



SHARON L. MCBRIDE

3RD District Council Member and Council President

NEWS RELEASE

FROM: COUNCIL PRESIDENT SHARON L. MCBRIDE
SUBJECT: RESPONSE TO REAL NEWS MICHIANA
DATE: TUESDAY, JANUARY 3, 2022
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RESPONSE TO REAL NEWS MICHIANA

FOR IMMEDIATE RELEASE

Questions have been raised in a December 27, 2022, article posted by Clifton French on the Real News Michiana website and through a January 3, 2023, press release from Council member Henry Davis Jr., concerning a consulting contract between the South Bend Common Council and the former Chief Deputy of the City Clerk's office. The response to those concerns requires accurate background information, not included in the post.

City Clerk Dawn Jones has never been elected by the voters of South Bend. She was selected through a special caucus vote of precinct chairs in August 2019. The special caucus was required by the departure of the then City Clerk, Kareemah Fowler, for a position with the South Bend School Corporation. The departure of Ms. Fowler was unanticipated. The need for a replacement was sudden. To the best of the knowledge of the Common Council, Clerk Jones had little, if any, experience with the practical duties and responsibilities of the City Clerk's office including the statutory duty to act as the Clerk and administrative arm of the Common Council.

Because of the need for a smooth transition to continue the work of the Common Council, the Council officers at that time entered into a consulting contract with the former City Clerk to assist and train the new City Clerk and her staff. That contract was within the Council President's authority because the Council had a budgetary line item for professional services from which the funds would be allocated. That expenditure from the Council's budget, like any other expenditure from the Council budget, was non-legislative and did not require approval or a vote of the entire Council.



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The consulting contract was similar to the situation of the Common Council's attorney. Although the appointment of the attorney is subject to approval by most of the Council pursuant to the Municipal Code, the terms and conditions of that contract are negotiated by the Council officer and are not reviewed by the entire Council.

COVID provided unique challenges for both the Common Council and the Clerk's office. The lack of physical contact over several months hindered the formation of an adequate working relationship between the Council and the Clerk's office. High turnover within the Clerk's office further hindered an adequate working relationship. As the City returned toward normalcy after COVID, to Council officers, through their own interactions with the Clerk's office and through communications with the City's departmental personnel that some statutorily mandated actions were either not being performed or not being performed in a timely manner. Whether the lack of performance was the result of inexperience, lack of training, or otherwise is irrelevant. Statutes and ordinances needed to be complied with and on a timely basis.

In April 2022, prior to the formation of the agreement, all Council members, including Mr. Davis, were informed of the intent of Council officers, to retain a consultant to assist the Clerk's office in completing the duties it owed to the Council and the citizens of South Bend. Because this was not a legislative decision, there was no need for a vote of the entire Council or public input.

The Council's budget for professional services was adequate to retain a consultant. The most knowledgeable person available for the position was the former Chief Deputy Clerk. Council officers negotiated the terms of the agreement, just as Council officers negotiated the terms of a similar prior agreement and as they annually negotiate the terms of the contract with the Council Attorney.

The contract went through several drafts. It was approved by the Council Attorney, the City Legal Department, and by the City's Department of Human Resources. The City Controller also provided his input. The contract was signed and took effect.



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As the Consultant continued to review the operations of the City Clerk's office, it became apparent that the problems were worse than initially thought and additional work was necessary. This was recently exacerbated by the additional duties necessitated by year-end reporting.

All Council members were informed of the contract. None objected. The contract was negotiated and executed in accordance with existing precedent and the provisions of the Municipal Code.

President Sharon L. McBride
3rd District, City of South Bend, Indiana

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