



OFFICE OF THE CITY CLERK

BIANCA L. TIRADO, CITY CLERK

PERSONNEL & FINANCE

JULY 28, 2025 4:45 P.M.

Committee Members Present:

Sheila Niezgodski, Karen L. White, Rachel Tomas Morgan, Dr. Oliver Davis,

Committee Members Absent:

None

Other Council Present:

Canneth Lee, Troy Warner, Sherry Bolden-Simpson*

Others Present:

Bianca L. Tirado, Matthew Neal, Margaret Gotsch, Lari'onna Green, Bob Palmer

Presenters:

Jenna Throw

Agenda:

Bill No. 43-25 - Amending Section 2-210 of the South Bend Municipal Code to Update Fees and Processes for Public Records Requests

Members marked with an asterisk (*) are in virtual attendance.

Please note the attached link for the meeting recording:

<https://docs.southbendin.gov/WebLink/browse.aspx?dbid=0&mediaid=397247>

Committee Chair Sheila Niezgodski called to order the Personnel and Finance Committee meeting at 4:51 P.M.

Bill No. 43-25 - Amending Section 2-210 of the South Bend Municipal Code to Update Fees and Processes for Public Records Requests

Jenna Throw, City Attorney, with offices on the twelfth (12th) floor of the County-City Building, South Bend, IN 46601, stated that updates have been made to Section 2-210 of the Municipal code and the following is an overview of the presentation. Topic One (1): Law Enforcement Recordings – The goal of the change is to charge for the actual time spent reviewing and redacting the recordings. There will be a cap of one hundred and fifty dollars (\$150) per video with a flat fee of fifty dollars (\$50) per hour which will be prorated based on the length of the video. Topic

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Jasmine Jackson
CHIEF DEPUTY CITY CLERK / CHIEF OF STAFF

Matthew Neal
DEPUTY CITY CLERK / DIRECTOR OF POLICY

Margaret Gotsch
DIRECTOR OF SPECIAL PROJECTS

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Two (2): Fee Schedule as Separate Document – Instead of having to manually go in and adjust the code itself, the fee schedule will be attached as a separate document and posted on the City’s website. The fees will still be approved by the Council but will streamline the process for Council review. Topic Three (3): Clarification for Electronic Records – this clarifies that no charges are associated with electronic records, unless provided by law, and the fees set in the ordinance only pertain to hard copies of records. Topic Four (4): Clarification for Record Certification Fees – this topic clarifies that if a record needs to be certified, the fee associated with the certification is deposited into the same fund as the fees associated with the copies of records. Topic Five (5): Use of Records from Electronic Data Storage Systems – prohibits commercial use of records from an electronic data storage system. Media, nonprofit activities, and academic research is not prohibited. The City can prohibit any requestor from accessing or obtaining records if records are used in contrary to this provision. Topic Six (6): Updates to Fee Schedule – This topic covers minor updates to the fee schedule that includes a decrease in the cost of fingerprinting, renaming “Arson Reports” to “Fire Investigation Reports”, striking line items that are no longer used, increasing an additional cost associated with documents other than public records, and modifying fees for “No Trespass” signs to reflect only one size.

Committee Chair Karen L. White stated that she will email Jenna Throw with her questions but wanted to know how much revenue has been generated because of the fees.

Jenna Throw stated that she would follow up via email.

Committee Chair White asked if a different process could be implemented for residents asking for a copy versus media, nonprofit organizations, and academics.

Jenna Throw thanked Committee Chair White for her question and stated that there is a provision in the fee section of the Access to Public Records Act (APRA) statute that requires fees to be applied uniformly.

Committee Member Rachel Tomas Morgan stated that the amount of requests does not identify the amount of requesters which would mean there could be repeat requesters.

Jenna Throw stated yes, that is correct, there are repeat individuals and entities making requests.

Committee Member Dr. Oliver Davis clarified that the first individual or entity to request the copy will get charged.

Jenna Throw stated that is correct.

Committee Member Dr. Davis asked if there is a way to know if the footage had already been requested.

Jenna Throw stated that the Legal Department would be able to track that information.

Committee Member Dr. Davis asked why there has not been any progress in nine (9) years.

Jenna Throw stated that the Legal Department has been continuously working on the amendments while the volume of requests have increased.



Committee Member Dr. Davis clarified that the fees may be used for purchasing cameras and other equipment but not necessarily covering the associated labor cost.

Jenna Throw stated that is correct, the money goes to supporting the body camera program and does not go to the Legal Department.

Committee Member Dr. Davis expressed concern for citizens having to pay for copies.

Councilmember Dr. Davis mentioned the flock safety fee (annual subscription fee per camera that covers hardware, software, software updates, installation, and maintenance).

Jenna Throw thanked Councilmember Dr. Davis and stated that the definition of law enforcement recordings would govern requests that are received regarding flock or photos and those videos would not go through this analysis. However, in the event there were videos responsive to those types of requests, it would be determined on a case-by-case basis.

Committee Chair Niezgodski asked out of all the requesters in 2024, how many were from the City of South Bend.

Jenna Throw stated in 2024 there were one hundred fifty-two (152) requests and out of those, only twelve (12) of them were requests from people who lived in the city that would be considered victims.

Kylie Connell, Assistant City Attorney, with offices on the twelfth (12th) floor of the County-City Building, South Bend, IN 46601, stated that she cannot recall any flock safety requests that have been received for APRA related matters. As for body camera footage, it would be determined what it is being used for and if it is part of an open investigation.

Committee Member Dr. Davis asked Jenna Throw to follow up via email regarding the flock safety fee.

Jenna Throw stated that she would follow up.

Kylie Connell stated that the Legal Department can only bill for actual work being done and cannot double bill which is why the first individual or entity to request the copy will get charged.

Committee Member Niezgodski opened the public hearing.

Richard Herbst, 702 Philippa Street, South Bend, IN 46619, spoke in opposition to Bill *No. 43-25*.

Jordan Giger, 302 South Falcon Street, South Bend, IN 46619, spoke in opposition to Bill *No. 43-25*.

Committee Chair Niezgodski closed the public hearing.

Committee Chair Niezgodski thanked all for sharing their comments and concerns.

Committee Member Dr. Oliver Davis moved to send Bill *No. 43-25* to the Committee of the Whole with no recommendation, which was seconded by Committee Member White, and carried by a vote of four (4) ayes.



Committee Chair Sheila Niezgodski - <i>Aye</i>	Committee Vice Chair Karen L. White – <i>Aye</i>
Committee Member Rachel Tomas Morgan - <i>Aye</i>	Committee Member Dr. Oliver Davis – <i>Aye</i>

With no further business, Committee Chair Sheila Niezgodski adjourned the Personnel and Finance Committee meeting at 5:42 P.M.

Respectfully Submitted,

Sheila Niezgodski, Committee Chair

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