



South Bend

Redevelopment Commission

227 West Jefferson Boulevard, Room 1308, South Bend, Indiana

Agenda

Regular Meeting, June 24, 2021 – 9:30 a.m.

<https://tinyurl.com/062421>

1. Roll Call

2. Approval of Minutes

- A. Minutes of the Regular Meeting of Thursday, June 10, 2021

3. Approval of Claims

- A. Claims Allowance Request 06.15.21
- B. Claims Allowance Request 06.22.21

4. Old Business

- A. South Side Development Area
 - 1. Budget Request (Southern Gateway Project)

5. New Business

- A. River East Development Area
 - 1. First Amendment to MOU (Wharf Partners)
 - 2. Second Amendment to Development Agreement (Wharf Partners)
- B. River West Development Area
 - 1. Budget Request (100 Block S Michigan Sidewalk Improvement)
 - 2. Budget Decrease (Cleveland-Brick Road Pavement)
 - 3. Budget Request (Charles Martin Parking Lot)
- C. South Side Development Area
 - 1. Budget Request (Dubail Streetscape)
- D. Administrative
 - 1. Mortgage Release (Heminger)
 - 2. Mortgage Release (Whittaker)
 - 3. Redevelopment Commission Memo (Electronic Meetings)
 - a. 5-14-15-35 Participation at meetings of the governing body of a public agency of a political subdivision electronic).
 - b. 36-7-14-31 (Redevelopment Departments and Commissions Electronic Meetings).

- c. 36-7-145-95 (Annual Organization Meeting Application Definitions Meetings and Policy).
- d. Resolution No. 3535 (Electronic Meetings)
- e. Resolution No. 3535 (Electronic Meeting Open Door)

6. Progress Reports

- A. Tax Abatement
- B. Common Council
- C. Other

7. Next Commission Meeting:

Thursday, July 8, 2021, 9:30 am

8. Adjournment



South Bend.
Redevelopment Commission
 227 West Jefferson Boulevard, Room 1308, South Bend, IN
 46601

**SOUTH BEND REDEVELOPMENT COMMISSION
 REGULAR MEETING**

June 10, 2021

9:30 a.m.

Presiding: Don Inks, Vice-President

<https://tinyurl.com/RDC061021>

South Bend, Indiana

The meeting was called to order at 9:31 a.m.

1. ROLL CALL

Members Present:	Marcia Jones, President Don Inks, Vice-President Quentin Phillips, Secretary Troy Warner, Commissioner Eli Wax, Commissioner	
Members Absent:	Leslie Wesley, Commissioner	
Legal Counsel:	Sandra Kennedy, Esq.	
Redevelopment Staff:	Mary Brazinsky, Board Secretary	
Others Present:	Santiago Garces Daniel Buckenmeyer Tim Corcoran Zach Hurst Kyle Silveus Charlotte Brach Conrad Damian Benjamin Dougherty Lori K. Hamann Mark Peterson	DCI DCI DCI Engineering Engineering Engineering Resident Admin & Finance Councilmember WNDU

2. Approval of Minutes

- **Approval of Minutes of the Regular Meeting of Thursday, May 27, 2021**

Upon a motion by Secretary Phillips, seconded by Commissioner Warner, the motion carried unanimously, the Commission approved the minutes of the regular meeting of Thursday, May 27, 2021.

3. Approval of Claims

- **Claims Submitted for June 1 and June 8, 2021**

Upon a motion by Secretary Phillips, seconded by Commissioner Warner, the motion carried unanimously, the Commission approved the claims for June 1 and June 8, 2021, submitted on Thursday, June 10, 2021.

4. Old Business

5. New Business

A. South Side Development Area

1. **Budget Request (Southern Gateway Project)**

Mr. Hurst Presented Budget Request (Southern Gateway Project). This budget request is for \$100,000 to fund aesthetic upgrades to the new bridge planned to carry the US 20/31 By-pass over Michigan Street also known as the southern gateway into South Bend.

The upgrades consist of aesthetic bridge rail, along with raised and stained concrete lettering spelling SOUTH BEND. A rendering of the bridge was presented at the meeting. The North side of the bridge would not have any lettering.

Commissioner Warner asked if we do not do this project what would the bridge look like?

Mr. Hurst replied that INDOT is doing a full replacement of the bridge at the interchange. They would provide standard bridge rails aka the Jersey Barrier type that are rectangular with smooth concrete no rails.

Commissioner Warner asked Mr. Hurst what value does this project provide to the South Side District?

Mr. Hurst replied it is a nice feature for those coming into the South Side and something that catches your eye and greets those coming into South Bend.

Commissioner Wax asked when final determination for the project needs to be made.

Mr. Hurst stated that INDOT is going to letting in September and payment would need to be received by August 2021.

Vice-President Inks opened up comments from the public.
No comment was made from public.
Vice-President Inks closed the public comment portion.

Vice-President Inks entertained a motion.
Mr. Phillips made a motion to approve this item. There was not a second. The motion was disposed of for lack of a second.

Ms. Kennedy stated that since there was not a second that the Commission can choose to table the item to the next meeting and formally dispose of this motion.

Commissioner Warner made a motion to deny this item. There was not a second. The motion was disposed of for lack of a second.

Commissioner Wax made a motion to table this item to the next meeting.

Mr. Buckenmeyer asked the Commissioner's if there were specific questions, they would like answered on this project for the staff to bring back for the next meeting.

Commissioner Wax would like to know what economic value the aesthetics of the bridge would have to the community.

Commissioner Warner states that he drives through that area often. Traffic is merging off the by-pass and people are flying. Commissioner Warner does not think that people would actually see it. There is no value or worth in spending the money on it. The one in Valpo is not in a merging spot. He would prefer the dollars to be spent on some form of safety for the merging traffic in that area. He is open to more information and further discussion.

Upon a motion by Eli Wax, Commissioner seconded by Quentin Phillips, Secretary the motion was unanimously tabled to the next meeting of the Redevelopment Commission on June 24, 2021.

B. River East Residential Development Area

1. Budget Request (Professional Services Baker Tilly)

Mr. Dougherty Presented Budget Request (Professional Services Baker Tilly). This is a simple budget request for a total amount of \$13,350 for consulting services with Baker Tilly. This project, as we have done in the past, is a general analysis that assists in project planning, budgeting and the overall life and prospects of our TIF Districts. Baker Tilly's expertise is in delivering an assessment in what the remainder of future revenues look like for the life of the TIF Districts.

Vice-President opened this up to comments from the Commission.
Vice-President closed the comments from Commission.
Vice-President Inks opened this to the public for comment.
Vice-President Inks closed this portion to the public and entertained a motion.

Upon a motion by Commissioner Warner, seconded by Secretary Phillips, the motion carried unanimously, the Commission approved Budget Request (Baker Tilly) submitted on Thursday, June 10, 2021.

6. Progress Reports

A. Tax Abatement

1. Mr. Buckenmeyer noted that the Ward Bakery \$4M project on Portage Avenue is slated for a confirming resolution from council on Monday.
2. McCormick and Company will be investing \$42M expansion just north of the airport and is slated for a confirming resolution from council on Monday.

B. Common Council

Commissioner Warner states that at Council there have been discussions about the tax abatements and value. Most tax abatements provide their worth in ROI. Commissioner Warner is asking for an audit on the tax abatements we have.

Mr. Buckenmeyer states that we are wrapping the annual tax abatement report that will be handed off to Council and will become public information.

Mr. Garces states that we have been working with the Chair of Community Investment Rachel Tomas Morgan and have been working on questions and concerns regarding tax abatements. These were presented to Council yesterday. Mr. Garces states that we are always looking at better ways to improve our systems.

Commissioner Wax states that he appreciates the presentation earlier this week to Council. He would like the approach going forward to be do not tell me, show me for abatements. The abatements provide a lot to our city but if we can show the community the benefits rather than telling them, it would have a larger effect.

Mr. Garces states the report to council will show a lot of that. After the council reviews the report, we would love for them to provide feedback, and let us know what else they would like to see.

Commissioner Wax asked to see information on the abatements over 10 years and the pre-abatement vs. post-abatement report.

Commissioner Warner asked for a form of a public report with this information as well.

South Bend Redevelopment Commission Regular Meeting – June 10, 2021

C. Other

7. Next Commission Meeting:

Thursday, June 24, 2021, 9:30 a.m.

8. Adjournment

Thursday, June 10, 2021, 10:09 a.m.

Quentin Phillips, Secretary

Donald E. Inks, Vice-President



City of South Bend Department of Administration & Finance Claims Allowance Request

To: South Bend Redevelopment Commission
From: Daniel Parker, City Controller
Date: Tuesday, June 15, 2021

Pursuant to Indiana Code 36-4-8-7, I have audited and certified the attached claims and submit them for allowance in the following amounts:

GBLN-0017553	\$34,148.25
GBLN-0000000	\$0.00

Total: \$34,148.25

Daniel Parker, City Controller

The attached claims described above were allowed in the following total amount at a public meeting on the date stated below:

\$ 34,148.25

By: _____
South Bend Redevelopment Commission
Name:

Date:

Name:

Name:

Name:

Name:

Name:

Expenditure approval

RDC Payments-6/15 Pymt Run

GBLN-0017553

Payment method: ACH-Total
Voucher: RDCP-00000305
Payment date: 6/15/2021

Vendor #	Name	Invoice #	Line description	Due date	Invoice amount	Financial dimensions	Purchase order
V-00000019	ABONMARCHE CONSULTANTS OF IN	135351	Amendment #1	6/8/2021	\$5,000.00	324-10-102-121-442001-- PROJ00000046	PO-0006600
V-00000019	ABONMARCHE CONSULTANTS OF IN	135353	Design Services	6/4/2021	\$350.00	429-10-102-121-431002-- PROJ00000167	PO-0005886
V-00000019	ABONMARCHE CONSULTANTS OF IN	No. 134424	Design Services	4/25/2021	\$17,726.25	429-10-102-121-431002-- PROJ00000167	PO-0005886

Payment method: CHK-Total
Voucher: RDCP-00000306
Payment date: 6/15/2021

Vendor #	Name	Invoice #	Line description	Due date	Invoice amount	Financial dimensions	Purchase order
V-00001743	US BANK	6135629	2018 TIF Parks Bonds Annual Paying Agent Fee (5/1/21- 4/30/22)	6/15/2021	\$500.00	324-10-102-121-438300- DS0169-	

Payment method: CHK-Total
Voucher: RDCP-00000307
Payment date: 6/15/2021

Vendor #	Name	Invoice #	Line description	Due date	Invoice amount	Financial dimensions	Purchase order
V-00001886	A&Z ENGINEERING LLC	212726	AIRPORT ANNEXATION AREA SURVEY	5/5/2021	\$4,192.00	324-10-102-121-431002-- PROJ00000012	PO-0000025
V-00001886	A&Z ENGINEERING LLC	212783	AIRPORT ANNEXATION AREA SURVEY	6/3/2021	\$3,380.00	324-10-102-121-431002-- PROJ00000012	PO-0000025

Payment method: CHK-Total
Voucher: RDCP-00000308
Payment date: 6/15/2021

Vendor #	Name	Invoice #	Line description	Due date	Invoice amount	Financial dimensions	Purchase order
V-00000485	DUDECK ROOFING & SHEET METAL INC	12717	Roof Repairs	6/17/2021	\$3,000.00	430-10-102-121-443001-- PROJ00000057	PO-0008864



**City of South Bend
Department of Administration & Finance
Claims Allowance Request**

To: South Bend Redevelopment Commission
From: Daniel Parker, City Controller
Date: Tuesday, June 22, 2021

Pursuant to Indiana Code 36-4-8-7, I have audited and certified the attached claims and submit them for allowance in the following amounts:

GBLN-0018015	\$232,084.51
GBLN-0000000	\$0.00
Total:	<u>\$232,084.51</u>

Daniel Parker, City Controller

The attached claims described above were allowed in the following total amount at a public meeting on the date stated below: \$ 232,084.51

By: _____
South Bend Redevelopment Commission
Name:

Date:

Name:

Name:

Name:

Name:

Name:

Expenditure approval

RDC Payments-6/22/21 Pymt Run

GBLN-0018015

Payment method: CHK-Total
Voucher: RDCP-00000309
Payment date: 6/22/2021

Vendor #	Name	Invoice #	Line description	Due date	Invoice amount	Financial dimensions	Purchase order
V-00000807	INCREMENTAL DEVELOPMENT ALLIANCE	1456	SMALL SCALE DEVELOPMENT CAPACITY BUILDING	5/30/2021	\$14,800.00	433-10-102-121-439300--	PO-0000711

Payment method: CHK-Total
Voucher: RDCP-00000310
Payment date: 6/22/2021

Vendor #	Name	Invoice #	Line description	Due date	Invoice amount	Financial dimensions	Purchase order
V-00001368	R YODER CONSTRUCTIO N INC	APP #6	O'Brien Recreation Renovation	6/27/2021	\$60,752.50	430-10-102-121-443001-- PROJ00000057	PO-0005039

Payment method: CHK-Total
Voucher: RDCP-00000311
Payment date: 6/22/2021

Vendor #	Name	Invoice #	Line description	Due date	Invoice amount	Financial dimensions	Purchase order
V-00001411	RIETH RILEY CONSTRUCTIO N	361076601	Sunk cost for Ignition Park EV Lot (Cancelled Project)	6/14/2021	\$1,000.00	324-10-102-121-443001-- PROJ00000208	PO-0009862

Payment method: CHK-Total
Voucher: RDCP-00000312
Payment date: 6/22/2021

Vendor #	Name	Invoice #	Line description	Due date	Invoice amount	Financial dimensions	Purchase order
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V-00001789	Milestone Contractors North, Inc	Application 1	3400 Block S Michigan Streetscape Improvements	6/24/2021	\$148,632.01	430-10-102-121-442001-- PROJ00000216	PO-0008435
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Payment method: ACH-Total
Voucher: RDCP-00000313
Payment date: 6/22/2021

Vendor #	Name	Invoice #	Line description	Due date	Invoice amount	Financial dimensions	Purchase order
V-00004757	Leslie M Omeeboh	4	Grant Writing and Research	6/12/2021	\$6,900.00	433-10-102-123-439300--	PO-0007401



CITY OF SOUTH BEND REDEVELOPMENT COMMISSION

Redevelopment Commission Agenda Item

DATE: 06/10/2021
FROM: Zach Hurst, PE
SUBJECT: Budget Request – Southern Gateway Project

_____ Pres/V-Pres

ATTEST: _____ Secretary

Date: _____

APPROVED Not Approved

SOUTH BEND REDEVELOPMENT COMMISSION

Funding Source* (circle one) River West; River East; South Side; Douglas Road; West Washington; RDC General

*Funds are subject to the City Controller's determination of availability, if funds are unavailable, as solely determined by the City Controller, then the authorization of the expenditure of such funds shall be void and of no effect.

Purpose of Request:

This budget request is for \$100,000 to fund aesthetic upgrades to the new bridge planned to carry the US 20/31 ByPass over Michigan Street – e.g. the southern gateway to South Bend.

The upgrades consist of aesthetic bridge rail form liner, along with raised and stained concrete lettering spelling SOUTH BEND. A rendering is attached to this memo.

INTERNAL USE ONLY: Project ID: PROJ00000185;

Total Amount – New Project Budget Appropriation \$ _____;

Total Amount – Existing Project Budget Change (increase or decrease) \$ _____;

Funding Limits: Engineering: \$ _____; Other Prof Serv Amt \$ _____;

Acquisition of Land/Bldg (circle one) Amt: \$ _____; Street Const Amt \$ _____;

Building Imp Amt \$ _____; Sewers Amt \$ _____; Other (specify) Amt \$ _____



SOUTH BEND



FIRST AMENDMENT TO MEMORANDUM OF UNDERSTANDING

THIS FIRST AMENDMENT TO MEMORANDUM OF UNDERSTANDING (this “First Amendment”) is made on June 24, 2021, by and between the City of South Bend Department of Redevelopment, acting by and through its governing body, the South Bend Redevelopment Commission (the “Commission”), and Wharf Partners, LLC, an Indiana limited liability company (the “Developer”) (each a “Party,” and collectively the “Parties”).

RECITALS

A. The Commission and the Developer entered into a Memorandum of Understanding dated effective December 13, 2018 (the "MOU") related to the needs of the Parties as they pertain to each other and other developments occurring in the area of Seitz Park in the River East Development Area.

B. The Parties now desire to make certain modifications to the MOU to continue their cooperation and to facilitate the aforementioned developments.

NOW, THEREFORE, in consideration of the mutual promises and obligations stated in the MOU and this First Amendment, the adequacy of which is hereby acknowledged, the Parties agree as follows:

1. Section 2.c. shall be deleted in its entirety and replaced with the following:

c. Developer Grant of Temporary Easement. The Developer agrees to grant to the Commission a temporary easement over Lot 1 identified on the Cascades Plat to provide parking for twenty-six (26) motor vehicles for a period beginning on the date hereof until thirty (30) days prior to the published opening date of the restaurant contemplated in Phase I of the Project as communicated at least thirty (30) days in advance in writing to the City. After such date, the Developer shall agree to allow the Commission access to Lot 1 for the benefit of parking for no more than twenty-six (26) motor vehicles related to the residents of the neighboring property commonly known as Stephenson Mills. The Parties agree that the Commission's use of the parking spaces at any time shall be non-exclusive. Further, the Developer agrees that if any permanent lighting is removed from this area for construction purposes, Developer will provide temporary lighting for the parking area. If the grant of this temporary easement precludes the Developer from commencing Phase II of its Project, the City agrees to assist Developer by coordinating with neighboring construction projects and landowners to facilitate Developer's objectives. This Agreement terminates upon the completion of the Stephenson Mills parking lot. Upon the termination of this temporary easement, the Parties agree to use their best efforts to cooperate to address parking issues arising due to the Phase II of the Project and any ongoing neighboring construction projects. Additionally, no later than November 1, 2021, the Commission shall cause to be made such improvements as necessary to repair the western portion of Lot 1, as depicted in yellow on Exhibit C, including the addition of a top layer of asphalt and striping.

2. A new Exhibit C shall be added to Agreement in the form attached hereto.

3. The Parties hereby expressly reaffirm their respective obligations under the MOU, and, unless expressly modified by this First Amendment, the terms and provisions of the MOU remain in full force and effect.

4. Capitalized terms used in this First Amendment will have the meanings set forth in the MOU unless otherwise stated herein.

5. The recitals set forth above are hereby incorporated into the operative provisions of this First Amendment.

6. This First Amendment will be governed and construed in accordance with the laws of the State of Indiana.

7. This First Amendment may be executed in separate counterparts, each of which when so executed shall be an original, but all of which together shall constitute one and the same instrument. Any electronically transmitted version of a manually executed original shall be deemed a manually executed original.

IN WITNESS WHEREOF, the Parties hereby execute this First Amendment to Memorandum of Understanding as of the first date stated above.

COMMISSION:

SOUTH BEND REDEVELOPMENT
COMMISSION

By: _____
Marcia I. Jones, President

ATTEST:

By: _____
Quentin M. Phillips, Secretary

DEVELOPER:

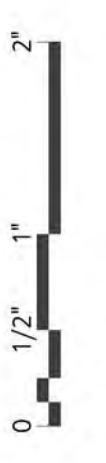
WHARF PARTNERS, LLC

By: _____
Frank A. Perri, Manager

EXHIBIT C

See Attached

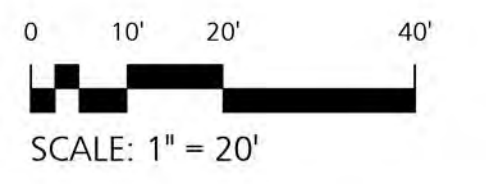
Site Logistics Plan of Panzica Construction Group for
Three Twenty at the Cascades
Sheet C105, dated 06 22 2021



LEGEND			
WATER	MANHOLE/PUMP	UTILITY BOX	
CATCH BASIN	MANHOLE/VALVE	ELECTRIC VAULT	
GROUND LIGHT	MANHOLE/SANITARY SEWER	ELECTRIC METER	
POST/POLE/BOLLARD	MANHOLE/STORM	GAS METER	
EXTG LIGHT POLE	SILT FENCE		
NEW LIGHT POLE	EXISTING FENCE		
NEW LIGHT POLE	NEW FENCE		
UTILITY POLE	DEMOLISHED CONT		
GUY ANCHOR	EX. CONT		
SIGN			
WELL	EXISTING GRADES	NEW GRADES	
VALVE	ELEC (UGE)		
HYDRANT	ELEC (OHE)		
CATCH BASIN	PHONE		
DRY WELL	NATURAL GAS		
CLEAN OUT	WATER MAIN		
FLAG POLE	STORM PIPE		
IRON FOUND	SANITARY		
SOIL BORING	FIBER OPTIC		
LOCATION	CABLE		
EXISTING TREE (TO REMAIN)			
	TOP OF CONC./CURB		
	TOP OF PAVEMENT		

NOTE: ALL WORK WITHIN PUBLIC R/W AND ON CITY PROPERTY SHALL CONFORM TO THE CITY OF SOUTH BEND STANDARDS AND SPECIFICATIONS. CONTRACTOR SHALL OBTAIN A COPY OF THE LATEST CITY STANDARDS AND SPECIFICATIONS WHICH ARE AVAILABLE ON-LINE AT <https://www.southbend.in.gov/government/division/...design-construction-standards-prevailing-specifications-public-works> STANDARDS IN THIS PLAN SET WERE DATED MARCH 20, 2018 AND WERE DOWNLOADED FROM THE CITY'S WEBSITE ON MAY 31, 2018. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CHECK THE CURRENT CITY STANDARDS BEFORE COMMENCING CONSTRUCTION.

HOLEY MOLEY SAYS,
"DON'T DIG BLIND"
 Call two working days before you dig!
 WITHIN INDIANA
1 800 382-5544
 FROM OUTSIDE INDIANA
1 800 428-5200



SURVEY INFORMATION IS NOT GUARANTEED. SURVEY DATA ADJUSTED TO ABONMARCHÉ PROJECT COORDINATE BASE PLUS-OR-MINUS.



Panzica Construction Group

416 East Monroe Street
 Suite 320
 South Bend, IN 46601
 574.234.0124

Job Description

Mixed Use Development
THREE TWENTY
at The Cascade
 320 East Colfax Avenue at the St. Joseph River
 South Bend, Indiana 46617

410516
 Project #
 File #
 June 22, 2021
 Date

Revisions

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www.panzica.net

PANZICA
 BUILDING CORPORATION

SITE LOGISTICS PLAN
 Sheet

C105

Of

SECOND AMENDMENT TO DEVELOPMENT AGREEMENT

THIS SECOND AMENDMENT TO DEVELOPMENT AGREEMENT (this "Second Amendment") is made on June 24, 2021, by and between the City of South Bend Department of Redevelopment, acting by and through its governing body, the South Bend Redevelopment Commission (the "Commission"), and Wharf Partners LLC, an Indiana limited liability company (the "Developer") (each a "Party," and collectively the "Parties").

RECITALS

A. The Commission and the Developer entered into a Development Agreement dated February 22, 2018, which was amended by a First Amendment to Development Agreement, dated December 13, 2018 (together, the "Development Agreement"), for the development of a Project in the River East Development Area near Seitz Park.

B. Due to construction constraints, the Parties entered into a related Memorandum of Understanding, dated December 13, 2018, as the same may be amended from time to time, which set forth certain obligations of the Parties relative to each other and additional development projects in the area of Seitz Park.

C. The construction constraints are continuing and the Parties desire to modify further the Development Agreement to reflect their agreements related to their continued cooperation as set forth herein.

NOW, THEREFORE, in consideration of the mutual promises and obligations stated in the Development Agreement and this Second Amendment, the adequacy of which is hereby acknowledged, the Parties agree as follows:

1. Section 4.5 shall be deleted in its entirety and replaced with the following:

4.5 Timeframe for Completion. The Developer hereby agrees to commence substantial elements of Phase I of the Project no later than April 30, 2018 (the "Phase I Commencement Deadline"). The Developer hereby agrees to reach substantial completion of the entirety of Phase I of the Project, in accordance with the Project Plan attached hereto as Exhibit B and the plans and specifications submitted to the Commission pursuant to Section 4.8 of this Agreement, by the date that is twenty-four months after the Effective Date of this Agreement (the "Phase I Completion Deadline"). The Developer hereby agrees to commence substantial elements of Phase II of the Project no later than June 30, 2023 (the "Phase II Commencement Deadline"). The Parties acknowledge that the City is working on another project abutting the Developer Property and that the installation of pilings and eventual construction of Phase II of the Project will impact the City's project; therefore, the Commission desires to install the pilings for Phase II of the Project as Local Public Improvements under the terms and conditions of this Agreement. The Parties agree that the timing of the Commission's installation of the pilings for Phase II of the Project as Local Public Improvements shall not be considered when determining the Developer's compliance with the Phase II Commencement Deadline. The Developer hereby agrees to reach substantial completion of the entirety of the Project, inclusive of Phase I and Parts 1

and 2 of Phase II, in accordance with the Project Plan attached hereto as Exhibit B and the plans and specifications submitted to the Commission pursuant to Section 4.8 of this Agreement, by September 30, 2025 (the "Project Completion Deadline"). For purposes of assessing the Developer's compliance with this Section 4.5, the Commission has determined that the Developer met the Phase I Commencement Deadline and the Phase I Completion Deadline. For Developer's compliance with this Section 4.5 as it applies to Phase II, the Commission will determine, in its sole discretion, the substantiality of the improvements undertaken by the Developer by the Phase II Commencement Deadline (without consideration for the Commission's installation of the pilings for Phase II, as set forth herein) and the substantiality of the Developer's completion of the Project as a whole by the Project Completion Deadline. Notwithstanding any provision of this Agreement to the contrary, the Developer's failure to meet the any deadline as required under this Section 4.5 will constitute a default under this Agreement without any requirement of notice of or an opportunity to cure such failure.

2. The Parties acknowledge that Phase I of the Project commenced on or before the Phase I Commencement Deadline rendering Section 7.3 of the Development Agreement, requiring the sale of the Property to the City or the Commission in the event of Developer's failure to meet the Phase I Commencement Deadline, obsolete. As such, Section 7.3 of the Development Agreement shall be deleted in its entirety.

3. The Developer hereby expressly reaffirms its obligations under the Development Agreement, and, unless expressly modified by this Second Amendment, the terms and provisions of the Development Agreement remain in full force and effect.

4. Capitalized terms used in this Second Amendment will have the meanings set forth in the Development Agreement unless otherwise stated herein.

5. The recitals set forth above are hereby incorporated into the operative provisions of this Second Amendment.

6. This Second Amendment will be governed and construed in accordance with the laws of the State of Indiana.

7. This Second Amendment may be executed in separate counterparts, each of which when so executed shall be an original, but all of which together shall constitute one and the same instrument. Any electronically transmitted version of a manually executed original shall be deemed a manually executed original.

Signature Page Follows

IN WITNESS WHEREOF, the Parties hereby execute this Second Amendment to Development Agreement as of the first date stated above.

COMMISSION:

SOUTH BEND REDEVELOPMENT
COMMISSION

By: _____
Marcia I. Jones, President

ATTEST:

By: _____
Quentin M. Phillips, Secretary

DEVELOPER:

Wharf Partners LLC

By: _____
Frank A. Perri, Managing Member



CITY OF SOUTH BEND REDEVELOPMENT COMMISSION

Redevelopment Commission Agenda Item

DATE: June 24, 2021

FROM: Kyle Silveus, Assistant City Engineer

SUBJECT: Budget Request – 100 Block S. Michigan Sidewalk Imp

_____ Pres/V-Pres

ATTEST: _____ Secretary

Date: _____

APPROVED Not Approved

SOUTH BEND REDEVELOPMENT COMMISSION

Funding Source* (circle one) River West; River East; South Side; Douglas Road; West Washington; RDC General

*Funds are subject to the City Controller's determination of availability; if funds are unavailable, as solely determined by the City Controller, then the authorization of the expenditure of such funds shall be void and of no effect.

Purpose of Request:

This request is for a sidewalk improvement project along the west side of the 100 Block of Michigan St. The project includes removal of the raised curb planters, trees and replacement with new trees in tree grates allowing additional outdoor seating for area businesses.

Funding is requested to cover construction costs.

INTERNAL USE ONLY: Project ID: ;

Total Amount – New Project Budget Appropriation \$75,000 ;

Total Amount – Existing Project Budget Change (increase or decrease) \$ _____ ;

Funding Limits: Engineering: \$ _____ ; Other Prof Serv Amt \$ _____ ;

Acquisition of Land/Bldg (circle one) Amt: \$ _____ ; Street Const Amt \$ _____ ;

Building Imp Amt \$ _____ ; Sewers Amt \$ _____ ; Other (specify) Amt \$ _____



CITY OF SOUTH BEND REDEVELOPMENT COMMISSION

Redevelopment Commission Agenda Item

DATE: 6/24/2021
FROM: Kara M. Boyles, City Engineer
SUBJECT: Budget Decrease – Cleveland Rd. Pavement

_____ Pres/V-Pres

ATTEST: _____ Secretary

Date: _____

APPROVED Not Approved

SOUTH BEND REDEVELOPMENT COMMISSION

Funding Source* (circle one) River West; River East; South Side; Douglas Road; West Washington; RDC General

*Funds are subject to the City Controller's determination of availability; if funds are unavailable, as solely determined by the City Controller, then the authorization of the expenditure of such funds shall be void and of no effect.

Purpose of Request: A budget reduction for the Cleveland Road Pavement Improvements project from \$2M to \$1,290,444.84.

On May 9, 2019, the Redevelopment Commission approved my request for \$2M to repair the heavily deteriorated concrete pavement along Brick/Cleveland Road near the interchange with the US-31 ByPass. INDOT-LaPorte District was in the process of a design to repair pavement on the US-31 ByPass which offered the opportunity for South Bend to jointly contract the work with INDOT. The partnership resulted in a revised cost estimate of \$1,677,300. Cost savings may be attributed to INDOT absorbing all overhead costs related to the City's construction project. For example, INDOT covered all mobilization and demobilization costs as well as construction engineering related to the City's work.

Upon the contract award, the City realized further cost savings when the City's share of the project amounted to \$1,248,475.08. Again, cost savings may be attributed to the size of the INDOT project (over \$16M) and the associated economies of scale that accompany large projects).

A single change order of \$7,169.76 in added costs due to unforeseen site conditions – namely deteriorated pipe and drainage structures led to a final cost of \$1,255,644.84. Including consulting fees of \$34,800, the total expenditure for design and construction is **\$1,290,444.84**.

INTERNAL USE ONLY: Project ID: PROJ00000015;

Total Amount – New Project Budget Appropriation \$ _____;

Total Amount – Existing Project Budget Change (increase or decrease) \$ _____;



CITY OF SOUTH BEND REDEVELOPMENT COMMISSION

Redevelopment Commission Agenda Item

DATE: 06/24/2021
FROM: Kara Boyles, PhD, PE
SUBJECT: Budget Request – Charles Martin Parking Lot

_____ Pres/V-Pres

ATTEST: _____ Secretary

Date: _____

APPROVED Not Approved

SOUTH BEND REDEVELOPMENT COMMISSION

Funding Source* (circle one) River West; River East; South Side; Douglas Road; West Washington; RDC General

*Funds are subject to the City Controller's determination of availability; if funds are unavailable, as solely determined by the City Controller, then the authorization of the expenditure of such funds shall be void and of no effect.

Purpose of Request:

This budget request is for **\$395.03**, to augment the original allotment of \$50,000 approved by Redevelopment Commission on 8/27/2020. The final project cost is \$50,395.03.

During the course of construction, two unforeseen conditions arose:

- A drywell structure, used to contain stormwater runoff, was found to have failed and required replacement. This required a new precast concrete structure to be purchased and installed, and also required a different construction crew having different skillsets.
 - This resulted in a cost of \$8,220 to the project.
- Approximately 20 tons of asphalt was included in the base quote to be used as needed in 'soft' or deteriorated areas to maintain consistent cross-slopes and drainage. The final asphalt over-run was approximately 40 tons, as two areas of the parking lot had more deterioration than anticipated. The parking lot also has minor topography features and elevation changes which required additional asphalt.
 - This added \$2,780 to the project.

INTERNAL USE ONLY: Project ID: PROJ00000215;

Total Amount – New Project Budget Appropriation \$ _____;

Total Amount – Existing Project Budget Change (increase or decrease) \$ _____;

Funding Limits: Engineering: \$ _____; Other Prof Serv Amt \$ _____;

Acquisition of Land/Bldg (circle one) Amt: \$ _____; Street Const Amt \$ _____;

Building Imp Amt \$ _____; Sewers Amt \$ _____; Other (specify) Amt \$ _____

EXCELLENCE | ACCOUNTABILITY | INNOVATION | INCLUSION | EMPOWERMENT





CITY OF SOUTH BEND REDEVELOPMENT COMMISSION

Redevelopment Commission Agenda Item

DATE: June 24, 2021
FROM: Chris Dressel, Staff
SUBJECT: Budget Request: Dubail Streetscape Improvements

_____ Pres/V-Pres

ATTEST: _____ Secretary

Date: _____

APPROVED Not Approved

SOUTH BEND REDEVELOPMENT COMMISSION

Funding Source* (circle one) River West; River East; South Side; Douglas Road; West Washington; RDC General

*Funds are subject to the City Controller's determination of availability; if funds are unavailable, as solely determined by the City Controller, then the authorization of the expenditure of such funds shall be void and of no effect.

Purpose of Request:

Staff requests the Redevelopment Commission's approval of \$ 1,300,000 from the South Side Redevelopment Area TIF to be budgeted for both residual design and construction of Dubail streetscape improvements as identified within the Southeast neighborhood master revitalization plan. Project construction should commence this year and be completed no later than spring 2022.

The master plan process identified a priority need for improved Dubail Street corridor appearance through replacement of those curbs and sidewalks in poor condition while adding trees and handicapped ramps, and driveways. Curb bump outs will be added at intersections to allow for safer pedestrian crossings, calm traffic, and protect parked vehicles.

If you should have any questions or need more information, please feel free to contact me at either cdressel@southbendin.gov or 235-5847.

INTERNAL USE ONLY: Project ID: PROJ _____ ;

Total Amount – New Project Budget Appropriation \$ _____ ;

Total Amount – Existing Project Budget Change (increase or decrease) \$ _____ ;

Funding Limits: Engineering: \$ _____ ; Other Prof Serv Amt \$ _____ ;

Acquisition of Land/Bldg (circle one) Amt: \$ _____ ; Street Const Amt \$ _____ ;

Building Imp Amt \$ _____ ; Sewers Amt \$ _____ ; Other (specify) Amt \$ _____

MORTGAGE RELEASE

THIS CERTIFIES that a Mortgage (the "Mortgage") by Patricia Heminger to and in favor of City of South Bend for the use and benefit of its Department of Redevelopment ("Holder"), dated August 25, 2011 and recorded September 14, 2011 as **Instrument No. 1123727** in the Office of the Recorder of St. Joseph County, Indiana, together with any amendments, renewals, extensions, or modifications thereto, has been fully satisfied and such Mortgage is hereby FULLY RELEASED.

The South Bend Redevelopment Commission is the governing body of the City of South Bend Department of Redevelopment. The undersigned President and Secretary of the South Bend Redevelopment Commission executing this Mortgage Release on behalf of the Holder certify that they have full power and authority to execute and deliver this Mortgage Release and that all necessary action for making this Mortgage Release has been taken.

IN WITNESS WHEREOF, the undersigned has caused this instrument to be executed as of the 24th day of June 2021.

SOUTH BEND REDEVELOPMENT COMMISSION

By: _____
Marcia I. Jones, President

ATTEST:

Quentin M. Phillips, Secretary

STATE OF INDIANA)
) SS:
ST. JOSEPH COUNTY)

Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared Marcia I. Jones and Quentin M. Phillips, known to me to be the President and Secretary, respectively, of the South Bend Redevelopment Commission and acknowledged their voluntary execution of the foregoing Mortgage Release being authorized so to do.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the 24th day of June 2021.

_____, Notary Public
Residing in St. Joseph County, Indiana
Commission Expires: _____

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Sandra L. Kennedy. This instrument was prepared by Sandra L. Kennedy, Assistant City Attorney, 1200 S. County-City Building, 227 W. Jefferson Blvd., South Bend, Indiana 46601.

MORTGAGE RELEASE

THIS CERTIFIES that a Mortgage (the “Mortgage”) by Gloria Whittaker to and in favor of City of South Bend for the use and benefit of its Department of Redevelopment (“Holder”), dated November 9, 2010 and recorded November 22, 2010 as **Instrument No. 1032845** in the Office of the Recorder of St. Joseph County, Indiana, together with any amendments, renewals, extensions, or modifications thereto, has been fully satisfied and such Mortgage is hereby FULLY RELEASED.

The South Bend Redevelopment Commission is the governing body of the City of South Bend Department of Redevelopment. The undersigned President and Secretary of the South Bend Redevelopment Commission executing this Mortgage Release on behalf of the Holder certify that they have full power and authority to execute and deliver this Mortgage Release and that all necessary action for making this Mortgage Release has been taken.

IN WITNESS WHEREOF, the undersigned has caused this instrument to be executed as of the 24th day of June 2021.

SOUTH BEND REDEVELOPMENT COMMISSION

By: _____
Marcia I. Jones, President

ATTEST:

Quentin M. Phillips, Secretary

STATE OF INDIANA)
) SS:
ST. JOSEPH COUNTY)

Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared Marcia I. Jones and Quentin M. Phillips, known to me to be the President and Secretary, respectively, of the South Bend Redevelopment Commission and acknowledged their voluntary execution of the foregoing Mortgage Release being authorized so to do.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the 24th day of June 2021.

_____, Notary Public
Residing in St. Joseph County, Indiana
Commission Expires: _____

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Sandra L. Kennedy. This instrument was prepared by Sandra L. Kennedy, Assistant City Attorney, 1200 S. County-City Building, 227 W. Jefferson Blvd., South Bend, Indiana 46601.



CITY OF SOUTH BEND

REDEVELOPMENT COMMISSION

DATE: June 24, 2021

FROM: Sandra Kennedy, Assistant City Attorney

SUBJECT: Electronic Meetings

As you may be aware, Governor Holcomb's Executive Order extending the declaration of public health emergency will expire on July 1, 2021, and it is not expected to be renewed. When the emergency expires, the ability of the South Bend Redevelopment Commission ("RDC") to meet virtually as an entire body will also terminate.

The legislature of the State of Indiana has revised the Open Door Law (I.C. 5-14-1.5 *et seq.*) to allow public meetings to occur virtually in part pending the adoption of a policy (I.C. 5-14-1.5-3.5). Other boards and commissions within the City are deciding whether to adopt such policies. However, the statute authorizing the RDC (I.C. 36-7-14 *et seq.*) also contains a provision allowing the RDC to meet virtually in part (I.C. 36-7-14-3.1, referencing I.C. 36-7-14.5-9.5), and the RDC may, but is not required to, adopt a policy to govern attendance by its members at electronic meetings. The legal department has determined (and corroborated this determination with guidance from Accelerate Indiana Municipalities or AIM) that the RDC may elect to follow the RDC statute rather than adopt a policy under the Open Door Law statute.

In general, the RDC statute allows more broad participation electronically than the Open Door Law statute. I have attached the relevant statutes for your review; however, I have summarized the key components of each in the table below.

Provision	Open Door Law (I.C. 5-14-1.5-3.5)	RDC (I.C. 36-7-14-3.1; 36-7-14.5-9.5)
Members may attend electronically if others present may communicate with them	Yes	Yes
Members physically present at each meeting	50%	33.33%


EXCELLENCE | ACCOUNTABILITY | INNOVATION | INCLUSION | EMPOWERMENT

Policy required	Yes - may be more restrictive than statute	No - but if one is adopted it may be more restrictive than statute
Limitation on number of meetings attended electronically by each member	Yes - no more than 50%, unless due to military service, illness, death of relative, or emergency involving imminent danger	Yes - must attend one meeting in person per year
May vote on final action	Effectively, yes, for RDC purposes	Yes


The statute the Commission chooses to follow will depend on the willingness of the Commission to allow its members to participate in electronic meetings. Electronic meetings are more convenient for those individuals who have other commitments that may prevent them from attending a meeting and otherwise affect the Commission's ability to form a quorum. Additionally, if the Commission decides to allow members to attend electronically, it will make the meetings more accessible to the public who may wish to attend electronically as well. Of course, the Commission could also determine not to allow members to participate electronically but still provide electronic participation to the public.

If you decide that the Commission should continue to allow an electronic option for Commissioners to attend meetings, I have provided draft resolutions for your consideration, one reflecting a policy based on the RDC statute and the other reflecting a policy based on the Open Door Law statute. Both resolutions reflect the most permissive allowance of virtual attendance allowed by each statute. You may determine that more restrictive provisions should be included. Please keep in mind that a minimum number of members must attend each meeting in person in order for a quorum to be met (2 under the RDC statute and 3 under the Open Door Law statute).

City staff recommends following the RDC statute to provide Commissioners with more flexibility and ensure the likelihood of obtaining a quorum. As noted in the statute and above, the Commissioners may choose to follow the RDC statute without adopting a policy at this time, creating a policy later after further consideration regarding whether additional restrictions should be made.

 KeyCite Red Flag - Severe Negative Treatment

Enacted Legislation Amended by 2021 Ind. Legis. Serv. P.L. 107-2021 (S.E.A. 68) (WEST),

 KeyCite Yellow Flag - Negative Treatment Proposed Legislation

West's Annotated Indiana Code
Title 5. State and Local Administration
Article 14. Public Records and Public Meetings
Chapter 1.5. Public Meetings (Open Door Law)

IC 5-14-1.5-3.5

5-14-1.5-3.5 Participation at meetings of the governing body of a public agency of a political subdivision through electronic communication

Effective: April 20, 2021

[Currentness](#)

Sec. 3.5. (a) This section applies only to a governing body of a public agency of a political subdivision, other than a governing body of an airport authority or a department of aviation as set forth in [section 3.6](#) of this chapter.

(b) Subject to subsection (i), a member of the governing body of a public agency who is not physically present at a meeting of the governing body may participate in a meeting by any electronic means of communication that does the following:

- (1) Allows all participating members of the governing body to simultaneously communicate with each other.
- (2) Allows the public to simultaneously attend and observe the meeting. However, this subdivision does not apply to a meeting held in executive session.

Subject to subsection (i), a governing body member who participates in the meeting by an electronic means of communication shall be considered present for purposes of establishing a quorum but may participate in any final action taken at the meeting only if the member can be seen and heard.

(c) A technological failure in an electronic means of communication that disrupts or prevents:

- (1) the simultaneous communication between a member who is not physically present at the meeting and the governing body; or
- (2) a member of the public who is not present at the meeting from attending and observing the meeting;

does not prevent the governing body from conducting the meeting or affect the validity of an action taken by the governing body at the meeting if the sum of the governing body members physically present at the meeting and the governing body members

participating by electronic communication without technological failure satisfy the quorum and (if a final action is taken) the voting requirements of the governing body.

(d) The governing body shall adopt a written policy establishing the procedures that apply to a member's participation in a meeting by an electronic means of communication. The governing body may establish procedures that are more restrictive than the procedures established by this section. The policy adopted under this section may include:

- (1) limiting the number of members who may participate by electronic communication in any one (1) meeting;
- (2) limiting the total number of meetings that the governing body may conduct in a calendar year by electronic communication; and
- (3) requiring a member, except in the case of a meeting called to deal with an emergency under [section 5\(d\)](#) of this chapter, who plans to attend a meeting by any electronic means of communication to notify the presiding officer within a certain period of time before the meeting, as specified by the governing body, so that arrangements may be made for the member's participation by electronic communication.

(e) The memoranda prepared under [section 4](#) of this chapter for a meeting in which a member participates by an electronic means of communication must:

- (1) state the name of each member of the governing body who:
 - (A) was physically present at the place where the meeting was conducted;
 - (B) participated in the meeting by using any electronic means of communication; and
 - (C) was absent; and
- (2) identify the electronic means of communication by which:
 - (A) members of the governing body participated in the meeting; and
 - (B) the public attended and observed the meeting, if the meeting was not held in executive session.

(f) All votes taken during a meeting under this section must be taken by roll call vote.

(g) At least fifty percent (50%) of the members of the governing body must be physically present at a meeting.

(h) A member of the governing body may not attend more than fifty percent (50%) of the governing body's meetings in a calendar year by means of electronic communication, unless the member's electronic participation is due to:

- (1) military service;
- (2) illness or other medical condition;
- (3) death of a relative; or
- (4) an emergency involving actual or threatened injury to persons or property.

(i) A member of a governing body may not participate in a meeting of the governing body by electronic communication if the governing body is attempting to take final action to:

- (1) adopt a budget;
- (2) make a reduction in personnel;
- (3) initiate a referendum;
- (4) establish or increase a fee;
- (5) establish or increase a penalty;
- (6) use the governing body's eminent domain authority; or
- (7) establish, raise, or renew a tax.

(j) A governing body may not prohibit a member of the governing body from attending consecutive meetings by electronic communication. A member may attend two (2) consecutive meetings (a set of meetings) by electronic communication. A member shall physically attend at least one (1) meeting between sets of meetings that the member attends by electronic communication, unless the member's absence is due to:

- (1) military service;
- (2) illness or other medical condition;

(3) death of a relative; or

(4) an emergency involving actual or threatened injury to persons or property.

Credits

As added by [P.L.134-2012, SEC.11](#), eff. Jan. 1, 2013. Amended by [P.L.154-2016, SEC.1](#), eff. July 1, 2016; [P.L.88-2021, SEC.5](#), eff. April 20, 2021.

<For effect of COVID-19 Public Health Emergency on this section, see [2020 Indiana Executive Order 20-4 \(2020 IN EO 20-4\)](#), dated March 16, 2020, and Indiana Executive Order 20-9 ([2020 IN EO 20-9](#)), dated March 23, 2020. Executive orders renewed by [2020 Indiana Executive Order 20-17 \(2020 IN EO 20-17\)](#), dated April 3, 2020. [2020 Indiana Executive Order 20-9 \(2020 IN EO 20-9\)](#), was extended to May 1, 2020, by [2020 Indiana Executive Order 20-22 \(2020 IN EO 20-22\)](#).>

I.C. 5-14-1.5-3.5, IN ST 5-14-1.5-3.5

The statutes and Constitution are current with all legislation of the 2021 First Regular Session of the 122nd General Assembly effective through May 10, 2021.

End of Document

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West's Annotated Indiana Code

Title 36. Local Government (Refs & Annos)

Article 7. Planning and Development

Chapter 14. Redevelopment of Areas Needing Redevelopment Generally; Redevelopment Commissions
(Refs & Annos)

IC 36-7-14-3.1

36-7-14-3.1 Redevelopment departments and commissions; electronic meetings

Effective: July 1, 2016

[Currentness](#)

Sec. 3.1. The commission may conduct meetings electronically as provided in [IC 36-7-14.5-9.5](#).

Credits

As added by [P.L.55-2016, SEC.1](#), eff. July 1, 2016.

I.C. [36-7-14-3.1](#), IN ST [36-7-14-3.1](#)

The statutes and Constitution are current with all legislation of the 2021 First Regular Session of the 122nd General Assembly effective through May 10, 2021.

End of Document

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West's Annotated Indiana Code
Title 36. Local Government (Refs & Annos)
Article 7. Planning and Development
Chapter 14.5. Redevelopment Authority

IC 36-7-14.5-9.5

36-7-14.5-9.5 Annual organization meeting; application; definitions; meetings and policy

Effective: July 1, 2016

[Currentness](#)

Sec. 9.5. (a) This section applies to meetings under IC 5-14-1.5 of members of:

- (1) the commission; or
- (2) the board.

(b) The definitions in IC 5-14-1.5 apply to this section.

(c) A member may participate in a meeting by an electronic means that allows:

- (1) all participating members; and
- (2) all members of the public who are physically present at the meeting;

to simultaneously communicate with each other. The member shall be considered present for purposes of establishing a quorum and may participate in any final action taken at the meeting.

(d) Both of the following apply to a meeting under this section:

- (1) At least one-third ($\frac{1}{3}$) of the members must be physically present at the place where the meeting is conducted.
- (2) All votes during the meeting must be taken by roll call vote.

This section does not affect the public's right to attend a meeting at the place where the meeting is conducted and the minimum number of members is physically present.

(e) Each member of the commission is required to physically attend at least one (1) meeting of the commission annually. Each member of the board is required to physically attend at least one (1) meeting of the board annually.

(f) The commission may adopt a policy to govern participation in the meetings of the commission or the board by electronic communication. The policy may do any of the following:

(1) Require a member to request authorization to participate in a meeting by electronic communication within a certain number of days before the meeting to allow for arrangements to be made for the member's participation by electronic communication.

(2) Limit the number of meetings in a calendar year in which any one (1) member may participate by electronic communication.

(3) Provide that a member who participates in a meeting by electronic communication may not cast the deciding vote on any official action. For purposes of this chapter, a member casts the deciding vote on an official action if, regardless of the order in which the votes are cast:

(A) the member votes with the majority; and

(B) the official action is adopted or defeated by one (1) vote.

(4) Require a member participating in a meeting by electronic communication to confirm in writing the votes cast by the member during the meeting within a certain number of days after the date of the meeting.

(5) Provide that in addition to the location where a meeting is conducted, the public may also attend some or all meetings, excluding executive sessions, at a public place or public places at which a member is physically present and participates by electronic communication. If the commission's policy includes this provision, a meeting notice must provide the following information:

(A) The identity of each member who will be physically present at a public place and participate in the meeting by electronic communication.

(B) The address and telephone number of each public place where a member will be physically present and participate by electronic communication.

(C) Unless the meeting is an executive session, a statement that a location described in clause (B) will be open and accessible to the public.

(6) Establish any other procedures, limitations, or conditions that govern participation in meetings of the commission by electronic communication and are not in conflict with this chapter.

(g) This section does not affect the right of the commission or board to exclude the public from an executive session in which a member participates by electronic communication.

Credits

As added by [P.L.55-2016, SEC.3](#), eff. July 1, 2016.

I.C. 36-7-14.5-9.5, IN ST 36-7-14.5-9.5

The statutes and Constitution are current with all legislation of the 2021 First Regular Session of the 122nd General Assembly effective through May 10, 2021.

End of Document

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RESOLUTION NO. 3535**RESOLUTION OF THE SOUTH BEND REDEVELOPMENT COMMISSION
ESTABLISHING THE POLICY BY WHICH MEMBERS MAY PARTICIPATE
ELECTRONICALLY**

WHEREAS, the South Bend Redevelopment Commission (the "Commission") exists and operates under the provisions of IC 36-7-14, as amended from time to time (the "Act"); and

WHEREAS, the Commission is authorized by Section 3.1 of the Act to allow its members to participate in meetings electronically, subject to certain restrictions; and

WHEREAS, the Commission, in accordance with the Act, may establish a policy for participation in meetings by electronic means; and

WHEREAS, the Commission has determined that it is in its best interests to adopt rules and procedures for electronic meetings.

NOW, THEREFORE, BE IT RESOLVED by the Commission as follows:

1. The Commission hereby declares that it will follow I.C. 36-7-14-3.1 and I.C. 36-7-14.5-9.5, as each statute may be amended from time to time, for the purpose of allowing its members to attend Commission meetings electronically.
2. This Resolution will be known as the "Electronic Meetings Policy" of the Commission.
3. Subject to the restrictions below, a member of the Commission may attend and participate in a meeting by an electronic means that allows (i) all participating members and (ii) all members of the public who are physically present at the meeting to simultaneously communicate with each other. The member will be considered present for the purposes of establishing a quorum and may participate in any final action taken at the meeting.
4. At least one-third (1/3) of the members must be physically present at the place where the meeting is conducted and all votes taken during the meeting must be recorded using a roll call vote.
5. The public shall have the right to attend the meeting at the physical location where the meeting is held and the minimum number of members is physically present.
6. Each member of the Commission is required to attend at least one (1) meeting in-person annually.

ADOPTED AND APPROVED at a meeting of the South Bend Redevelopment Commission held electronically on the ____ day of _____ 2021 as authorized by the Governor's Executive Order 20-09, as subsequently renewed by Executive Orders 20-17, 20-25,

20-30, 20-34, 20-38, 20-41, 20-44, 20-47, 20-49, 20-52, 21-03, 21-05, 21-08, 21-11, and 21-14.

**SOUTH BEND
REDEVELOPMENT COMMISSION**

Marcia I. Jones, President

ATTEST:

Quentin M. Phillips, Secretary

DRAFT

RESOLUTION NO. 3535**RESOLUTION OF THE SOUTH BEND REDEVELOPMENT COMMISSION
ESTABLISHING THE POLICY BY WHICH MEMBERS MAY PARTICIPATE
ELECTRONICALLY**

WHEREAS, the South Bend Redevelopment Commission (the "Commission") exists and operates under the provisions of I.C. 36-7-14, as amended from time to time (the "Act"); and

WHEREAS, the Commission is authorized by Section 3.1 of the Act to allow its members to participate in meetings electronically, subject to certain restrictions; and

WHEREAS, P.L. 88-2021 (HEA 1437), SEC. 5, amended I.C. 5-14-1.5-1 et seq. (the "Open Door Law statute"), effective April 20, 2021 by amending I.C. 5-14-1.5-3.5 to prescribe new requirements by which members of a governing body of a public agency of a political subdivision may participate in a meeting by any electronic means of communication;

WHEREAS, the Open Door Law statute is more restrictive than Section 3.1 of the Act; and

WHEREAS, the Commission has determined that the provisions of the Open Door Law statute will better serve the City and the Commission; and

WHEREAS, the Open Door Law statute requires the governing body to adopt a written policy establishing the procedures that apply to a member's participation in a meeting by an electronic means of communication and may adopt procedures that are more restrictive than the procedures established by I.C. 5-14-1.5-3.5(d).

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION:

1. The provisions of the Open Door Law, including definitions, apply to this Resolution.
2. This Resolution shall be known as the "Electronic Meetings Policy" of the Commission.
3. Subject to the restrictions herein contained, any member of the Commission may participate in a meeting by any electronic means of communication that: (i) allows all participating members of the governing body to simultaneously communicate with each other; and (ii) other than a meeting that is an executive session, allows the public to simultaneously attend and observe the meeting.
4. A member who participates by an electronic means of communication: (i) shall be considered present for purposes of establishing a quorum; and may participate in final action only if the member can be seen and heard.

5. All votes taken during a meeting at which at least one (1) member participates by an electronic means of communication must be taken by roll call vote.

6. (a) At least fifty percent (50%) of the members must be physically present at a meeting at which a member will participate by means of electronic communication. Not more than fifty percent (50%) of the members may participate by an electronic means of communication at that same meeting.

(b) A member may not attend more than a fifty percent (50%) of the meetings in a calendar year by an electronic means of communication, unless the member's electronic participation is due to:

- (1) military service;
- (2) illness or other medical condition;
- (3) death of a relative; or
- (4) an emergency involving actual or threatened injury to persons or property.

(c) A member may attend two (2) consecutive meetings (a set of meetings) by electronic communication. A member must attend in person at least one (1) meeting between sets of meetings that the member attends by electronic communication, unless the member's absence is due to:

- (1) military service;
- (2) illness or other medical condition;
- (3) death of a relative; or
- (4) an emergency involving actual or threatened injury to persons or property.

7. The minutes or memoranda of a meeting at which any member participates by electronic means of communication must:

(a) identify each member who:

- (1) was physically present at the meeting;
 - (2) participated in the meeting by electronic means of communication;
- and
- (3) was absent; and

(b) identify the electronic means of communication by which:

- (1) members participated in the meeting; and
- (2) members of the public attended and observed the meeting, if the meeting was not an executive session.

8. No member of the Commission may participate by means of electronic communication in a meeting at which the Commission may take final action to:

- (a) adopt a budget;
- (b) make a reduction in personnel;
- (c) initiate a referendum;
- (d) impose or increase a fee;
- (e) impose or increase a penalty;
- (f) exercise the power of eminent domain; or

(g) establish, impose, raise or renew a tax.

9. (a) If an emergency is declared by:

(1) the governor under IC 10-14-3-12; or

(2) the mayor under IC 10-14-3-29;

members are not required to be physically present for a meeting until the emergency is terminated.

(b) Members may participate in a meeting by any means of communication provided that:

(1) At least a quorum of the members participate in the meeting by means of electronic communication or in person.

(2) The public may simultaneously attend and observe the meeting unless the meeting is an executive session.

(3) The minutes or memoranda of the meeting must comply with this Resolution.

(c) All votes taken during a meeting at which at least one member participates by an electronic means of communication must be taken by roll call vote.

10. This Resolution shall be effective from and after adoption by the Commission.

ADOPTED AND APPROVED at a meeting of the South Bend Redevelopment Commission held electronically on the ____ day of _____ 2021 as authorized by the Governor's Executive Order 20-09, as subsequently renewed by Executive Orders 20-17, 20-25, 20-30, 20-34, 20-38, 20-41, 20-44, 20-47, 20-49, 20-52, 21-03, 21-05, 21-08, 21-11, and 21-14.

**SOUTH BEND
REDEVELOPMENT COMMISSION**

Marcia I. Jones, President

ATTEST:

Quentin M. Phillips, Secretary