



Sharon L. McBride

3rd District Council Member
President

NEWS RELEASE

Subject: Monday, January 23, 2023 Common Council Meetings Cancelled
Date: Monday, January 23, 2023
From: Council President, Sharon L. McBride
Contact: Council Attorney, Bob Palmer: bpalmer@southbendin.gov

Monday, January 23, 2023 Common Council Meetings Cancelled

South Bend Common Council President Sharon McBride has cancelled Common Council meetings scheduled for Monday, January 23, 2023. The cancellation includes the regular full Common Council meeting and all committee meetings.

Under the Indiana Open Door Laws, which guarantee public access to meetings, notice of upcoming meetings is required to be physically posted at the location of the scheduled meeting at least forty-eight (48) hours prior to the scheduled meeting. Generally, unless there is a holiday, this requires physical posting of the notice on Thursday before Monday meetings. See Indiana Code 5-14-1.5-5.

In South Bend, it is the responsibility of the City Clerk to post the notice of Common Council meetings at least 48 hours in advance of the meeting. Unfortunately, this did not occur. Posting of notice and agendas online is required by council practices and procedures more than 48 hours prior to meetings. The online notification was not accessible to the public until after 1 p.m. on Friday, January 20, 2023. On further investigation, it was discovered that the physical notice had not been posted as required by law. When President McBride became aware that the notice of the January 23, 2023, meetings were not posted properly and timely within 48 hours prior to the scheduled meeting, the Indiana Public Access Counselor (PAC) was immediately contacted. The PAC is responsible for enforcing compliance with the Indiana Open Door laws. The PAC advised the Common Council that any meetings held on January 23, 2023 would violate the Open Door laws. Such a violation could give rise to litigation and remedies enforced against the Common Council. When the Council President left the building on Friday, January 20, 2023, at 6 p.m., the notice was not posted at the Chamber of the County City Building as required by law.

President McBride states: "This is an unfortunate situation for petitioners, sponsors and all others having business before the Common Council as well as for the Council itself. All bills scheduled to be heard at the Monday, January 23 meeting will now be delayed."

"I will be scheduling a meeting with the Common Council members to further discuss this unfortunate incident and to ensure that this does not happen in the future. As Council members, it is our



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duty to ensure that all State statutes are followed to provide open and meaningful public access to meetings.”

The Common Council apologizes for the inconvenience and is looking forward to ascertaining why the posting was delayed.

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