

City of South Bend Common Council

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August 17, 2022

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Sheila Niezgodski
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South Bend Common Council

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South Bend, IN 46601

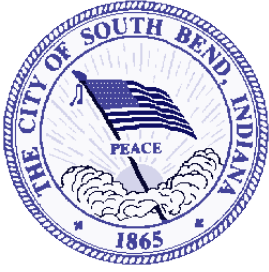
Re: AN ORDINANCE OF THE COMMON COUNCIL OF SOUTH BEND, INDIANA, REPLACING AND AMENDING CHAPTER 2, ARTICLE 1, SECTIONS 2-1 THROUGH AND INCLUDING 2-9, OF THE SOUTH BEND MUNICIPAL CODE TO UPDATE AND CLARIFY PROCEDURES FOR THE SOUTH BEND COMMON COUNCIL AND THE OFFICE OF THE CITY CLERK

Dear Council Members:

Chapter 2, Article 1 of the South Bend Municipal Code sets forth several powers, duties, and obligations of the South Bend Common Council, its officers and members, and the Office of the City Clerk. The last comprehensive review and revision of most of these ordinances occurred in 1977. The last comprehensive review and revision of many of these ordinances before 1977 occurred in 1966. State and local governments have undergone many changes in the last forty-five (45) years. Council Members have informally voiced thoughts regarding possible changes in Chapter 2 for years. These proposed amendments seek to address some of those concerns.

One of the most significant changes has to do with the advent of how local governments serve the public through changes mandated by national emergencies such as COVID-19. The purpose and intent of these amendments to the Municipal Code are to update the Code to comply with actual practices and procedures as developed over the last forty-five years, clarify practices and procedures which need additional explanation, and to establish new best practices and procedures to better serve the public.

Changes in these amendments reflect an intent to promote inclusivity by use of gender-neutral references to Council Members. Section 2-2(m) clarifies that the Council President shall make the Council appointments to various boards, commissions, and committees. This authority expedites the appointment process so as not to delay necessary actions by the boards, commissions, and committees. Section 2-4(a) establishes the procedure for



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selecting a presiding officer of a Council meeting if neither the President nor Vice-President is present at the beginning of the meeting.

Section 2-6(d)(1) clarifies that the presiding officer's duty to preserve strict order and decorum applies to Council Members and the public. Section 2-6(e) clarifies that the election of the Chairperson of the Committee of the Whole shall take place in the same manner as the election of the President and Vice-President.

Section 2-7(d) clarifies the votes of each Council Member shall be identified by name in the minutes.

Section 2-8(b) eliminates the phrase "unless excused or necessarily prevented from being present" with respect to attendance at meetings. Neither the State statute nor the Municipal Code addresses what constitutes being "excused." Council members who are absent for any reason will be noted as such in the minutes. The amendment does not preclude an explanation for the absence to be noted at the meeting.

Section 2-9(v)(3) clarifies that any bill that does not conform to filing requirements, but not rejected by the Clerk's Office may be rejected by the Council President and/or the Chairperson of the Standing Committee having jurisdiction of the bill. Section 2-9(v)(6) establishes a procedure whereby resolutions or ordinances proposed by Council Members are included on the agenda for a Standing Committee or the full Council. Section 2-9(v) clarifies the procedure for Council consideration of a "special" or "commendation" resolution. Section 2-9(y) establishes a procedure for one or more Council Members to present a "special proclamation" at a time and place other than a Council meeting.

The bill is being filed as a complete replacement to avoid confusion. However, I have attached a red-lined version to this letter to make it easier to track the changes.

Please place this bill on the agenda for first reading at the Council's August 22, 2022 meeting and assignment to the Council's Rules Committee.

Thank you for your consideration.

Sincerely yours,

Sheila Niezgodski, Vice-President,
South Bend Common Council