



Sharon L. McBride

3rd District Council Member
President

NEWS RELEASE

FROM: COUNCIL PRESIDENT SHARON L. MCBRIDE
SUBJECT: PUBLIC STATEMENT OF COUNCIL PRESIDENT SHARON MCBRIDE
AND VICE-PRESIDENT SHEILA NIEZGODSKI
DATE: MONDAY, JANUARY 9, 2022
CONTACT: SMCBRIDE@SOUTHBENDIN.GOV 574-235-5981

FOR IMMEDIATE RELEASE

Public Statement of Council President Sharon McBride and Vice- President Sheila Niezgodski

South Bend City Ordinances and South Bend Common Council standard practices and procedures require that every resolution “must be accompanied by a separate cover letter from the party initiating the resolution” providing specific information about the Bill, including the Bill sponsor, a requested Committee to hear the Bill and dates at which the sponsor would like the Bill to be heard. Resolution No. 22-62 “A Resolution of the Common Council of the City of South Bend, Indiana, Calling for Reparatory Justice” apparently tendered by Henry Davis, Jr. does not have an accompanying cover letter and therefore could not be filed. The proposed resolution that was tendered did not identify who was tendering the resolution or include any other information required by the City ordinance before filing.

At the meeting to finalize the agendas for Monday night’s Committee and Common Council meetings, it was acknowledged by all, including the City Clerk, that there was no accompanying cover letter as required by law. After consulting with the Common Council Attorney, Vice-President Sheila Niezgodski, acting as Council President in the absence of President McBride, instructed the City Clerk to remove the proposed resolution from the draft full Council agenda (it had never been assigned to a Standing Committee). The Clerk voiced no objection to this decision. The proposed resolution therefore could not be heard at Monday’s meetings because it had not been filed.

Pursuant to standard practice and procedures, the Clerk’s Office e-mailed a draft of the agendas, as determined at the agenda meeting, to Common Council members for final comment prior to releasing the final agenda to the public. Resolution 22-62 was not included on the agenda as



Sharon L. McBride

3rd District Council Member
President

decided at the prior agenda meeting ending approximately 2 hours before the draft was released to Council members.

Shortly thereafter the agendas were released by the Clerk's office to the public, including the media. The agendas released to the public included for the first time a meeting of the Residential Neighborhoods Committee to consider Resolution No. 22-62. The proposed resolution had also been added to the full Council agenda. The City Clerk included the proposed resolution to the agendas without any prior notice or approval of Council officers and without any legal authority to do so. The City Clerk apparently decided on her own to schedule a Residential Neighborhoods Committee meeting without talking to Council officers or the Chair of that Committee and added the Resolution to the meeting agendas without any authority to do so. These actions violated both City Ordinances and State Law which provide that the Council President and Committee Chairs determine the agendas, not the City Clerk. The City Clerk's statutory duties with respect to the Common Council are administrative in nature and do not include any discretionary functions such as determining the agenda for Common Council or Committee meetings.

President Sharon McBride will appoint a special committee to work collaboratively on the very important topic of the proposed resolution and states, "it is unfortunate that Mr. Davis began the public dialogue regarding his Bill without ensuring that proper legislative procedure was followed as is done with every other Bill the Council hears and considers. We do not want to hear or vote on a Bill not duly filed, making the Bill and Council susceptible to later criticism or legal challenge. I have asked the Council Attorney to work with Mr. Davis to ensure that all requirements for legal filing of the Resolution are completed so that we can have a discussion about racial discrimination, some of the things this Council and City have done to repair the harm done, and things that the Council and City can do going forward to continue lifting up our community that has suffered due to past discriminatory practices."

###