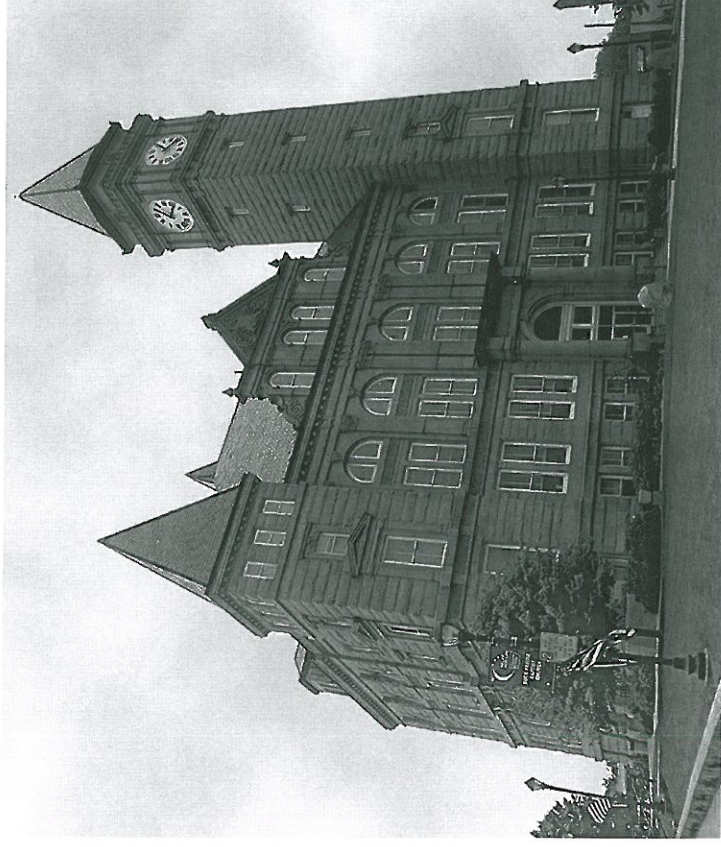
What Kind of Notice is Required

- 48 business hours in advance
- Date, time and place where Governing Body will meet
- Generally no requirements to publish in newspaper
- Annual notices are permitted
- Emergency meetings are exception to notice requirement
- Must post at principal place of business or meeting location
- Special meetings of County Executives IC 36-2-2-8 (must state-specific subject matter)
- Prohibition on serial meetings

Example of Public Notice

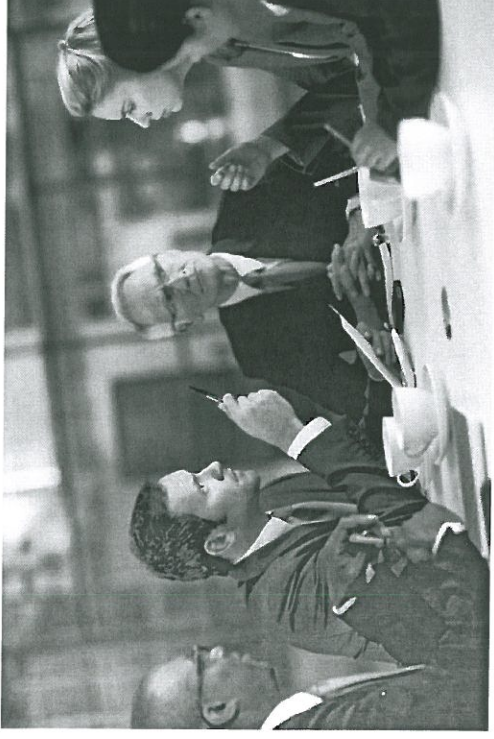
Notice of Public Meeting:
Xavier Town Council
Wednesday, July 16, 2016
5:30 p.m.
City Hall, Room 104

123 Main Street, Xavier, Indiana



Executive Sessions

- The “exception” to meetings that are open to the public
- Notice must include statutory purpose(s) for the meeting excluding the public.
- Meeting minutes or memoranda must include **certification** that only the topics permitted under the ODL for executive session were discussed.
- **NO FINAL ACTION**



Improper Executive Session Notice

Notice of Executive Session

Xavier Town Council Executive
Session

Wednesday, July 16, 2016

5:00 p.m.

City Hall, Room 104

123 Main Street

Xavier, Indiana

**Personnel and Litigation to be
discussed**

Proper Executive Session Notice

Notice of Executive Session

Xavier Town Council Executive
Session

Wednesday, November 16, 2011

5:00 p.m.

City Hall, Room 104

123 Main Street

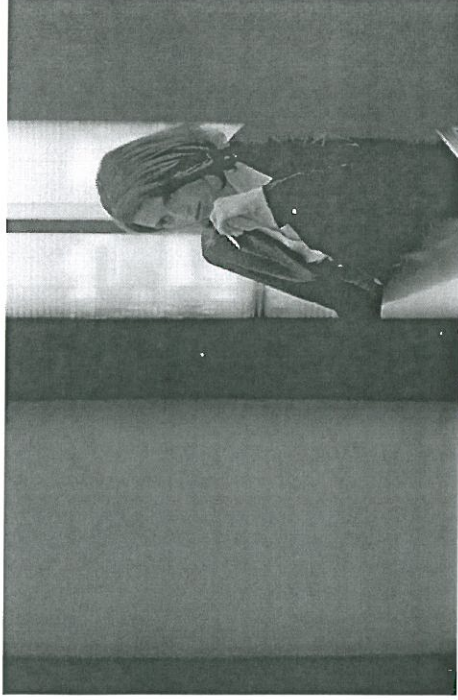
Xavier, Indiana



**The Council will meet to
discuss a job performance of
an individual employee as
authorized under**

I.C. 5-14-1.5-6.1(b)(9)

Executive Session Common Exceptions under the ODL



- To discuss:
 - records classified as confidential by state or federal statute
 - the alleged misconduct of an employee
 - strategy with respect to pending litigation or litigation threatened in writing
 - information and intelligence intended to prevent, mitigate or respond to threat of terrorism
- To receive information and interview prospective employees

Meetings under the ODL

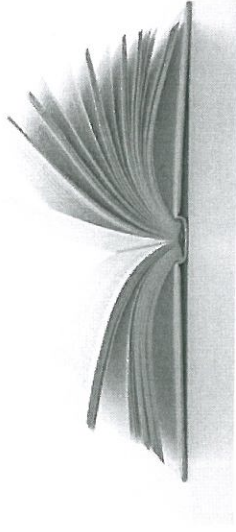
- No right to speak under ODL unless some other statute requires it (i.e. public hearings)
- Minutes/Memoranda (Draft copies)
- Electronic Meetings of State Agencies
- No secret ballots when voting



What is a Public Record?

“Public record” means any writing, paper, report, study, map, photograph, book, card, tape recording, or other material that is created, received, retained, maintained, or filed by or with a public agency and which is generated on paper, paper substitutes, photographic media, chemically based media, magnetic or machine readable media, electronically stored data, or any other material, regardless of form or characteristics.

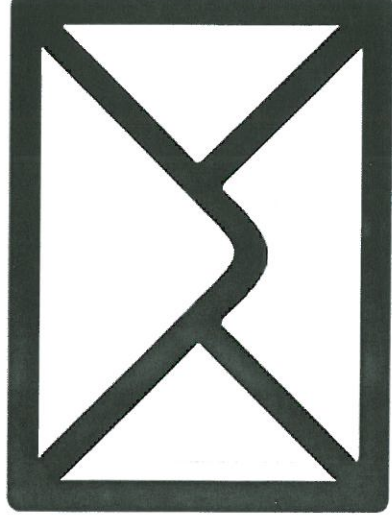
Indiana Code § 5-14-3-2(n)



Responding to APRA Requests

Time frames for responding to APRA Requests depend on the manner in which the public agency receives the request.

- If requestor is **physically present** in the office, the agency has 24 hours to respond.
- If the request is made by **mail or by facsimile**, the public agency has 7 days from the date it was received.
- **Important:** Production of documents is not required in these time frames, but within a reasonable time.
- Copy fees



Reasonable Period of Time

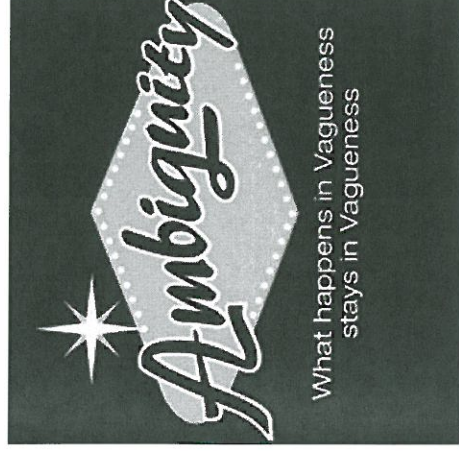
All records must be provided within a “reasonable period of time” after the request is received.

- Factors considered:
 - How broad is the request
 - Where are the records located
 - How much redaction is necessary
 - Busy time at the agency
 - Common sense factors
- What I like to see:
 - Communication – Status Updates
 - Piecemeal disclosures



Reasonable Particularity

- A request from the public must be reasonably particular – a subjective standard
- Two conflicting cases
 - Can you find it?
 - Are there objective elements in the query?
- What I like to see:
 - No blanket denial
 - Cooperate to narrow request



Three Categories of Public Records

	Must be disclosed
	Confidential
	Released at the discretion of the public agency

Examples of Confidential Public Records



Those confidential by state statute or federal law (i.e. IC 4-6-9-4)



Social Security Numbers contained in public records



Patient medical records unless the patient gives written consent



Trade secret information



Certain foreclosure information



Grade transcripts/license exam scores in licensure process

Discretionary Categories

- Selected Examples

- Investigatory records of law enforcement agencies
- Attorney work product/client communication
- Deliberative material
- Personnel files of public employees



Denials

- If a request is made orally, the agency may deny the request orally.
- If request is made in writing, the agency must deny the request in writing.
- Before the trial court, the burden is on the agency to demonstrate that the denial complied with the APRA.
- Court may review the records in-camera; the court may review the records if redaction of the record has occurred.



Access to Public Records Act

Electronic Mail

- A public record includes electronic media that is created, received, retained, maintained, or filed by or with a public agency.
- Electronic mail must be available for inspection and copying by the governing body unless an exception to disclosure, based on the content of the email, applies.
- Electronic mail must be maintained in accordance with records retention schedules, pursuant to I.C. 5-15.
 - Most agencies have their own retention schedules.



Noncompliance

- Remedies
 - Fix it
 - Complaint to Public Access Counselor
- Penalties
 - Court action seeking order to produce records and potentially order to pay attorney's fees
 - Fines for knowing and intentional withholding of public records or violation of the ODL
 - Bad press and damage to public perception



Common Misconceptions of Agencies

- Offering to allow inspection is sufficient.
- Public Access = Immediate Access
- Denials do not have to be explained
- Any *document* containing confidential information may be omitted from public records response



Common Misconceptions Of Citizens

- A public agency should:
 - ▣ Answer questions under APRA
 - ▣ Keep public records forever
 - ▣ Handle public records requests before handling other matters of the public agency
 - ▣ Keep public records in a format that is most convenient for me.



Thank You

Contact Information:

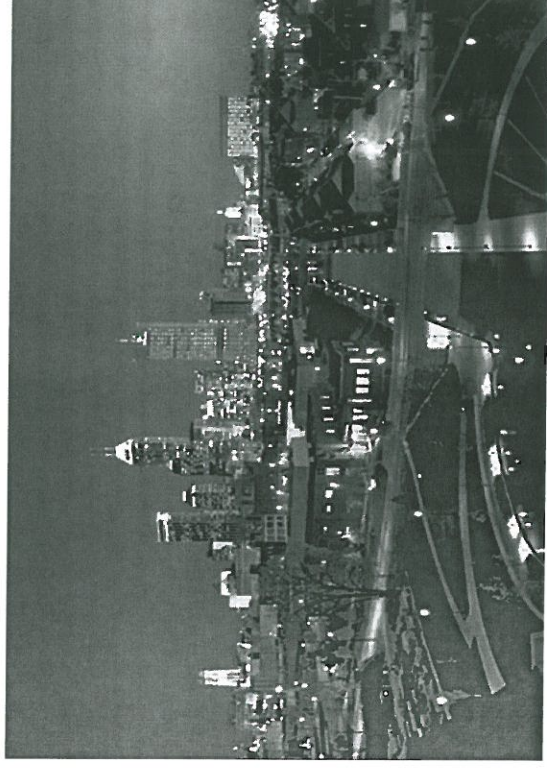
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Public Access Handbook:

http://www.in.gov/pac/files/pac_handbook.pdf

Public Access Counselor Website:

<http://www.in.gov/pac/>