

**City of South Bend
Council Meeting Via Zoom
Monday, August 10, 2020 @ 5:30 pm**

Zoom Link - <https://us02web.zoom.us/j/86834153021?pwd=SG9meCtnWko5WmFtZ1AybG5DVE1yZz09>

1. Call to Order and Roll Call
2. Approval of Agenda and Consent Agenda
Approval of Minutes: July 27, 2020 Regular Meeting & August 5, 2020 Special Meeting
3. Correspondence
4. Ordinance #1553 – Amending Portions of Chapter 12.20 of SBMC – City Boat Haven (Second Reading) (Action)
5. Ordinance #1554 – Amending and Adding to Chapter 9.10 of SBMC – Disorderly Conduct-Public Nuisances (Second Reading) (Action)
6. Professional Services Contract – Prosecuting Attorney (Action)
7. Items from the Public
8. Department Head Reports:
 - i) Police Chief Stigall
*Vehicle Surplus
 - ii) City Supervisor Houk
 - iii) Clerk/Treasurer Roberts
9. Mayor's Report
10. Council Comments
11. Public Comments – Current Agenda Items
12. Future Agenda Topics
Cheney Park Ball Field (Councilor Hall)
13. Adjournment

ORAL PUBLIC TESTIMONY

If you wish to provide oral public comments during the August 10, 2020 council meeting, please submit an email to dee.roberts@southbend-wa.gov containing the following information:

1. The Meeting Date
2. Your First and Last Name, Your City of Residence
3. The Agenda Item(s) that you would like to provide comment
Oral public comment will be accepted for **Action Items Only**.
4. The Telephone Number that you will be calling from
Please note the information you provide may be subject to disclosure pursuant to Washington State's Public Record Act, chapter 42.56 RCW.

To join the Zoom web meeting:

Meeting ID: 868 3415 3021 Password: 428345

Dial-In Phone Number: 1-253-215-8782

Emailed requests to be added to our "Speakers List" must be received by 4:00 pm on August 10, 2020 and **MUST** include **ALL** of the above information. Any omitted information will render the request incomplete and will not be included for public comment during the meeting.

WRITTEN PUBLIC TESTIMONY

If you wish to provide written public comments during the August 10, 2020 council meeting, please email your comments to dee.roberts@southbend-wa.gov and include the following information with your comments:

1. The Meeting Date
2. Your First and Last Name, Your City of Residence
3. The Agenda Item(s) that you are speaking to – Public comments will be accepted for **Action Items Only**

The City of South Bend strives to provide access and services to all members of the public. Please notify the City at least 48 hours prior to an event if reasonable accommodations are needed.

NOTICE – All proceedings of this meeting are sound recorded
Except Executive Sessions.

Next Regular Meeting at City Hall Monday, August 24, 2020 @ 5:30 PM unless otherwise notified.

South Bend Council Meeting

Monday, August 10, 2020

CONSENT AGENDA

1. Approval of Vendor Checks

Vendors – Check #45993 thru Check #46023 - \$113,857.34 Including EFT Payments

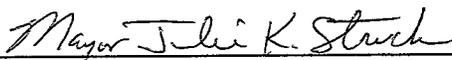
2. Approval of Payroll Checks

Payroll – Check #24854 thru Check #24870 - \$120,813.48 Including Direct Deposit

8/10/2020

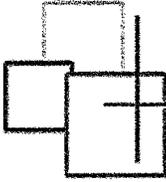
VENDOR		AMOUNT	
45993	Rich Hartman's Five Star Dealership (Hand Pay)	\$ 37,591.76	Police Dept
45994	Aberdeen Office Equipment, Inc.	\$ 226.04	Office Supplies - City Hall
45995	ALS Group USA, Corp	\$ 250.00	Water Samples
45996	Ashley Construction, Inc.	\$ 9,253.36	Professional Services - Streets \$8,507.47 and Sewer \$745.89
45997	Bud's Lumber & Electric	\$ 148.05	Operating Supplies - Streets \$64.14, Docks \$5.21, Water \$74.38 and Sewer \$4.32
45998	Coast Controls & Automation, Inc.	\$ 1,316.83	Repair/Maintenance - Sewer Fund
45999	Code Publishing Company	\$ 636.08	Annual Web Hosting - SBMC
<i>EFT Pay</i>	<i>Comcast - EFT Pay</i>	\$ 908.01	All Depts
46000	Crystal Springs	\$ 102.98	Operating Supplies
46001	Dennis Company	\$ 148.70	Operating Supplies - Water Fund
46002	Dept of Licensing	\$ 18.00	CWP License
<i>EFT Pay</i>	<i>Dept of Revenue - EFT Pay</i>	\$ 7,543.08	July 2020 Excise Tax on Water/Sewer and Excise Tax on Out of State Purchases
46003	Dept of Transportation	\$ 800.42	Fuel - Police \$659.60 and Fire \$140.82
46004	Gray & Osborne, Inc.	\$ 19,201.20	Prof Serv - 4th St \$4,915.10, Gen Eng \$1,992.82, WTP \$6,636.39, Adams St \$3,902.43 and Cheney Pk \$1,754.46
<i>EFT Pay</i>	<i>Invoice Cloud-EFT Pay</i>	\$ 98.20	July 2020 Portal Access Fee
46005	iSpyFire, Inc.	\$ 540.50	Annual Reporting Software - Fire Dept
46006	JWS Elevator	\$ 2,702.50	Repair/Maintenance - Library
46007	L.N. Curtis and Sons	\$ 178.37	Repair/Maintenance - Fire Dept
46008	MB Industrial Motors, LLC	\$ 1,467.90	Repair/Maintenance - Sewer Fund
46009	Office of Financial Management	\$ 2,798.18	July 2020 Fines & Forfeitures
46010	Olympic Forensics, LLC	\$ 250.00	Pre Employment Testing - Police Dept
46011	One Call Concepts, Inc.	\$ 21.12	Locates
<i>EFT Pay</i>	<i>ONLINE Information Services - EFT Pay</i>	\$ 28.10	Credit Reporting Services - July 2020
46012	P & L Johnson Mechanical, Inc.	\$ 6,651.98	Maintenance Agreement - Heat Pump @ City Hall (3 Years)
46013	Pacific County Dept of Public Works	\$ 1,646.98	Eklund Park - August 2020
46014	Pacific County Prosecutor	\$ 35.59	July 2020 Crime Victims
46015	PetroCard	\$ 1,098.29	Fuel - Public Works \$1,041.59 and Fire \$56.70
46016	Petty Cash - Dee Roberts	\$ 295.68	Miscellaneous - City Hall \$85.58, Municipal Court \$58.10 and Water \$152.00

46017	PUD #2	\$	5,855.12	All Depts
EFT Pay	Smarsh - EFT Pay	\$	10.16	July 2020 Data Storage
46018	South Bend Pharmacy	\$	50.53	Water Fund
46019	Steve's Front End & Brake, Inc.	\$	65.28	Repair/Maintenance - Water/Sewer Fund
46020	Three Rivers Mosquito & Vector Control	\$	7,918.33	Mosquito Control - July 2020
46021	US Fire Equipment, LLC	\$	547.46	Repair/Maintenance - Fire Dept
EFT Pay	Verizon - EFT Pay	\$	582.74	One Talk - All Depts \$422.70 and Police Laptops \$160.04
EFT Pay	VISA - EFT Pay	\$	2,571.94	City Hall \$1,378.71, Police \$499.71 (Capital Outlay), Water \$588.66 and Sewer \$104.86
46022	Walter E Nelson Company of Astoria	\$	84.92	Operating Supplies - City Hall
46023	Willapa Harbor Herald	\$	212.96	Legal Notices
	TOTAL	\$	113,857.34	


 _____ Mayor Struck


 _____ City Supervisor Houk


 _____ Police Chief Stigall



Register

Number	Name	Fiscal Description	Cleared	Amount
<u>24854</u>	Houk, Lloyd D	2020 - July - Second Council Meeting - July		\$1,650.00
<u>24855</u>	Ashley, Alan	2020 - July - Second Council Meeting - July		\$230.87
<u>24856</u>	Eastham, David L	2020 - July - Second Council Meeting - July		\$10,551.22
<u>24857</u>	Houk, Lloyd D	2020 - July - Second Council Meeting - July		\$2,866.62
<u>24858</u>	AFLAC	2020 - July - Second Council Meeting - July		\$1,011.32
<u>24859</u>	Association of WA Cities	2020 - July - Second Council Meeting - July		\$3,864.58
<u>24860</u>	Dee Roberts-Coffee Fund	2020 - July - Second Council Meeting - July		\$48.00
<u>24861</u>	Dept of Labor & Industry	2020 - July - Second Council Meeting - July		\$1,963.34
<u>24862</u>	Dept of Retirement Systems	2020 - July - Second Council Meeting - July		\$14,756.22
<u>24863</u>	Employment Security Department	2020 - July - Second Council Meeting - July		\$231.90
<u>24864</u>	Nationwide Retirement Solutions	2020 - July - Second Council Meeting - July		\$655.00
<u>24865</u>	Teamster's Local #252	2020 - July - Second Council Meeting - July		\$434.50
<u>24866</u>	The Bank of the Pacific	2020 - July - Second Council Meeting - July		\$23,004.38
<u>24867</u>	Thorbeckes	2020 - July - Second Council Meeting - July		\$58.34
<u>24868</u>	Washington Counties Insurance Fund	2020 - July - Second Council Meeting - July		\$434.50
<u>24869</u>	Washington State Support Registry	2020 - July - Second Council Meeting - July		\$597.73
<u>24870</u>	Washington Teamsters Welfare Trust	2020 - July - Second Council Meeting - July		\$10,633.20
<u>July 2020 Draws</u>	Payroll Vendor	2020 - July - Second Council Meeting - July		\$12,375.00
<u>July 2020 Payroll</u>	Payroll Vendor	2020 - July - Second Council Meeting - July		\$35,446.76
				\$120,813.48

**CITY OF SOUTH BEND
ZOOM COUNCIL MEETING – 07/27/2020**

1. CALL TO ORDER AND ROLL CALL

The council meeting was called to order by Mayor Struck at 5:30 pm followed by roll call by Clerk/Treasurer Roberts. Members present: Councilor Kuiken (*left meeting after agenda item #4 due to computer issues*), Councilor Manlow, Councilor Neve, Councilor Davis, Councilor Hall, Police Chief Stigall, City Supervisor Houk and Clerk/Treasurer Roberts.

2. APPROVAL OF AGENDA, CONSENT AGENDA AND APPROVAL OF MINUTES

A motion was made by Councilor Hall to approve the Agenda, Consent Agenda and the minutes of the July 13, 2020 regular meeting. The motion was seconded by Councilor Neve. **Vote: Ayes-5, Noes-0, Absent-0**

Vendors – Check #45978 thru Check #45992 - \$50,141.90 Including EFT Payments

3. CORRESPONDENCE – NONE

4. ORDINANCE #1553 – AMENDING PORTIONS OF CHAPTER 12.20 OF SBMC – CITY BOAT HAVEN (FIRST READING)

Prior to the motion Mayor Struck presented Ordinance #1553 – Amending Portions of Chapter 12.20 of SBMC – City Boat Haven for discussion. Councilor Hall requested the following addition “Campers will be fined and/or evicted for non-payment of fees”.

Councilor Hall made a motion to move said ordinance with the requested change to a second reading. The motion was seconded by Councilor Neve. **Vote: Ayes-5, Noes-0, Absent-0**

5. ORDINANCE #1554 – AMENDING AND ADDING TO CHAPTER 9.10 OF SBMC – DISORDERLY CONDUCT – PUBLIC NUISANCES (FIRST READING)

Prior to the motion Mayor present Ordinance #1554 – Amending Portions of Chapter 9.10 of SBMC – Disorderly Conduct – Public Nuisances for discussion.

Councilor Neve made a motion to move said ordinance to a second reading. The motion was seconded by Councilor Manlow. **Vote: Ayes-4, Noes-0, Absent-1**

6. CHENEY PARK/SOUTH BEND HIGH SCHOOL AGREEMENT (COUNCILOR HALL)

Councilor Hall reviewed the Cooperative Development and Use Agreement between the City of South Bend and the South Bend School District and noted that there had been a lot of changes and improvements to Cheney Park since that agreement was made. It was asked if the school maintained the field and City Supervisor Houk advised that the school is responsible for everything inside the fence. The City maintains the areas of the park outside the fence and there was some discussion that maybe the school should be responsible for that area as well. Councilor Davis expressed her concerns about that field being locked and the fact that it exempts a portion of the community from using it. It was agreed that there is nothing in the agreement about it being locked however there is a policy in place for use of the field. It requires contacting the school for a key as well as a list of do's and don'ts. The cost of the field was significant - \$500,000+ - and is something that the school wants to see maintained properly. There was also some discussion about fencing the area outside of the ball field. City Supervisor Houk advised that he would look into the cost.

At some point the discussion also included the schools plan to replace the football field surface with turf. The city council does not want to see this area get locked up like the baseball field did because

this also includes the track which is used almost daily by many people within the community for exercise. Mayor Struck advised that this too will include a cooperative agreement and the city council will have the opportunity to negotiate anything that might be included or not included in that agreement since they will have the final say or approval over the agreement.

7. PLANNING COMMISSION AND CIVIL SERVICE BOARD APPOINTMENTS (COUNCILOR HALL)

Councilor Hall requested that the council be notified of future openings on the planning commission and civil service board prior to appointments. Clerk/Treasurer Roberts noted that in the future she will see that the council receives a copy of the announcements for planning commission vacancies that is published in the paper. As far as the civil service board she doesn't foresee much movement on the board in the next few years, but if there is, she will let the council know.

8. TRAFFIC FLOW AT THE SOUTH BEND HIGH SCHOOL (COUNCILOR HALL)

Councilor Hall hoped that Councilor Kuiken would be able to address this, but since Councilor Kuiken left the meeting early there was no further discussion on this topic.

9. ITEMS FROM THE PUBLIC - NONE

10. DEPARTMENT HEAD REPORTS

- ✓ Police Chief Stigall reported that his department is conducting the necessary background checks on the applicant for the police officer position. If everything goes smoothly, he hopes to have a hire date of mid-August.
- ✓ Police Chief Stigall noted that things have really picked up. Calls for service are up 58% from the same time last year.
- ✓ City Supervisor Houk reported that a contractor has been secured for the sod and trees at Mary Rogers Pioneer Park. He had reached out to several companies for bids without a great deal of success. This bid was \$36,000 which was substantially less than the one other bid that was received. The next hurdle will be scheduling the work.
- ✓ City Supervisor Houk explained that there will be a pre-construction meeting with the city, Gray & Osborne, Inc. and Rognlin's on Tuesday regarding the 4th Street Reconstruction Project. Everyone will be meeting at Cheney Park to allow for social distancing.
- ✓ City Supervisor Houk noted that the crew has been busy working on water leaks and general summer maintenance projects.
- ✓ City Supervisor Houk announced that the city received notice from the Washington State Recreation and Conservation Office (RCO) that they have approved the increase in the grant to fund the field lighting at Cheney Park. The increase is \$75,259 with an increased match of \$15,600. The total project cost, including the match is \$420,859. The Cheney Foundation provided part of the match (\$35,000), the city will (or has already) provided a portion of the match with "in kind" services (\$25,000) and South Bend High School will be funding the additional match increase due to the costs associated with poor soil conditions (\$15,600).
- ✓ City Supervisor Houk advised Councilor Hall that he had contacted Three Rivers Mosquito and Vector Control and asked them if they were spraying the development on Water Street for mosquito's and he was advised that yes, they have been spraying there.
- ✓ Councilor Hall asked City Supervisor Houk if there had been any movement on the two complaints that he had filed regarding a particular nuisance property. Police Chief Stigall advised that he has been working with the property owner and as of this week several cars have been removed with more scheduled. He is also working with her maintenance person to

get the building, or what was once a building, removed. They are making progress and things are moving forward.

- ✓ Clerk/Treasurer Roberts noted that she has had Kim Porter put up an agenda at the post office every Thursday or Friday morning prior to council meeting since she was asked by the council to do so and it is gone by that afternoon. The agenda will not be posted there anymore.

11. MAYOR'S REPORT – NONE

12. COUNCIL COMMENTS

- ❖ Councilor Neve noted that her area has been pushed back another year on the city's six-year road plan. She hopes it makes it to the top someday.
- ❖ Councilor Manlow suggested that the city have a discussion with the school about the shrinking public access. Mayor Struck advised that she planned on it.
- ❖ Councilor Davis thanked City Supervisor Houk and Police Chief Stigall for working on the public nuisances. It is appreciated.
- ❖ Councilor Davis asked what the city will pay for the lights at Cheney Park. (See City Supervisor Houk comments under Department Head Reports)

13. PUBLIC COMMENT – CURRENT AGENDA ITEMS

Citizen Craig Spredeman said that he agreed with all of the comments about public access to the park. [Cheney Park]

14. FUTURE AGENDA TOPICS – NONE

15. ADJOURNMENT

The Zoom meeting was adjourned at 6:15 PM to meet again on Monday, August 10, 2020 for the next regularly scheduled meeting via Zoom unless otherwise announced.

Julie K. Struck
Mayor

ATTEST: _____
Dee Roberts
Clerk/Treasurer

**CITY OF SOUTH BEND
SPECIAL ZOOM COUNCIL MEETING – 08/05/2020**

1-2. CALL TO ORDER AND ROLL CALL

The special council meeting was called to order by Mayor Struck at 3:15 pm followed by roll call by Clerk/Treasurer Roberts. Members present: Councilor Kuiken, Councilor Manlow, Councilor Neve, Councilor Davis, Councilor Hall, City Supervisor Houk and Clerk/Treasurer Roberts. Police Chief Stigall was not required to attend.

3. RESOLUTION #2020-02 – AUTHORIZING WASHINGTON STATE RECREATION AND CONSERVATION OFFICE (RCO) GRANT APPLICATION FOR SB ATHLETIC FIELD

Mayor Struck gave a brief explanation of the grant noting that this grant was just a very small piece of the funding package for the project. The total cost for the athletic field turf is approximately \$1,000,000. The city is the pass-through agency as the South Bend High School cannot apply for RCO grants.

Mayor Struck also explained that she spoke with Superintendent Jon Tienhaara and public access for the SB Athletic Field after the renovations are complete will remain as it currently is. No changes will be made. The public will be able to freely walk on and off of the site at any time they choose.

Councilor Neve made a motion to accept Resolution #2020-02 – Authorizing Washington State Recreation and Conservation Office (RCO) Grant Application for SB Athletic Field. The motion was seconded by Councilor Kuiken. **Vote: Ayes-5, Noes-0, Absent-0**

12. ADJOURNMENT

The meeting was adjourned at 3:17 PM to meet again at 5:30 PM on Monday, August 10, 2020 for the next regularly scheduled meeting via Zoom.

Julie K. Struck
Mayor

ATTEST: _____
Dee Roberts
Clerk/Treasurer

ORDINANCE #1553

AN ORDINANCE FOR THE CITY OF SOUTH BEND, WASHINGTON AMENDING PORTIONS OF CHAPTER 12.20 – CITY BOAT HAVEN OF THE CITY OF SOUTH BEND’S MUNICIPAL CODE

WHEREAS, the City of South Bend, Washington municipal code does not address a time limit for RV and tent camping at the city boat launch, and

WHEREAS, the City must provide guidelines for their citizens, tourists and enforcement officers to follow; now therefore

THE CITY COUNCIL OF THE CITY OF SOUTH BEND, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 12.20.65 Recreational dock and boat launch and parking area – Shall be *amended* as follows:

B. 10. – Overnight camping is allowed at the boat launch parking area. RVs \$10.00 and tents \$5.00. Camping (RV and tent) shall be limited to seven consecutive days and cannot exceed thirty (30) days in a twelve (12) month period. Campers will be fined and/or evicted for nonpayment of fees.

This Ordinance was **INTRODUCED** on the 27th day of July 2020 and **PASSED** on this 10th day of August 2020 by the City Council of the City of South Bend, Washington by the following vote:

Ayes –

Noes –

Absent –

Julie K. Struck, Mayor

AUTHENTICATED BY: _____
Dee Roberts, Clerk/Treasurer

Publish 8/19/2020

ORDINANCE #1554

AN ORDINANCE FOR THE CITY OF SOUTH BEND, WASHINGTON AMENDING AND ADDING TO PORTIONS OF CHAPTER 9.10 – DISORDERLY CONDUCT-PUBLIC NUISANCES OF THE CITY OF SOUTH BEND’S MUNICIPAL CODE

WHEREAS, the City of South Bend, Washington wants to work with its citizens to keep the city free of public nuisances, and

WHEREAS, the City would like to create a tiered violation/penalty process that encourages compliance; now therefore

THE CITY COUNCIL OF THE CITY OF SOUTH BEND, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 9.10.040 Violation - Penalty – Shall be *amended* as follows:

- A. A person who violates the provisions of this chapter or who fails to comply with any of its requirements shall be subject to the procedures and sanctions set forth in the Infraction Rules for Courts of Limited Jurisdiction (IRLJ) or any amendments thereto. For the first offense within a 12-month period, the person shall be fined an amount not less than \$150.00

Section 9.10.040 Violation – Penalty – Shall be *added* as follows:

- B. For a second offense within a 12-month period, in addition to the civil penalty provisions provided in Section (A) any person who violates any of the provisions of this chapter is guilty of a misdemeanor. The penalty for each violation is a fine of not more than \$1,000 or imprisonment for not more than 90 days or both
- C. In addition, for violations of **The Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition**, and any successor code in such form and with such amendments as may from time to time be mandatorily required by state law, whether by action of the legislature or the properly delegated agency thereof, the abatement procedures set forth in the dangerous buildings code may be utilized.
- D. Any or all of the remedies articulated in this section may be used by the city to enforce this chapter. Nothing contained in the chapter shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violations.

This Ordinance was **INTRODUCED** on the 27th day of July 2020 and **PASSED** on this 10th day of August 2020 by the City Council of the City of South Bend, Washington by the following vote:

Ayes –

Noes –

Absent –

Julie K. Struck, Mayor

AUTHENTICATED BY: _____
Dee Roberts, Clerk/Treasurer

CONTRACT FOR PROFESSIONAL SERVICES CITY PROSECUTING ATTORNEY

This agreement is entered into between the City of South Bend, Washington, an Optional Municipal Code City operating under the Mayor-Council Plan of Government as defined by Chapter 35A.12 of the Revised Code of Washington, and Killian C. Dunkeson, c/o Ingram, Zelasko & Goodwin LLP, 120 East First Street, Aberdeen, WA 98520.

WHEREAS, the City of South Bend wishes to contract with an Attorney familiar with the prosecution of criminal and infraction matters;

WHEREAS, Killian C. Dunkeson is an Attorney licensed to do business in the State of Washington and is familiar with the prosecution requirements of a Municipal Court and is qualified and possesses technical and professional expertise to perform the services and/or tasks set forth in this agreement;

NOW, THEREFORE, in consideration of the terms, conditions, covenants and performance contained herein, the City of South Bend and Killian C. Dunkeson (hereinafter referred to as Prosecuting Attorney) agree as follows:

I. SCOPE OF SERVICES:

The Prosecuting Attorney is being contracted by the City of South Bend to:

- A.** Represent the City, within the jurisdiction of The Municipal Court established by the City of South Bend Municipal Code, Chapter 2.20, in all causes arising from (but not limited to) violations of City Ordinances, whether Civil or Criminal including traffic violations; The provisions of RCW chapter 3.50 and all relevant City of South Bend Ordinances are incorporated by this reference as if fully herein set forth; and
- B.** Represent the City in jury trials and in appeals from Municipal Court to Superior court and beyond; and
- C.** Maintain documents, reports, and compilations of whatsoever kind or nature that is necessary for the performance of the work undertaken pursuant to this agreement; and
- D.** Communicate with City Officials and employees both orally and in writing as necessary for the performance of the work undertaken pursuant to this agreement.

II. COMPENSATION (AS INDEPENDENT CONTRACTOR)

For the services rendered pursuant to this agreement the City will provide the Prosecuting Attorney with a monthly payment of nine hundred dollars (\$900) excluding sales tax.

The Prosecuting Attorney is an independent contractor and is not entitled to any benefits enjoyed by the City's regular permanent employees.

The Prosecuting Attorney as an independent contractor waives any claim in the nature of a tax, charge, cost or employee benefit which would attach if the Prosecuting Attorney were held to be an employee of the City.

III. COMPLIANCE WITH LAWS

A. The Prosecuting Attorney, in the performance of this agreement, shall comply with applicable federal, state, and local laws and ordinances, including regulations for licensing, certification, accreditation and any other standards necessary to assure quality of services.

B. The Prosecuting Attorney agrees to pay any applicable Federal, State, County, or municipal business and employee taxes which may be due on account of this agreement.

IV. NON-DELEGATION

The services to be furnished under the terms of this agreement shall be performed by the Prosecuting Attorney personally and shall not be delegated or subcontracted in whole or in part without the express consent of the Mayor of the City of South Bend. It is understood, however, that if the Prosecuting Attorney has a conflict of interest with a defendant, the case will be referred to the County Prosecutor's office at no expense to the City.

V. DURATION

The term of this agreement shall begin on August 1, 2020 and shall terminate on December 31, 2020 unless sooner terminated according to provisions herein.

This agreement will be reviewed annually by the City Council of the City of South Bend prior to any increase in compensation and/or extension of this agreement beyond the final date of duration.

VI. HOLD HARMLESS AND INDEMNIFICATION

The Prosecuting Attorney shall indemnify and hold the City of South Bend and its agents, employees and/or officers harmless from any and all claims, demands, suits at law or equity, actions, penalties, losses, damages, or costs, of whatsoever kind or nature, brought against the City of South Bend arising of this agreement.

In addition, said attorney, an independent contractor for the City of South Bend, shall provide personal Professional Liability Insurance in the amount of not less than one half million dollars (\$500,000.00) and name the City of South Bend as an Additional Insured with respect to same.

VII. TERMINATION

A. Termination for Convenience:

The City of South Bend or the Prosecuting Attorney may terminate this agreement by at least thirty (30) days written notice.

B. Termination for Cause:

If the Prosecuting Attorney fails to perform in the manner called for in this agreement, or if the Prosecuting Attorney fails to comply with any other provisions of this agreement, the City of South Bend may terminate this agreement effective immediately for cause.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed the day and year first herein above written.

FOR THE CITY OF SOUTH BEND:

PROSECUTING ATTORNEY:

Julie K. Struck, Mayor

Killian C. Dunkeson

ATTEST:

Dee Roberts, Clerk/Treasurer

Budget Calendar for 2021

Request by City Clerk/Treasurer to Dept Heads for Estimates	August/September 2020
Meetings between Dept Heads, City Clerk, Mayor Struck and Finance Committee to Discuss Budget Requests	During the Month of September
Estimates Filed with City Clerk/Treasurer	On or Before September 21, 2020
Mayor provides Council with Current Budget Revenue Information and Proposed Estimates for 2021 Budget	October 12, 2020 Council Meeting
Council Schedules Meetings on Budget as Needed	October & November
Mayor Files Preliminary Budget and Budget Message with Council	On or Before October 19, 2020
2021 REVENUE & PROPERTY TAX LEVY PUBLIC HEARING (Publish October 14, 2020)	October 26, 2020 Council Meeting
COUNCIL SETS TAX LEVY Tax Ordinance First Reading Tax Ordinance Second Reading	October 26, 2020 November 09, 2020
Copies of Preliminary Budget Made Available to the Public	On or Before November 13, 2020
FINAL HEARING ON 2021 BUDGET (Publish November 25 th & December 2 nd)	December 14, 2020
ADOPT 2021 BUDGET Budget Ordinance First Reading Budget Ordinance Second Reading	November 23, 2020 December 14, 2020
Copies transmitted to State Auditor & MRSC	Immediately after adoption

Note: Scheduled Council meetings are September 14th & 28th, October 12th & 26th, November 9th & 23rd and December 14th & 28th