

## GOSHEN COMMON COUNCIL

### Minutes of the March 7, 2022 Regular Meeting

*Convened in the Council Chambers, Police & Court Building, 111 East Jefferson Street, Goshen, Indiana*

Mayor Jeremy Stutsman called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance

Mayor Stutsman asked the Clerk-Treasurer to conduct the roll call.

**Present:** Megan Eichorn (District 4)                      Julia King (At-Large)                      Doug Nisley (District 2)  
                    Gilberto Pérez Jr. (District 5)                      Donald Riegsecker (District 1)                      Matt Schrock (District 3)  
                    Council President Brett Weddell (At-Large)                      Youth Advisor Adrian Mora (Non-voting)

**Absent:**                      None

Mayor Stutsman asked the Council's wishes regarding the minutes of the Feb. 4, 2022 work session on housing, the Feb. 7, 2022 regular meeting, and the Feb. 14, 2022 joint meeting with the Goshen Community Schools Board of Education. **Councilors Eichorn and Pérez moved to approve the minutes of the Feb. 4, Feb. 7 and Feb. 14 meetings as submitted. The motion to approve all three sets of minutes passed 7-0.**

Mayor Stutsman presented the agenda of the March 7, 2022 meeting with the addition of Resolution 2022-04, *Development Agreement with Greenwood Rental Properties, LLC. (EXHIBIT #1)*, which is to be considered as part of agenda item #2, Development agreement with Greenwood Rental Properties, LLC. for 3.93 acres at the northeast corner of Plymouth Avenue and Indiana Avenue. **Councilors Nisley/Riegsecker moved to approve the agenda as suggested. Motion passed 7-0.**

#### Privilege of the Floor:

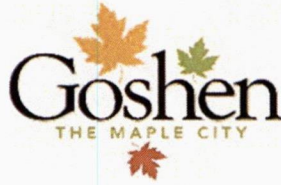
At 6:02 p.m., Mayor Stutsman invited public comments on matters not on the agenda.

Glenn Null of Goshen said he wanted to deliver the same message he gave to Elkhart County Commissioners earlier today, despite saying it felt like "spitting in the wind." His message to the City was about rising gas prices and the importance of conserving taxpayer funds. He said the price of gas is surging past \$3.99 a gallon. Null said that traditionally when gas prices get that high, the county's normally low unemployment rate rises. He said he believes tax revenues will fall, so it's important to reduce government spending. Null suggested the Council reduce spending as much as possible, including getting out of contracts. He recalled previous downturns in the economy and said the City should be good stewards of its funds. "Just because we have it now, doesn't mean we're going to get it replaced later," he said. Null added that some pending expenditures should be delayed.

In response, Mayor Stutsman said he has been preparing his State of the City presentation and said he believes the City of Goshen is in an excellent position if there's an economic downturn, even if the City moves forward with its pending expenditures and projects.

There were no further public comments, either from those in the council chamber or via Zoom, so the Mayor closed the Privilege of the Floor at 6:05 p.m.





**1) Ordinance 5117: An Ordinance to Amend the Plymouth Avenue Professional Park Planned Unit Development (PUD), Ordinance 4371**

**Mayor Stutsman** called for the introduction of **Ordinance 5117**. Council President Brett Weddell asked the Clerk-Treasurer to read Ordinance 5117 by title only, which was done.

**Weddell/Nisley moved for passage of Ordinance 5117 on First Reading.**

**City Planning & Zoning Administrator: Rhonda Yoder** told the Council that the Goshen Plan Commission met on Feb. 15, 2022, in regular session and considered a request for a Planned Unit Development (PUD) major change for Plymouth Avenue Professional Park PUD to remove the requirement for a sidewalk along the east side of Lighthouse Lane. She said the request has been forwarded to the Council with a favorable recommendation by a vote of 9-0.

The recommendation was based upon the following conditions:

1. The existing installed design of Lighthouse Lane within Plymouth Avenue Professional Park precludes the placement of a sidewalk within the right of way on the east side of Lighthouse Lane and would require complete reconstruction of the existing roadway, which is not feasible.
2. A sidewalk crossing will be provided within The Crossing subdivision, and a pedestrian easement will be provided on Lot 3 for an optional private sidewalk, to provide pedestrian options.
3. PUD final site plans are required as part of the City's administrative site plan review, Technical Review, before a zoning clearance/building permit is issued for any individual lot.
4. All developmental requirements not varied by the major change shall be met.

**Councilor King** asked the nature of the audience and public feedback on the request. **Yoder** said the feedback mostly was related to a portion of the request that was withdrawn. She said the comments were unrelated to the removal of the sidewalk, but there were questions on the installation of the new sidewalk.

**At 6:08 p.m., Mayor Stutsman invited public comment on Ordinance 5117. There were no comments, so Mayor Stutsman closed the public comment period at 6:08 p.m.**

**There were also no further comments or questions from the Council, and Councilors affirmed that they were ready to vote.**

**On a voice vote, councilors approved Ordinance 5117 on First Reading by a 7-0 vote, with all members present voting "yes." Youth Advisor Adrian Mora also voted "yes."**

**Councilors gave Mayor Stutsman unanimous consent to proceed to the Second Reading of Ordinance 5117.**

**Mayor Stutsman** called for the introduction of Ordinance 5117 on Second Reading. **Council President Weddell** asked the Clerk-Treasurer to read Ordinance 5117 by title only, which was done.

**Weddell/Pérez moved for passage of Ordinance 5117 on Second Reading.**

**There were no further questions or comments from the public or the Council, and Councilors affirmed to Mayor Stutsman that they were ready to vote.**

**On a voice vote, councilors approved Ordinance 5117 on Second and Final Reading by a 7-0 vote at 6:09 p.m., with all members present voting "yes." Youth Advisor Adrian Mora also voted "yes."**

**2) Resolution 2022-04, Development Agreement with Greenwood Rental Properties, LLC, for 3.93 acres at the northeast corner of Plymouth Avenue and Indiana Avenue**

**Councilor King** asked for a clarification of what the Council would be considering. **Mayor Stutsman** clarified that the Council would be considering Resolution 2022-04.





**Mayor Stutsman** called for the introduction of Resolution 2022-04, Development Agreement with Greenwood Rental Properties, LLC. **Council President Weddell** asked the Clerk-Treasurer to read Resolution 2022-4 by title only, which was done.

**Weddell/Nisley moved for passage of Development agreement with Greenwood Rental Properties, LLC.**

**City Redevelopment Director Becky Hutsell** asked the Council to approve a Development Agreement with Greenwood Properties. She said the project includes construction of a sixty (60) unit, market rate, multi-family housing development at She said the agreement has been approved by the City Redevelopment Commission.

**Hutsell** said per the agreement, the City would issue an Economic Development Revenue Bond that would be purchased by Greenwood Properties for \$2,340,000. Each year, 75% of the new TIF revenue generated by the project would be pledged back to the developer as bond repayment. The bond term would be 20 years with 0% interest.

As has been discussed over the past several months, as part of the City's draft TIF (Tax Increment Financing) policy, **Hutsell** said the only eligible elements for these bond funds would be for infrastructure.

**The Development Agreement states that the following items would be eligible for use of the bond funds:**

1. Water Main Installation – Connection to the existing public water mains and service to the residential units within the development;
2. Sewer Main Installation – Connection to the existing public sewer mains and service to the residential units within the development;
3. Sidewalk Construction – Construction of all sidewalks within the development, including those required by Planning & Zoning;
4. Roadway Improvements & Construction – Construction of all roadway improvements required by City departments, including entrances into the development as well as roadways within the development;
5. Construction of footers and building slabs associated with the residential units;
6. Installation of all underground plumbing;
7. Installation of all underground water and sewer lines; and
8. Installation of underground electrical services.

**Hutsell** said Greenwood Properties is working with Ancon Construction and they have provided updated estimates that confirm that the site infrastructure costs, as defined by the above list, are in excess of the bond proceeds available for the project. A copy of Ancon's latest estimate was attached to the Council packet.

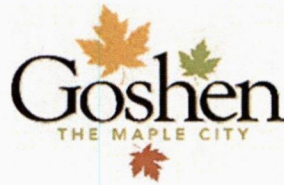
**Hutsell** said Greenwood Properties has committed to providing 20% of the rental units in the development to essential workers (first responders, health care workers and teachers) for the duration of the bond term and details have been provided within the agreement regarding annual submissions to the City to confirm that this commitment is met.

**Hutsell** said if the Council approves the revised Development Agreement, the City will begin the process of removing the property's two (2) parcels from the River Race TIF and establishing this property as a stand-alone, project specific TIF. In addition, the city will begin the process of working with Ice Miller to issue the bond. Both of these items would be brought back to the Council for additional approvals.

**Mayor Stutsman** thanked **Becky Hutsell** and said the project has been in development for a long time with many discussions between the developer, City staff and the Redevelopment Commission. He said some Council members have been involved in the discussions along with **Deputy Mayor Mark Brinson** and **City Attorney Bodie Stegelmann**. He said the developers and their representatives were present if there were questions about the agreement.

**Councilor Nisley** asked if the infrastructure work would include plumbing installed underneath the slab. **Redevelopment Director Hutsell** said it would.





**Mayor Stutsman** said this project illustrates issues raised during the Council Feb. 4 work session on housing about how to fill the gap that exists today for funding housing projects. The Mayor said he supports this proposal.

**Councilor King** said she didn't have any questions, but wanted to acknowledge and express appreciation for the work that was put into the proposal. She said she has strong feelings "about using TIF for this." King said everyone agrees that Goshen faces a housing crunch, but there is less agreement on how to use the City's tools.

**Hutsell** responded that the City has a draft policy for how to use TIF to address housing needs. She said it will remain under development.

**Councilor King** again thanked Hutsell for her work and said she looks forward to participating in the conversation.

**Councilor Pérez** also thanked Hutsell and City staff for their work. He acknowledged the City's housing crisis and said that the Feb. 4 work session on housing has helped him to better understand the issues and strategies to help the City increase affordable housing.

**Council President Weddell** also acknowledged Hutsell's hard work on the proposal. He said that when the development agreement first came before the Redevelopment Commission, it faced a "bumpy road," including three votes. He said it passed narrowly, 3-2. Council President Weddell said additional work was done on the proposal and the third time, the development agreement was unanimously approved by the Redevelopment Commission. He said that was a testament to the fact Hutsell and City staff listened and put together a better project.

**Mayor Stutsman** also thanked the developer for continuing to work with the City to make the proposal work for all.

**Councilor King** said she wanted to clarify that the provision that some of the rental units in the development go essential workers (first responders, health care workers and teachers) was only for a limited 30-day period. **Council President Weddell** said that was correct.

**Councilor King** said she appreciates the effort to include this provision. **Hutsell** commented on the provision and added that efforts will be made to inform people about the availability of housing for select groups. **Mayor Stutsman** said he insisted on this provision because public funds were being used. He said he wanted something in return; and the developer was open to that if there was a time limit. And people will be advised of the vacancies.

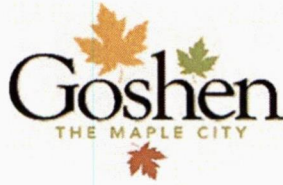
**Councilor Riegsecker** asked about a provision in the agreement that specifies that 75% of the TIF revenues generated from the New Allocation Area will be used exclusively for payment of the debt service on the bonds and the remaining 25% will be retained by the Redevelopment Commission for future projects within this immediate area.

**Hutsell** said TIF funds only can be used in the area for improvements.

#### **At 6:22p.m., Mayor Stutsman invited questions or comments from the public about Resolution 2022-04.**

**Glenn Null of Goshen** said the site of the housing project, the northeast corner of Plymouth Avenue and Indiana Avenue, might be problematic when it comes to increasing its accessibility because the state won't allow certain things. Null also said he has a problem with Tax Increment Financing (TIF) areas. He said when TIFs are proposed there usually is discussion about the number of jobs that will be created. He asked about the number of jobs that will be created through this proposal. Null also objected to setting aside housing for "essential workers," adding that essential workers have gotten a bad name over the past two years. Null said if he was working, he wouldn't be designated as an essential worker, meaning he is "less than the right person because I don't have that job." Finally, Null said he has a problem setting aside anything for a certain group, adding, "It's called discrimination, one way or the other. Either it's open for everybody or it isn't. And if it isn't open to everybody, it is discrimination."





**Mayor Stutsman** responded to Null's statements about jobs. The Mayor said there are thousands of open jobs in the county, but not enough housing in the City. He said one of the best economic development tools the City has is to bring more people into the community and create more housing. Said the Mayor: "We don't need to create jobs in our area. We need to find ways to fill the jobs that exist for our businesses that are already here."

**Nick Kieffer, President & CEO of the Goshen Chamber of Commerce**, thanked the developers of the project for working with City the past two years on the proposal and for opening the potential for workers to have new housing. Kieffer said what the mayor said is true; employers have housing needs for their workers. He said he spent three hours earlier in the day discussing affordable housing projects with others. Kieffer said he would encourage the Council to approve the project and he thanked the City for hosting the Feb. 4 work session on housing.

**Travis Bontrager, a sales associate with Bontrager Real Estate**, said he has worked with the developers of the housing project and believes they are doing something that very few people are doing right now – stepping up and addressing Goshen's housing crisis. He said there is almost no inventory of available homes. Bontrager noted that Goshen Community Schools lost about 220 students this academic year because their families couldn't find housing. He said many employees would love to have their employees live closer to their work. He said the developers are reinvesting what they have earned back into the community, and few people are doing that right now. Bontrager also said if he was a Council member, he would weigh the costs of the project. He said there is lot of downside to voting "no" and little to no downside to voting "yes." He said adding 60 units would benefit 60 households of children who will attend Goshen schools and adults who will come to work. He asked for a "yes" vote on the proposal.

**Pamela Weishaupt of Goshen** said she was "not crazy about TIFs." She said she didn't fully understand the current proposal, but knows about the housing crisis, so perhaps this is OK. Still, she suggested that Councilors be mindful of Glenn Null's comments about housing discrimination. Weishaupt also suggested the City explore the possibility of adding housing in the recently approved College Avenue TIF.

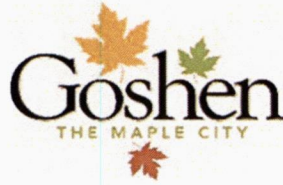
**There were no further public comments about Resolution 2022-04, so the Mayor closed the public comment period at 6:30 p.m.**

**Councilor King** said she is looking forward to more conversations about creating the tools for Tax Increment Financing (TIF), so that the City is driving the discussion and decision making about how that tool is used rather than responding. While King said there are many favorable attributes of the Greenwood Rental Properties project, there are also downsides because TIF is a limited tool and if it's used here, it can't be used someplace else. She said she isn't entirely clear on why private lenders aren't stepping up to fund this project, and that troubles her. King said she doesn't want the City to get into the habit of lending to private developers. She also said the projected rents for the apartments in the project appeared to be high for a project that should benefit the public. King also she would like to have an affordability component or a stronger green/sustainability component as part of future projects. Since housing can last a long time, King also said the City needs to consider what it wants Goshen to look like in the future.

**There were no other questions or comments from Councilors and they indicated they were ready to vote.**

**On a roll call vote, Councilors approved Resolution 2022-04 by a 6-0-1 vote, with Councilors Eichorn, Nisley, Pérez, Riegsecker, Schrock and Weddell voting "yes" and Councilors King voting "pass" at 6:33 p.m. Youth Adviser Mora also voted "yes."**





### **3) Ordinance 5116 (1st/2nd Reading): An Ordinance to Establish a Redistricting Advisory Commission**

**Mayor Stutsman** called for the introduction of Ordinance 5116 on First Reading. **Council President Weddell** asked the Clerk-Treasurer to read Ordinance 5116 by title only, which was done.

**Weddell/Eichorn moved for passage of Ordinance 5116 on First Reading.**

#### **BACKGROUND:**

In a Jan. 31, 2022 memorandum, which accompanied draft Ordinance 5116, **Mayor Stutsman** informed Councilors that it was time to redraw the five single-member Council district boundaries to account for population increases and shifts as revealed in the 2020 U.S. Census. The Mayor proposed that the Council establish a non-partisan committee to help ensure that redistricting was done without considering how it affected any political party. Rather, the Mayor asked that the Council ensure that the City would redistrict in a way that ensured districts were laid out in a way that kept their boundaries reasonably compact and contiguous, with equal populations and with the lowest possible deviations, while accounting for expected future growth, and looked at options with the fewest number of split precincts and neighborhoods as possible.

#### **Summary of proposed Ordinance 5116:**

##### **Establishment and purpose:**

Ordinance 5116 would establish a five-member Redistricting Advisory Commission whose purpose would be to make recommendations to the Goshen Common Council regarding its decennial redistricting ordinance, which will divide the City into the five council districts from which council members shall be elected. Commission members would serve until district boundaries were adopted by the Council.

##### **Rationale for the proposal (from the “whereas” clauses in the ordinance):**

State law requires the City of Goshen to be divided into five (5) council districts during the second year after a year in which a federal decennial census is conducted; state law also requires that these districts be contiguous, reasonably compact, and, as nearly as possible, of equal population, and, with some specific exceptions, not cross precinct boundaries; and the sponsors believe an independent redistricting commission would lend public legitimacy to the process and minimize conflicts of interest that might be present in the redistricting process; and this process of redistricting would be conducted in an open manner with meaningful opportunities for public feedback and engagement.

##### **Membership qualifications:**

The Commission would consist of nine members: five (5) voting members and four (4) non-voting members), subject to the following qualifications and limitations.

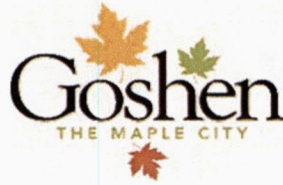
- (1) Registered Voters - Each member must be a registered voter residing within the municipal boundaries of the City.
- (2) Voting Record – To be eligible for appointment to the Commission, each Commission member shall have voted as a resident of the City in at least one of the last two general elections immediately preceding the formation of the Commission.

##### **Limitations of membership:**

The following individuals would be excluded from serving as a voting member on the Commission:

- (A) Anyone who currently, or during the ten years prior to the Commission’s formation, holds a public office or was a candidate for public office in the City or Elkhart County;
- (B) An appointed public official;
- (C) Anyone who is currently an officer of any federal, state, county, or city level political party, or who has been an officer or active member during the 10 years prior to the Commission's formation;





- (D) A precinct committeeman;
- (E) A member of a candidate's committee;
- (F) Anyone who has contributed a cumulative total of \$2,000 or more to any political candidate(s) within the five years prior to the Commission's formation;
- (G) Anyone registered as a lobbyist under I.C. 2-7; and
- (H) Immediate family members of any excluded person

#### **Membership Selection Process.**

Commissioners would be selected as follows:

- (1) Current City Common Council at-Large Members would serve as non-voting members of the Commission; however, if at-Large Members are of the same political party, then the Common Council would pick one at-Large Member and one Common Council member representing a district, of the opposite party, to serve as the non-voting Council Members on the Commission;
- (2) The five (5) current Goshen Common Council members elected from a district would each appoint a voting member of the Commission;
- (3) The City of Goshen Mayor and City Attorney would serve as non-voting members of the Commission, and the Clerk-Treasurer would serve as the clerk of the Commission;
- (4) The Commission may seek consultation from City's Legal Compliance Administrator and other individuals who may provide helpful insight to the Commissions;
- (5) The voting members of the Commission shall select as its chair one of the voting members.

Persons appointed to the Commission must attest that they are eligible to serve per the conditions of this Ordinance, and be approved by the Mayor.

**Redistricting Criteria.** The Commission would recommend council district boundaries that comply with the United States Constitution, the Indiana Constitution, and applicable federal and state laws, including the federal Voting Rights Act and I.C. § 36-4-6-4.

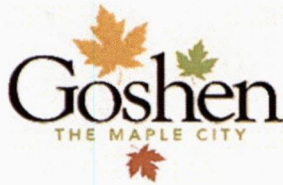
#### **Commission Processes and Transparency:**

- (1) The Commission would hold public meetings at least every month, but may choose to meet more often.
- (2) The Commission would provide to the Common Council recommended council districts, an accompanying map depicting the recommended districts, and a report that explains the basis of the recommended districts.
- (3) Approval of the Commission's final recommendation would require an affirmative vote from at least four of the voting commissioners. All other actions of the Commission would require a simple majority vote to pass.
- (4) The Commission would be subject to the Indiana Open Door Law and the Access to Public Records Act.

#### **Legislative Approval.**

- (1) The Commission would provide the recommended council districts, along with the accompanying map and report, to the Common Council no later than **an unspecified date in 2022**.
- (2) The Common Council would act on the Commission's recommended districts before **an unspecified date**, and adopt an Ordinance by November 8, 2022.
- (3) After considering the Commission's final recommendations, or if the Commission failed to provide recommended council districts by **an unspecified date**, the Common Council would perform its duties under I.C. § 36-4-6-4. If the Common Council rejected the Commission's final recommendations, it would provide a written statement of the reasons for the rejection.





**At 6:33 p.m. on March 7, Mayor Stutsman initiated a Council conversation about Ordinance 5116.**

**Mayor Stutsman** said he appreciated Council consideration of the ordinance. He noted that the matter was held over to this meeting because of the absence of two Councilors at the last meeting. Because some councilors relayed concerns through others or directly, the Mayor said he wanted to offer some initial comments about his proposal.

**Mayor Stutsman** said his intent in working with City Attorney Bodie Stegelmann on the ordinance was never to change the power balance on the City Council or to take control from Republicans on how redistricting happened. He said his intent was to try to bring bipartisan redistricting maps before the Council so they could do what's best for the community and avoid partisanship. Mayor Stutsman said he always expected some changes in the ordinance. He said he hoped the Council could find a path tonight to move forward together and show the community that the Council is serious about working together. The Mayor said the Council has shown that to be the case many times over the past seven years, and he is proud of that record.

**Mayor Stutsman** also addressed a question that had been raised about the second sentence of Section 1 (D) (5)-of the draft ordinance: "Persons appointed to the Commission must attest that they are eligible to serve per the conditions of this Ordinance, and be approved by the Mayor." Mayor Stutsman said it wasn't his intent that the Mayor could veto any appointee. The provision, he said, was only to ensure someone would check to make sure appointees met the criteria for selection. Mayor Stutsman said the checking could be done by someone else, such as the City Attorney or the Council President. He said he never had the intent to give the Mayor veto power.

**Mayor Stutsman** said he understood both Republicans and Democrats would propose amendments to the ordinance. He recommended that Councilors go through the amendments one by one, rather than as packages.

**At 6:37 p.m., Councilors began proposing amendments to draft Ordinance 5116.**

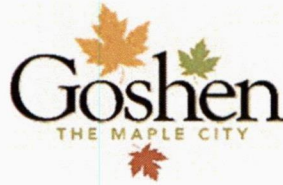
#### **AMENDMENT #1:**

**Council President Weddell** moved that the Council remove the wording in a portion of the second sentence of Section 1 (D) (5)-of the draft ordinance, "*Persons appointed to the Commission must attest that they are eligible to serve per the conditions of this Ordinance, and be approved by the Mayor,*" and further moved that the wording be changed to "*Persons appointed to the Commission must attest that they are eligible to serve per the conditions of this Ordinance, and have their eligibility verified by the City Attorney.*" Councilor Eichorn seconded the motion.

**Councilor King** said the amendment was good, especially the language of verifying eligibility. **City Attorney Stegelmann** clarified the wording of the amendment and said he liked the language. **Mayor Stutsman** said he was "100% in favor" of the amendment. The Mayor said he never intended ill intent with the original wording. **Council President Weddell** said he never assumed bad intent by the Mayor. At the **Clerk-Treasurer's** request, **Council President Weddell** re-read the language of his amendment.

**Mayor Stutsman** said that normally the public has the opportunity to comment about each amendment. Instead, the Mayor said the Council could go through all of its amendments and then invite public comments before a Council vote on the draft ordinance. He said that procedure was acceptable under state law.





Councilors Weddell and Eichorn agreed with that approach. No other councilor objected to hearing public comments after the Council completes work on all amendments to draft Ordinance 5116.

There were no further Council questions or comments on the amendment.

**VOTE ON AMENDMENT #1:**

On a voice vote, Councilors APPROVED Amendment #1 of draft Ordinance 5116 – removing a portion of the wording in the second sentence of section 1 (D) (5) of the draft ordinance, *“Persons appointed to the Commission must attest that they are eligible to serve per the conditions of this Ordinance, and be approved by the Mayor,”* and substituting the following wording: *“Persons appointed to the Commission must attest that they are eligible to serve per the conditions of this Ordinance, and have their eligibility verified by the City Attorney.”* Amendment #1 was approved by a 7-0 vote, with all Councilors present voting “yes” at 6:40 p.m. Youth Adviser Mora also voted “yes.”

**AMENDMENT #2:**

Council President Weddell moved that the Council remove a portion of the wording of the second Whereas clause on page one of the draft ordinance, *“WHEREAS, I.C. § 36-4-6-4 also requires that these districts be contiguous, reasonably compact, and, as nearly as possible, of equal population, and, with some specific exceptions, not cross precinct boundaries; and”* and further moved that the wording be changed to *“WHEREAS, I.C. § 36-4-6-4 also requires that these districts be contiguous, reasonably compact, and, as nearly as possible, of equal population, and, makes every effort to, not cross precinct boundaries; and”* Councilor Nisley seconded the motion.

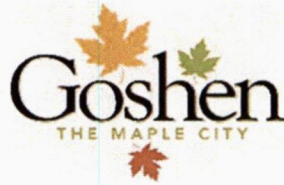
Council President Weddell said the current Council district map has split precincts, and he “would love not to see them” as part of a new redistricting plan. The Council President said has spoken to Elkhart County Clerk Chris Anderson, who has asked that he not split precincts. He said he would like to make every effort to get rid of them, unless there was a specific reason to do so. Council President Weddell said: “I will make a pledge to do everything I can to make every effort to not cross precinct boundaries.” He said he thought his wording was better because he didn’t understand the meaning of the language “some specific exceptions.”

Mayor Stutsman said that he and Council President Weddell were the only elected officials serving when the Council approved the last redistricting plan. He said the 2010 council redistricting plan included three or four split precincts. The Mayor said precincts had to be split to prevent some districts from having population deviations that were too great. He said other plans that were considered had six or eight split precincts.

Council President Weddell said he would consider another factor – the residences of current Council members. He said he has placed a dot on a map where all councilors live and added, “I would make a pledge now to never redistrict someone out of their district and if it would involve splitting a precinct so that person would stay in their district, then I would.”

Councilor King asked City Attorney Stegelmann to explain the meaning of “specific exceptions.”





**City Attorney Stegelmann** said the language of that whereas clause came from the state statute except for instances where splitting precincts is permissible, such as not allowing extreme population deviations or cutting elected officials from their districts.

**Council President Weddell** said again that part of his goal will be to not cut incumbents from their districts.

**Councilor King** asked whether **Council President Weddell** would want to add that wording to his amendment.

**Council President Weddell** said he was satisfied with his wording.

**Council President Weddell** asked **City Attorney Stegelmann** if his proposed wording was acceptable.

**Stegelmann** said he was "comfortable" with the wording and that the City would have to comply with the exceptions specified in the statute.

**Councilors and the Mayor** had more discussion about further clarifying the language of the amendment. There was also more discussion about not redistricting a council incumbent out of his/her district. In the end, no changes were made to the Council President's original proposed amendment. And there were no further Council comments.

#### **VOTE ON AMENDMENT #2:**

On a voice vote, Councilors APPROVED Amendment #2 of draft Ordinance 5116 – removing a portion of the wording of the second Whereas clause on page one of the draft ordinance, *"WHEREAS, I.C. § 36-4-6-4 also requires that these districts be contiguous, reasonably compact, and, as nearly as possible, of equal population, and, with some specific exceptions, not cross precinct boundaries; and"* and further moved that the wording be changed to *"WHEREAS, I.C. § 36-4-6-4 also requires that these districts be contiguous, reasonably compact, and, as nearly as possible, of equal population, and, makes every effort to, not cross precinct boundaries; and ..."* Amendment #2 was approved by a 7-0 vote, with all Councilors present voting "yes" at 6:50 p.m. Youth Adviser Mora also voted "yes."

#### **AMENDMENT #3:**

Councilor King moved that the Council add a new fourth Whereas clause on page 1 of the draft ordinance as follows: *"WHEREAS, the voters and residents of Goshen are best served by a common goal of fairness, with no political party being granted an unfair electoral advantage; this ordinance is intended to support that goal of fairness; and ..."* Council President Weddell seconded the motion.

There was no Council discussion on the amendment. At the request of the Clerk-Treasurer, Councilor King clarified her proposed amendment.

#### **VOTE ON AMENDMENT #3:**

On a voice vote, Councilors APPROVED Amendment #3 of draft Ordinance 5116 – adding a new fourth Whereas clause on page 1 of the draft ordinance as follows: *"WHEREAS, the voters and residents of Goshen are best served by a common goal of fairness, with no political party being granted an unfair electoral advantage; this ordinance is intended to support that goal of fairness; and ..."* Amendment #3 was approved by a 7-0 vote, with all Councilors present voting "yes" at 6:52 p.m. Youth Adviser Mora also voted "yes."





**AMENDMENT #4:**

Council President Weddell moved that the Council remove Section 1 (C) (3) (A) of the draft ordinance, which would exclude from serving as a voting member of the Commission *“Anyone who currently, or during the ten years prior to the Commission’s formation, holds a public office or was a candidate for public office in the City or Elkhart County;”* Councilor Nisley seconded the motion.

Council President Weddell said a past Republican and a past Democratic elected official of the Goshen City Council both approached him about serving on the Commission and were upset they wouldn’t be able to serve.

Councilor Eichorn asked if Council President Weddell would be amendable to changing the wording to exclude anyone “who is currently serving” and removing “during the ten years prior to the Commission’s formation.”

Council President Weddell asked if that amendment would exclude a person from serving on the Commission who currently serves on the non-partisan school board. Mayor Stutsman said such a person would be excluded. If so, Council President Weddell said he would not be amendable to that change.

Mayor Stutsman asked whether Council President Weddell would be willing to consider the provision if the number of years was reduced from 10 years. He said allowing past elected officials to serve increases the likelihood the person is partisan, but the Mayor said he would be open to reducing the number of years.

Council President Weddell said that change would exclude a person serving on a non-partisan school board.

Councilor Eichorn asked about just excluding persons who hold a “partisan public office.”

Mayor Stutsman asked City Attorney Bodie Stegelmann if non-partisan school board members would be excluded from serving on the Commission under Ordinance 5116 as drafted. Stegelmann said that under the current language, he would consider a school board member being precluded from serving on the Commission.

Councilor King said she was concerned that the Council appeared to be headed backward in trying to craft the ordinance language because Councilors have certain people in mind that they would like to serve on the Commission rather than approaching the matter as the ordinance was originally written.

Council President Weddell responded, “So, you’re saying anyone who is serving on a non-partisan school board is incapable of being non-partisan, which is what you’re saying.”

Councilor King said, “No, that’s not what I’m intending to say. I’m saying we’re backing into trying to craft it ... I just think the original vision was intended to make it less partisan ... and the people who are currently serving (in office) are partisan – potentially more that.”

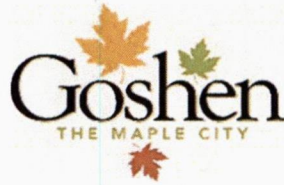
Council President Weddell said he was considering the fact that even though he cannot appoint a member of the Commission, there is a school board member who, on his own, provided four amazing redistricting options to the school board, one of which was approved unanimously, and who was praised by the school board. He added: “And to automatically preclude that person because they are serving on a non-partisan school board, when they’ve already demonstrated an amazing ability to create and look and evaluate this, is very short sighted.”

Mayor Stutsman said the provision was not meant to target anyone in particular. If the council agrees, the Mayor said he would be willing to amend the provision to allow non-partisan elected officials to serve on the Commission.

The Mayor added that he assumed the Council President wanted to change other provisions of the draft ordinance so that that the school board member could serve on the Commission. Council President Weddell responded “Yup.”

Councilor King said there likely would be other people who would make excellent Commission members, but also would be precluded from serving.





**Council President Weddell** asked if the provision excluding a person who “holds a public office” from Commission service would exclude an appointed member of a city board or commission like the Plan Commission or the Board of Zoning Appeals. **Mayor Stutsman** said it would need to be an appointed public (elected) office.

**Councilor Eichorn** said given her experience with the school board, she said she believes elected officials can be non-partisan. She said it would be acceptable to her to change the language to allow non-partisan public officials to serve while not trying to say a specific person should or should not serve on the Commission. She added: “This could get tricky. It’s very sticky ... There’s a lot of great people out there. And we know a lot of people who are holding office now or have held office in the past few years who would be fantastic members of this commission.”

**Councilor Nisley** asked **City Attorney Stegelmann** if the Council could change the provision to allow a non-partisan elected officials to serve.

**Council President Weddell** proposed new language for Section I (C) (3) (A)-of the draft ordinance: **“Anyone who currently, or during the five years prior to the Commission’s formation, holds a partisan public office or is a candidate for a partisan office in Elkhart County.”** He asked the City Attorney if that language would allow a school board member to serve on the Commission. **City Attorney Stegelmann** said he believes it would.

**Mayor Stutsman** said he was open to this new wording. He said he also would suggest shortening the period of prior service or candidacy to four years.

**Council President Weddell** moved for a friendly amendment to his previous motion. He proposed a further change to the wording of “Section I (C) (3) (A)-of the draft ordinance as follows: **“Anyone who currently, or during the four years prior to the Commission’s formation, holds a partisan public office or was a candidate for a partisan public office in the City or Elkhart County.”** Councilor Eichorn seconded the motion, but **Mayor Stutsman** advised her that the person who seconded the original motion – **Councilor Nisley** – had to second the new motion. **Councilor Nisley** said he accepted the friendly amendment.

**Mayor Stutsman** restated the revised amendment and asked if there was further discussion on the motion.

**Youth Advisor Mora** asked how Commission members might deal with annexation issues, especially if a newly-annexed area crossed council boundaries. **Mayor Stutsman** said previously approved annexations have already shifted population totals in various districts. He said any new areas annexed in the next few years would not affect the new district boundaries except these newly annexed areas would be part of the closest district.

**There was no further Council discussion on the amendment.**

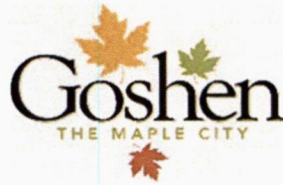
#### **VOTE ON AMENDMENT #4:**

On a voice vote, Councilors APPROVED revised Amendment #4 to change to the wording of “Section I (C) (3) (A)-of the draft ordinance as follows: **“Anyone who currently, or during the four years prior to the Commission’s formation, holds a partisan public office or was a candidate for a partisan public office in the City or Elkhart County.”** Amendment #4 was approved by a 7-0 vote, with all Councilors present voting “yes” at 7:02 p.m. Youth Adviser Mora also voted “yes.”

#### **AMENDMENT #5:**

**Council President Weddell** moved that the Council remove Section I (C) (3) (B)-of the draft ordinance, which would exclude from serving as a voting member of the Commission **“An appointed public official;”** Councilor Eichorn seconded the motion.





Referring to **Councilor Eichorn's** previous statement, **Council President Weddell** said there are many amazing individuals appointed by the Council or Mayor to serve on City Board and Commissions and he would hate to exclude their participation on the Commission.

**Mayor Stutsman** said he would not have an issue with this change.

**Councilor King** said it seemed like a big deal to delete this exclusion and asked the reason the Mayor included the exclusion in the original ordinance. **Mayor Stutsman** said he was okay dropping the provision because he and Council members have not tended to appoint partisan people to board and commissions. And he said other provisions would offer protections from partisan people serving on the Commission.

**Councilor King** said she thought those appointed might feel a responsibility to vote consistent with the views of Councilors who appointed them, rather than approaching redistricting with fresh perspectives.

**Mayor Stutsman** said his intent for this exclusion was to bring in new people not currently involved in City government. He stressed that he was not tied to this exclusion and it could be deleted.

**Council President Weddell** said all of the proposed limitations appeared to have been pulled from Bloomington, Indiana's website. He said that if that was the case, "this was a blueprint that was already out there" **City Attorney Stegelmann** said he and Mayor Stutsman began with the structure that the City of Bloomington had adopted, but said he and the Mayor discussed limitations **Councilor Nisley** said he was comfortable with the change.

There was no further Council discussion on the amendment.

#### **VOTE ON AMENDMENT #5:**

On a roll call vote, Councilors APPROVED Amendment #5 that the Council remove Section I (C) (3) (B)-of the draft ordinance, which currently excludes from serving as a voting member of the Commission, and reads "**An appointed public official;**" Amendment #5 was approved by a 7-0 vote, with all Councilors present voting "yes" at 7:07 p.m. Youth Adviser Mora also voted "yes."

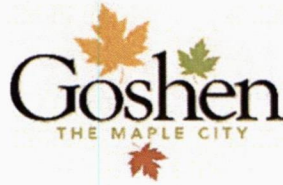
#### **AMENDMENT #6:**

**Council President Weddell** moved that the Council amend Section 1 (C) (3) (C) of the draft ordinance, which would exclude from serving as a voting member of the Commission "**Anyone who is currently an officer of any federal, state, county, or city-level political party, or who has been an officer or active member during the 10 years prior to the Commission's formation appointed public official;**" He proposed that all words after "party" be eliminated, so that Section 1 (C) (3) (C) would now read: "**Anyone who is currently an officer of any federal, state, county, or city-level political party;**" **Councilor Nisley** seconded the motion.

**Mayor Stutsman** said this amendment would be a struggle for him to accept because he was seeking to reduce the influence of partisan politics on redistricting through such provisions. He said he could not support this amendment.

**Council President Weddell** responded: "Not every person is a partisan. Take the treasurer, for instance. Maybe they're just good with numbers and like to be actively involved and they work to make the party as all-encompassing as possible. So, to paint every single person as partisan just because they're actively involved is. I'm actively involved. I do what I can to be as non-partisan as I can. I've worked with many people from all aspects of life and I don't appreciate being called a partisan. I'm not saying you're calling me one."





**Council President Weddell added:** "I'm just saying in general I don't appreciate that and there are other people like myself that want to be actively involved in our community. And just because they're actively involved does not automatically paint them with that brush."

**Councilor King** said the definition of partisan isn't necessarily negative, but just means the person is involved in building up a particular party. She added, "And obviously it goes both ways; obviously partisan on either side. They will become party builders (who) are going to be looking out party wise, which can be OK."

**Mayor Stutsman** said, "Partisan doesn't need to be a negative term. It's not a bad thing to be partisan." **Council President Weddell** responded, "It has a negative connotation." **Councilor King** agreed.

**Mayor Stutsman** said, "There are lots of terms that have negative connotations, but that doesn't change what they mean. But I do believe if you're active in a party, that's what you're doing to make the community better that's ... But when you get to those leadership roles, those leadership roles are meant to build that party and that is a partisan choice. I'm not saying it's a negative. I'm not saying there shouldn't be Democrats and Republicans and Libertarians doing that. It's something that I've absolutely chosen, in the last 15 years, to stay away from because I believe in serving as a bipartisan Council member and Mayor as much as I possibly could. But, yeah, I guess I just can't support this one (amendment)."

**Councilor Eichorn** asked if **Council President Weddell** would consider reducing the number of years of prior involvement in a political party. **Council President Weddell** responded, "Not from me."

**Mayor Stutsman** said, "This change goes, in my mind, directly against what we're attempting to do here." **Mayor** added, "And the person you would like to put on this (commission), that I know all of these changes are for, I have great respect for. My position on this has nothing to do with who you want." **Council President Weddell** responded, "Nor do I think it does." **The Mayor** said, "But I do think this is a line that if we cross this, the ordinance loses a lot."

**Councilor Riegsecker** said, "I struggle with this whole thing. It just seems like, you know, this side doesn't trust this side. This side doesn't trust this side. And I feel like that when I decided to take over Mr. (Jim) McKee's position that I wanted to come in to do what was best for Goshen. I'm always going to lean one way or another. We all are, but when you're talking (about) a whole population, I get elected by the Republicans, but I want to represent Goshen. So, I took offense to excluding a lot of these people because it's just a sign of you don't trust me to do my job."

**Mayor Stutsman** responded, "I'd like to say that the reason I thought this was a possibility to present this to the Council was because I do trust you guys. I think we've done a really good job working together. And I'm trying to set the stage here to have something in writing that future councils would absolutely have to change when redistricting comes back up in case they are very partisan (and) in case they don't want to work together. This is definitely a 30,000-foot view and trying to set a good stage and make a statement to our community that what we all say we're going to do, we're going to do and it helps tie future officials to that as well. They can come in and change this immediately if they want, but they have to do that publicly, and the public will know that they want to get rid of the bipartisan redistricting process. So, please don't take anything that's in here and think it's directed at anyone in this room. It's just trying to set a process that no other level of government has seemed to be able to set. Hopefully we can be leaders yet again in Indiana in making others see that this is possible."

**Councilor Eichorn** said, "I do think it's possible to compromise on this in some way, shape or form. There's good people at these two tables and I think that we can find a way to make this work. I do think this Commission is worth having and I do hope that whomever is appointed to it does so in good faith as a bipartisan person and that's depending on those people at this table; that's who we're going to be picking."





**Councilor Eichorn** added: "And so, I get what you're saying. It can look that way because the Republicans do have control over the Council right now, but I know that we all are hoping to make this bipartisan as far as redistricting. We can't foresee what future councils will do. I would hope they wouldn't (be partisan). But I do hope that we will find a way through this."

**Council President Weddell** said, "I think it's imperative to have this Commission." **Councilor Eichorn** said, "I know you do." **Council President Weddell** added, "We open meetings, the open-to-the-public meetings ... who each of you appoints will be a reflection of where you stand."

**Councilor Eichorn** asked if the Council could skip a vote on this amendment and move on. **Mayor Stutsman** said the amendment was on the floor and the Council could either remove the amendment or vote on it.

**Councilor King** said there was a point to consider that could move her closer to supporting **Council President Weddell's** motion to approve the amendment. Councilor King said she recently has read about partisan and non-partisan elections and "just because we don't name something partisan doesn't mean people can't be partisan. So, I think that there's something to be said for the transparency of knowing someone was active (in partisan politics). Whoever gets appointed, people will know and be able to tell who they are and when you take that veil off and say who they are. That's one thing to consider. Someone's not hiding who they are politically. People will know."

**Council President Weddell** said, "I jokingly said this to somebody that if this (ordinance) was passed in its entirety as it is, there are still people that could be appointed that don't fall into these categories that could vote completely against the intent (of the bipartisan Commission)." **Councilor King** responded, "When I think of that, I hear what you're saying."

There was no further Council discussion on the amendment.

#### **VOTE ON AMENDMENT #6:**

On a roll call vote, Councilors APPROVED Amendment #6, to amend Section 1 (C) (3) (C) of the draft ordinance, which would exclude from serving as a voting member of the Commission *"Anyone who is currently an officer of any federal, state, county, or city-level political party, or who has been an officer or active member during the 10 years prior to the Commission's formation appointed public official;"*

Amendment #6 would eliminate all words after "party" be eliminated, so that Section 1 (C) (3) (C) would now read: *"Anyone who is currently an officer of any federal, state, county, or city-level political party;"*

Amendment #6 was approved by a 7-0 vote, with all Councilors present voting "yes" at 7:17 p.m. Youth Adviser Mora also voted "yes."

#### **AMENDMENT #7:**

**Council President Weddell** moved that the Council remove Section 1 (C) (3) (D) of the draft ordinance, which would exclude from serving as a voting member of the Commission *"A precinct committeeman;"* **Councilor Nisley** seconded the motion.

**Council President Weddell** said, again, the purpose of the proposed removal was "purely to ensure ... this person who has the capability and know-how," and who also is a precinct committeeman, to serve on the Commission.





**Councilor Nisley** said this wasn't just a matter of just making it possible for Council President Weddell's recommended Commission member from serving. "I'll say for anybody. There's more than just the one person. There's a committee person who can serve on this," Nisley said.

**Mayor Stutsman** responded, "I'm going to have to greatly disagree with this one as well. This goes right down the partisan line again. If you choose to be a precinct committeeman, you are being partisan. You choose specifically to be either Democrat or Republican," the Mayor said. "This, like the last one, if we remove this, we're removing everything that tries to keep the partisan piece out of this. We're picking people that are directly involved in partisan politics."

**Council President Weddell** responded, "Every person who goes and pulls a primary ticket is either an R or a D. So that means that everyone who votes is inherently partisan. So, are we only going to invite people who don't vote?"

**Mayor Stutsman** responded, "We're not looking at primaries. We took that out. You don't register to be a Democrat or Republican in Indiana. I've pulled both R's and D's in my life for the primary because sometimes there's only contests on one side."

**There was no further Council discussion and councilors indicated they were ready to vote.**

#### **VOTE ON AMENDMENT #7:**

On a roll call vote, Councilors APPROVED Amendment #7, to remove Section 1 (C) (3) (D) of the draft ordinance, which would exclude from serving as a voting member of the Commission "**A precinct committeeman;**" Amendment #7 was approved by a 5-2 vote, with Councilors King, Nisley, Riegsecker, Schrock and Weddell voting "yes" and Councilors Eichorn and Pérez voting "no" at 7:20 p.m. Youth Adviser Mora also voted "no."

Councilor Eichorn said she voted "no" on the amendment because she had a problem with it.

#### **AMENDMENT #8:**

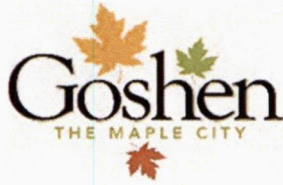
Council President Weddell moved that the Council amend Section 1 (C) (3) (E) of the draft ordinance, which would exclude from serving as a voting member of the Commission "**A member of a candidate's committee;**" He proposed removing the word "**candidate's**" and substituting the words "**council representative's,**" so that the new wording would be "**A member of a council representative's committee;**" Councilor Nisley seconded the motion.

**Council President Weddell** said he was making the suggestion because the Council earlier approved an amendment that removed "candidate's" from another provision. Still, he said he was open to different wording.

**Councilors** discussed possible wording changes. **Mayor Stutsman** said the original intent of the provision was to exclude from Commission service anyone who had served on a campaign committee for a local, state or federal candidate. After further comments and questions from **Councilors**, the **Mayor** said he would be open to narrowing the provision to refer only to certain candidates in the last election cycle.

**Council President Weddell** asked **Councilors** for assistance in developing the wording of the exclusion, focusing solely on recent local partisan campaigns. **Councilors** suggested various wording changes and received clarification from **City Attorney Stegelmann**.





Council President Weddell ultimately proposed a friendly amendment to his own motion with the new wording: ***"A committee member of a partisan city or county candidate in the last election cycle;"*** Councilor Nisley agreed with the friendly amendment to the Council President's Amendment #8.

There was no further Council discussion and councilors indicated they were ready to vote.

***VOTE ON AMENDMENT #8:***

On a voice vote, Councilors APPROVED Amendment #8, amend Section 1 (C) (3) (E) of the draft ordinance, which would exclude from serving as a voting member of the Commission ***"A member of a candidate's committee;"*** and substitute the new wording of ***"A committee member of a partisan city or county candidate in the last election cycle;"*** Amendment #8 was approved by a 7-0 vote, with all Councilors present voting "yes" at 7:28 p.m. Youth Adviser Mora also voted "yes."

Mayor Stutsman asked Council President Weddell if he wanted to amend Section 1 (C) (3) (F), which would exclude from Commission service ***"Anyone who has contributed a cumulative total of \$2,000 or more to any political candidate(s) within the five years prior to the Commission's formation;"***

Council President Weddell said he did not want to amend Section 1 (C) (3) (F), adding, "I think anybody who gives \$2,000 or more should be disqualified." He further said, "Anyone who is a registered lobbyist should be disqualified. I don't want to argue that." In his latter statement, the Council President was referring to Section 1 (C) (3) (G), which would exclude from Commission service ***"Anyone registered as a lobbyist under I.C. 2-7;"***

Council President Weddell said he had no further amendments at this time.

***AMENDMENT #9:***

Councilor Nisley moved that the Council remove Section 1 (C) (3) (H) of the draft ordinance, which would exclude from serving as a voting member of the Commission ***"Immediate family members of any excluded person;"*** Councilor Schrock seconded the motion.

Councilor Nisley said there are relatives of Council members who can and should be able to serve on the Commission.

Mayor Stutsman responded: "We have 35,000 people in town and we're worried about getting one or two of these people" on the commission. Council President Weddell responded, "We have enough trouble getting people to apply for some of our commissions and boards, I hate to say."

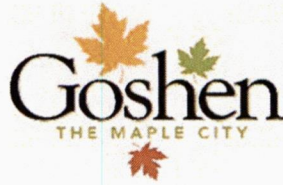
Councilor Eichorn said, "I think you need to keep it. I think that an immediate family member could have a lot of input that we wouldn't know. And if it's someone we're specifically trying to not have on this commission then that person's family member is on, it just doesn't seem kosher."

Mayor Stutsman said "I'm also opposed to this one (amendment).

Council President Weddell and others paused for a few moments to review and restate the exclusion provisions that have been retained, deleted and amended so far.

Youth Adviser Mora raised situations in which a relative might have a different opinion than other family members and might not listen to their viewpoints. He asked if Councilors might have examples of this in their own families.





**Councilor Nisley** said, "I know families like that, Republicans and Democrats – sisters and brothers with totally different views. So if this (provision) is left in there, they couldn't serve" on the Commission.

**Councilor Riegsecker** asked, "Who has an example here?" **Councilor Schrock** responded, "I do. My sister and myself." Schrock said he understood the intent to exclude immediate family members, but didn't understand the meaning "of any excluded person" in the provision. "I'm kind of confused on that."

**Mayor Stutsman** said the intent was to prevent someone from trying to get around the exclusions by having a Councilor appoint that person's spouse to take their place on the Commission. **Councilor Riegsecker** said this provision would exclude, for example, from serving the spouse of a person who donated \$2,000 to a candidate. "Or he spouse of a lobbyist," **Council President Weddell** said. **Councilor Riegsecker** added, "It's seems you would want to get rid of (that person). If you don't want the lobbyist, you don't want the spouse."

**Council President Weddell** said, "One thing that I said to Councilwoman Eichorn is that there's got to be a level of trust between us as well that we're not going to appoint partisans."

**Mayor Stutsman** responded, "So, again, I just have to restate that this was not a lack of trust of this current group. This is trying to set the stage and make a very public and very vocal stance of what Goshen is trying to do for our future, for others who haven't gone through redistricting yet, for our state officials who rushed through their redistricting very purposefully. I mean, both parties have done it in the past in this state. No one has steered clear of this." **Mayor Stutsman** concluded, "This isn't about a matter of trust in this room. I know the person you would like (on the Commission). He's great; I have great respect for him. It's not about that. It's about trying to set a good bipartisan stage for the future."

There was no further Council discussion.

#### **VOTE ON AMENDMENT #9:**

On a roll call vote, Councilors APPROVED Amendment #9, to remove Section 1 (C) (3) (H) of the draft ordinance, which would exclude from serving as a voting member of the Commission "**Immediate family members of any excluded person;**" Amendment #9 was approved by a 4-3 vote, with Councilors Nisley, Riegsecker, Schrock and Weddell voting "yes" and Councilors Eichorn, King and Pérez voting "no" at 7:34 p.m. Youth Adviser Mora also voted "no."

**Mayor Stutsman** pointed out to the audience that the Youth Adviser is allowed to vote on Council matters.

#### **AMENDMENT #10:**

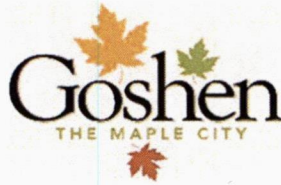
**Council President Weddell** asked a question about Section 1 (D) (2), which stated, "**The five (5) current Goshen Common Council members elected from a district shall each appoint a voting member of the Commission;**"

**Council President Weddell** asked if the district Councilors had to appoint Commission members from their districts.

**Mayor Stutsman** responded that the intent of Section 1 (D) (2) was that district Councilors would only appoint Commission members who lived in their districts.

**Council President Weddell** said, "I don't know that it's spelled out in here." **Mayor Stutsman** said, "That's what you and I talked about. The thought was each district Council member would appoint someone from their district they represent to cover all districts in Goshen."





**Councilor Eichorn** said she thought Section 1 (D) (2) had to be specific and state that district Councilors had to appoint Commission members from their districts, adding "I don't think it says that."

**Mayor Stutsman** said that was the intent of the draft ordinance.

**Councilor Eichorn** then moved that the Council amend Section 1 (D) (2) of the draft ordinance, which stated, *"The five (5) current Goshen Common Council members elected from a district shall each appoint a voting member of the Commission;"* Eichorn proposed adding the words *"from their district,"* so that the new wording would be *"The five (5) current Goshen Common Council members elected from a district shall each appoint a voting member from their district for the Commission;"* Councilor King seconded the motion.

**Council President Weddell** responded, "This will be one example where I wished we had gone out of order (in amending the ordinance). I just wasted this Council's hour of time because, if that's the case, everything I've put in place is null and void." **Councilor Eichorn** responded, "Wow."

Asked by **Mayor Stutsman** why the amendments approved thus far would be null and void, **Council President Weddell** said, "Well, the person I was trying to make sure was able to be a member of this ... lives in a district where that person (district Councilor) may or may not choose to put him on." **Councilor King** responded, "Well, you've still improved the chances of eligibility if that's what you were looking for, and then you can have that conversation."

**Councilor Nisley** responded, "This (amendment) doesn't have to pass, either." **Councilor King** responded, "But it does seem pretty important there be someone from each district" on the Commission.

**Mayor Stutsman** said it always was his intent to make sure every district had a representation on the Commission with the final vote on the redistricting plan still being made by the Common Council.

**Councilor Eichorn** urged further discussion about this issue.

**Councilor Nisley** said district Councilors should be able to appoint the best persons they can find regardless where they live in Goshen. **Mayor Stutsman** said he felt very strongly that all districts should be represented on the Commission. He conceded that provision should have been clearer about that point in the ordinance.

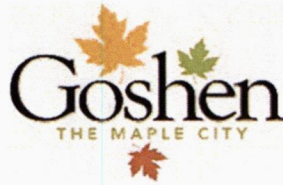
**Councilor Riegsecker** said, "Why don't you just let us do it? There's got to be some trust here." **Mayor Stutsman** responded, "I can't state this enough times. This has nothing to do with not trusting you guys. I need you to trust me when I say that." **Council President Weddell** responded, "I don't think he's directing it towards you, Mayor."

**Councilor Riegsecker** agreed. **Council President Weddell** added, "You might feel it, but I don't think he was and I apologize if you feel that I'm directing it to you as well." **Mayor Stutsman** responded, "Well, you're also not trusting that district Council members would consider" suggested appointees.

**Councilor Eichorn** asked if the five district Councilors chose appointees from outside the district that they might not be considered voices for those in the district. **Councilor Pérez** said the way the motion before the Council was worded, the appointees selected by district Councilors would have to live inside those districts. **Councilor Eichorn** agreed, but said she was thinking through the pros and cons of her motion.

**Councilor King** asked if **Councilor Eichorn** no longer believed there should be Commission members appointed from each Council district. **Councilor Eichorn** said she didn't believe that appointing people from each district was absolutely the most necessary thing; that there were qualifications on the list that were more important. She added: "I think we have to have the most capable people. But do I think it's absolutely essential? I don't know that."





**Mayor Stutsman** said, "Council districts have between 5,000 and 8,000 people in them." **Councilor Eichorn** said, "Right." **Councilor Schrock** responded, "And we only get about a couple of hundred to vote." **Councilor Eichorn** responded, "In your district."

**Mayor Stutsman** asked **Councilor Eichorn** if she was removing her motion. **Councilor Eichorn** said, "I'd like to hear some more discussion on it." **Council President Weddell** said, "You know where I stand." **Councilor Eichorn** said, "Matt?" **Councilor Nisley** said, "If we're going to vote, let's vote." **Councilor Eichorn** said, "I just want to hear some talk about it." **Council President Weddell** said, "I agree with everything you've said. There are very capable people that might be excluded. I don't know if you have someone in mind. I don't know who it was or if they live in your district or not." **Councilor Eichorn** said, "The person does live in my district."

**Councilor King** said, "I guess I want to put forth the notion that the trust the Mayor (brought up). If you think there are good people, but they're not in your district, there could be some conversation among people who are appointing. But it does seem to me important that someone from each district is sitting on there. I mean, you could see that a certain part of the City could get kind of ignored if someone is not sitting there because everybody picks somebody from a different district because that's where the 'qualified' person would be. I would worry about that kind of thing."

**Councilor Eichorn** said "That's a good point. Okay, I'm going to stick with my original argument."

**Mayor Stutsman** said, "I guess at the end of the day, if Council members don't pick somebody from their district, they're going to have to explain to their district why they did that."

**Councilor Eichorn** said, "I'm sticking with my original amendment."

**Mayor Stutsman** said, "I think the biggest issue is we were trying to design something for our community. We're trying to tailor it to specific (circumstances). And it's tough to get through all this."

There was no further Council discussion.

#### **VOTE ON AMENDMENT #10:**

On a roll call vote, Councilors REJECTED Amendment #10, to amend Section 1 (D) (2) of the draft ordinance, by substituting language that *"The five (5) current Goshen Common Council members elected from a district shall each appoint a voting member from their district for the Commission;"* Amendment #10 was rejected by a 4-3 vote, with Councilors Nisley, Riegsecker, Schrock and Weddell voting "no" and Councilors Eichorn, King and Pérez voting "yes" at 7:43 p.m. Youth Adviser Mora also voted "yes."

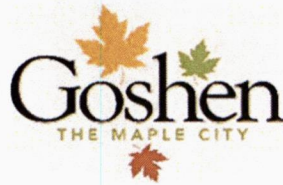
Mayor Stutsman asked if there were further changes to draft Ordinance 5116.

#### **AMENDMENT #11:**

**Councilor King** moved that the Council amend Section 1 (F), "Commission Processes and Transparency, by adding a new paragraph #2 that would state, *"The City shall make available to the Commission funds in a reasonable amount for the Commission to pay for necessary expertise to support the complex task of redistricting."* **Councilor Pérez** seconded the motion.

**Councilor King** said she was proposing this amendment to ensure expertise was provided to help with redistricting.





**Councilor King** pointed out that the City relies on many subject experts to help with complex matters and redistricting is a complex matter. King also said outside assistance would enhance the transparency of the process.

**Council President Weddell** responded, "I don't think it's complex. It's a numbers game. It's purely population; that's all it is. And those numbers come straight from the (county) Clerk-Treasurer's Office. It's pretty simple to look what the population is currently from one district to the next and then you have to count and move it around so that it looks normal and the numbers balance out, and you can run a calculator. It doesn't have to be complicated. Now if you want to make it complicated, you certainly can. You can spend a lot of money making it a complicated process, but I don't think that's necessary."

**Councilor Riegsecker** agreed, saying, "I agree. It's not that complex. I've already gone through the numbers. It's a numbers game. There's not a whole lot of choices you've got. There are not a lot of choices. That covers us this go around. I don't know 10 years from now, but it's pretty simple."

**Councilor Pérez** said he liked the idea of having an expert to help, which is why he supported the amendment.

**Councilor Eichorn** said she watched the process of redistricting the four Goshen Community Schools districts by the school board. She said the process was done well and it didn't require any extra funding, but just some extra time and dedication by certain people. She added, "I don't think there's anything wrong in having money available to it, but it's not necessary to have someone hired to do it."

**Councilor King** said this recommendation came from those familiar with the redistricting process. Still, she added, "I'm not going to fall apart if this falls down."

**Mayor Stutsman** said he had no issue with this amendment, adding there could always be discussion on any necessary expenses by the Commission.

**Councilor Eichorn** said if funds were made available, perhaps they wouldn't be necessary be used, but would be there just in case.

**Mayor Stutsman** said he is certain there will be some Commission expenses. The Mayor said there will likely be some mailings and advertisements related to conducting public meetings and perhaps some experts. He said he would consider any Commission requests for funding whether or not the amendment passed.

**There was no further Council discussion.**

#### ***VOTE ON AMENDMENT #11:***

On a roll call vote, Councilors REJECTED Amendment #11, to amend Section 1 (F), "Commission Processes and Transparency," by adding a new paragraph #2 that would state, "***The City shall make available to the Commission funds in a reasonable amount for the Commission to pay for necessary expertise to support the complex task of redistricting of the draft ordinance.***" Amendment #11 was rejected by a 4-3 vote, with Councilors Nisley, Riegsecker, Schrock and Weddell voting "no" and Councilors Eichorn, King and Pérez voting "yes" at 7:49 p.m. Youth Adviser Mora voted "pass."

**Mayor Stutsman** asked if there were further changes to draft Ordinance 5116.





**AMENDMENT #12:**

**Councilor King** moved that the Council amend Section 1 (G), "Legislative Approval," by adding a new paragraph #4 that would state, *"To adopt the redistricting plan, at least one member of each political party serving on City Council must cast an affirmative vote for the plan."* Councilor Pérez seconded the motion.

**Councilor King** said this amendment was focused on enhancing the bipartisanship of the proposed Commission. King said, "We've talked about trust. It's not just about the people here in this room. It's about the message it sends to our community that's very evenly split politically. There are people who don't know us personally. They don't know that they should trust us; that you should trust me and I should trust you. To me, this speaks to that to say, "Trust us, one side with the power. We're not going to ram a plan down that nobody else on the other side wants.' I don't think that's a high bar to reach for this council personally, but it would send a strong message about bipartisanship."

**Councilor Nisley** responded, "The problem I have with it, as I've said before, is we don't do that with any other thing, ordinances, that come to us and make it that one party person or one person from each party has to go for it. I just think it's stepping out of bounds to do that."

**Councilor King** responded, "I've thought about what you have said about that. That's a good point. How is this different? But when I thought about it, so, this is a unique kind of process that we're engaging in. If we pass other ordinances, we are all equally falling under those ordinances. This is something separate because you could actually give someone advantage over another if you do it in a certain way," King said. "And that's why this is different. That's my answer to that."

**Council President Weddell** said he wanted to hear from **City Attorney Bodie Stegelmann** if such a provision – mandating support from both sides on the Council to approve an ordinance – was even possible legally.

**City Attorney Bodie Stegelmann** responded, "I've researched the issue and there's not a clear answer as to whether this is possible or not. I would have concerns about whether the vote would stand up if there was a requirement of more than a simple majority."

**Mayor Stutsman** asked if this was because the state statute only requires a simple majority vote. **Stegelmann** agreed: "State statute says (an) ordinance has to be approved by a majority vote of the City Council."

**Councilor King** pointed out that the question was unresolved and that there was no case law on this issue.

**Stegelmann** agreed: "There's no case law directly on point. That's correct." **Councilor King** said she has spoken to two lawyers who won a redistricting case in North Carolina who believe this is an open issue because there isn't a precedent.

**Councilor Pérez** asked if there was a concern about litigation. He asked if there was a concern someone might seek an injunction because they didn't like the redistricting plan and tried to halt the process. **Councilor Nisley** responded, "I just don't want to see it get sent back to us because we have that (provision) in there and they say, 'Wait a minute. You can't do that. State statute says majority vote.' And it comes back to us and we have to re-do it all again."

**Councilor Pérez** responded, "Yes, but our City Attorney just said there is no clarity and there is no case law that shows that. I think probably part of where I stand is, I think I've said it before, Mayor, that I appreciate the intent of what you're attempting to do here. For me, this one (proposed amendment), it feels as though if there would be some type of injunction, if there was something, it's an opportunity for the City to actually state, 'Yeah, we'll face that because we actually believe that.' This is worth fighting for in terms of ensuring them that people in our community are, from each political party, have an opportunity to seek that," Perez said.





**Councilor Perez** added: "And so, it's always about risk. How much risk are we willing to take in terms of determining if this particular (provision) could possibly bring to us some type of injunction that someone would say, 'Hold on, this is stepping of bounds,' that we might actually say, 'Yeah, we're actually trying to do something different for this community and for all of the other measures that feels as though we've come to through hard work and good work that this one for me, again, says, it's an opportunity for us as a City to actually state clearly that we value both political parties. It might not seem that particularly because of some of the other votes, but I would say that on this one, again, it's an opportunity for us to sort of say, to the Mayor and the City Attorney, the work that they did to bring it. That's why I would support that. It's a good opportunity for us to take a stand."

**Council President Weddell** said it appeared state law was very clear in only requiring a majority vote to approve ordinances. He asked Stegelmann what would happen if the Council "went down that rabbit hole" and included the provision and a resident then sued the City because the Council voted 4-3 for a redistricting ordinance, which is a majority, but the redistricting ordinance failed because of the 5-2 majority passage requirement.

**City Attorney Stegelmann** responded he would have concerns both before and after the passage of the ordinance. **Stegelmann said:** "If this were in place, someone not agreeable with this provision could file, as Council member Pérez indicated, and ask for an injunction to enjoin the Council from enacting this type of ordinance. And my concern with that is (because) we're a little less than eight months from when the Council needs to actually adopt the redistricting ordinance and the time in court; I don't know if the issue could be resolved in that period of time, within that eight-month period. So, there's a risk of an injunction holding things up. And then, if there's no injunction requested, but the Council adopted a redistricting ordinance that was based on a 5-2 required vote, someone could bring an action to challenge that ultimate ordinance."

**Council President Weddell** said, "Councilwoman King, this has nothing to do with your intent or Mr. Perez. My concerns are just based upon what our City Attorney tells me. And I didn't talk to other attorneys, but my attorney is our City Attorney." **Councilor King** responded that she understood that position, adding she also appreciated the City Attorney. However, King stated that during the course of her conversations with the City Attorney, she asked if the redistricting ordinance would be the only ordinance passed that didn't have a clear precedent and wasn't challenged in court. "And he said, 'No.' This is not an isolated case. People pass things that there's no clear precedent. The point here is that there's not clear precedent. Anything that doesn't have clear precedent doesn't get challenged," King said.

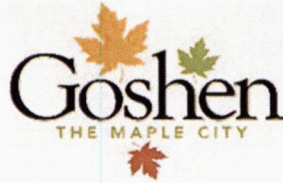
**Councilor King** asked the City Attorney who would be able to file a lawsuit against the redistricting ordinance and what would the process be. **City Attorney Stegelmann** said, "I think anyone in the City could have legal standing (to sue) because this an ordinance that applies to every individual in the City."

**Councilor King** asked if people suing would have to demonstrate evidence of any harm. **Stegelmann** said, "I can't make arguments for people, necessarily, but any number of people within the City could claim harm; either they lived on or near a boundary between two districts or they could articulate a potential harm of other Council districts not being balanced and contiguous. There's any number of arguments that could be made."

**Councilor King** said it appeared there could be a lawsuit against the City whether the Council passed this amendment or not and added, "So, not passing this (amendment) does not eliminate the risk to this Council. Passing it sends a message of bipartisanship." **Councilor Nisley** responded, "I think for me it just adds on the opportunity to have a problem."

**Council President Weddell** said he would follow the City Attorney's guidance and not support the amendment, although he supported the amendment in principle.





**Councilor Pérez** said he would like the City Attorney to respond to **Councilor King's** last question, that the city could be sued whether it included the amendment or not. **City Attorney Stegelmann** responded, "What could happen is the committee works on different plans and then presents a plan to the Council. This needs to be approved by Nov. 8, so say a plan came back in July and the Council voted 4-3 in favor of it. And then based on this suggested amendment to the ordinance that would fail and have to go back to the committee for some revision and another one comes forward and is approved 5-2. And then someone that was "aggrieved or harmed" by the difference in the plan that was approved 4-3, versus the plan that was approved 5-2, could make a claim in court and challenge the final ordinance."

**Councilor Pérez** said he was still seeking the City Attorney's response to **Councilwoman King's** last statement that the City could still face an injunction request even if the amendment wasn't passed. **City Attorney Stegelmann** agreed: "Regardless what the final vote is, somebody could not like the plan and challenge it."

**Councilors and Mayor Stutsman briefly discussed the Mayor's authority to veto a redistricting plan if he doesn't like it and the Council's power to override the veto with a two-thirds majority vote.**

**Mayor Stutsman** said he understood the pro and con arguments on this amendment. "I completely understand the intent and like where it's headed. But as I was trying to think about what I would say about this one, I also I wasn't intending to shift any power balances, which this one does shift a little bit. So, I appreciate the intent, but I'm the one that appointed Bodie (Stegelmann) for his expertise and so I'm torn on this one, I guess is what I want to say. And I'll leave it up to the Council to decide what you're going to do on this one."

**Council President Weddell** said he believed Councilor King's intent was genuine and he agreed with her intent, "but I will vote based strictly on the concerns expressed by our City Attorney and not on your intent whatsoever."

There was no further Council discussion.

#### **VOTE ON AMENDMENT #12:**

On a roll call vote, Councilors REJECTED Amendment #12, to amend Section 1 (G), "Legislative Approval," by adding a new paragraph #4 that would state, ***"To adopt the redistricting plan, at least one member of each political party serving on City Council must cast an affirmative vote for the plan."*** Amendment #12 was rejected by a 5-2 vote, with Councilors Eichorn, Nisley, Riegsecker, Schrock and Weddell voting "no" and Councilors King and Pérez voting "yes" at 8:06 p.m. Youth Adviser Mora also voted "yes."

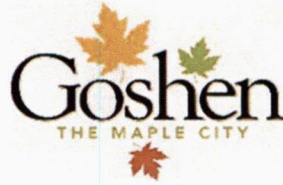
**Mayor Stutsman, Councilors and City Attorney continued work on amendments by discussing Section 1 (G), "Legislative Approval," paragraphs 1, 2 and 3, which listed key dates.**

**As drafted, the draft ordinance left the effective dates and deadlines blank so the Council could jointly decide what the dates should be. The ordinance was drafted as follows:**

#### **(g) Legislative Approval.**

- (1) The Commission shall provide the recommended council districts, along with the accompanying map and report, to the Common Council no later than \_\_\_\_\_, 2022.
- (2) The Common Council shall act on the Commission's recommended districts before \_\_\_\_\_, and adopt an Ordinance by November 8, 2022.





(3) After considering the Commission's final recommendations, or if the Commission fails to provide recommended council districts by \_\_\_\_\_, the Common Council shall perform its duties under I.C. § 36-4-6-4. If the Common Council rejects the Commission's final recommendations, it shall provide a written statement of the reasons for the rejection.

After continued discussion, Councilors the Mayor reached a consensus on the dates to add to draft Ordinance 5116.

**AMENDMENT #13:**

Council President Weddell moved that the Council establish the key dates and deadlines in Section 1 (G), "Legislative Approval," paragraphs 1, 2 and 3 as follows:

*(1) The Commission shall provide the recommended council districts, along with the accompanying map and report, to the Common Council no later than **July 18, 2022.***

*(2) The Common Council shall act on the Commission's recommended districts **by Sept. 19, and adopt an Ordinance by November 8, 2022.***

*(3) After considering the Commission's final recommendations, or if the Commission fails to provide recommended council districts by **Oct. 24, the Common Council shall perform its duties under I.C. § 36-4-6-4. If the Common Council rejects the Commission's final recommendations, it shall provide a written statement of the reasons for the rejection.***

Councilor Nisley seconded the motion.

There was no further Council discussion.

**VOTE ON AMENDMENT #13:**

On a voice vote, Councilors approved Amendment #13, to amend S Section 1 (G), "Legislative Approval," paragraphs 1, 2 and 3 as follows:

*(1) The Commission shall provide the recommended council districts, along with the accompanying map and report, to the Common Council no later than **July 18, 2022.***

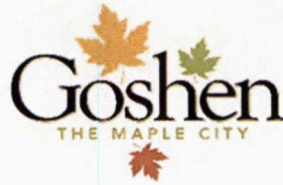
*(2) The Common Council shall act on the Commission's recommended districts **by Sept. 19, and adopt an Ordinance by November 8, 2022.***

*(3) After considering the Commission's final recommendations, or if the Commission fails to provide recommended council districts by **Oct. 24, the Common Council shall perform its duties under I.C. § 36-4-6-4. If the Common Council rejects the Commission's final recommendations, it shall provide a written statement of the reasons for the rejection.***

Amendment #13 was approved by a 7-0 vote, with all Councilors present voting "yes" at 8:14 p.m. Youth Adviser Mora also voted "yes."

With work on all amendments having been completed, Mayor Stutsman opened a public hearing at 8:14 p.m. on draft Ordinance 5116 as amended.





**Glenn Null of Goshen** said there had been some Council discussion about the possible appointment of redistricting commission members from outside the districts of Councilors. He said a good way to remedy that would be to expand the number of Commission members to 10. Null said limiting the size of the Commission to five will exclude people and making it too large would make the Commission unproductive, but doubling its size would not cause a problem. "You would get five more different opinions. I think that would be something to look at." Null said he also had a problem with some of the exclusions in the draft ordinance. While he said he agreed with excluding lobbyists, he said it was wrong to exclude those who are involved in elective service or political activity. Null again asked for the Commission to be expanded to 10 members and stated that partisanship will always be part of redistricting.

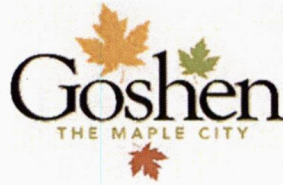
**Former Mayor Allan Kauffman of Goshen** thanked the City Council for continuing to hold joint meetings with the Goshen Community Schools Board, saying that the recent one was very good. He also commended the Council for taking on the contentious and difficult issue of redistricting and trying to set an example for other cities in the state. He recounted past City Council redistricting efforts, some of which were more controversial than others. Kauffman said that in 2010, the final Council redistricting plan split three or four precincts, which he said wasn't a major problem because most people don't know their voting precinct or even their council district. Kauffman said he appreciated Council President Weddell's commitment to eliminate split precincts. He said that in 2010, there was some politics involved in the process because the final council redistricting plan shifted some Council district boundaries and weakened the prospects for Democratic Party candidates. Kauffman called on Councilors to look beyond themselves and to look to the future. He said Councilors had done a masterful job of stripping Mayor Stutsman's bipartisan intent out of the draft ordinance and that it no longer will set an example for the rest of the state. He concluded by pointing to former Mayor Mike Puro's appointment of a study group to examine the City's growing diversity, which reduced political acrimony and led to the formation of the City Human Relations Commission. Kauffman said that perhaps that could be a model for what the City could do now. Kauffman also said he noticed that earlier in the evening **Glen Null** had a handgun that was visible and said Null should be reminded to keep it covered. **Councilor Nisley** said people are allowed to openly carry weapons in Indiana. Kauffman replied, "That's too bad."

**Pamela Weishaupt** of Goshen said she was really surprised that the "trust issue" was constantly raised during the Council discussion on the redistricting ordinance because she had seen the Council work so well together in the past on a variety of subjects, respectfully. But she said tonight the discussion was disheartening. Weishaupt said the provision that made her scared was 1 (D) (2), the selection of Commission members from each district, which the Council voted down. "You were elected to represent the people in your districts and maybe you don't know off the top of your head somebody who could be a good candidate to take that position. I challenge you to get to know the people in your district – to get to know the people that you're representing, to get to know the people you get in here and you get paid and are supposed to be representing. Yeah, we have small attendance at these things. It drives me crazy and I think sometimes it drives you crazy, but I think there could be a difference if there was more connection in Joe Citizen and my City Council person. So, I'm scared for what's going to happen with this thing; that you can just select whomever you want. How many districts are not going to be not represented at all? That is not good policy."

**Council President Weddell** said he appreciated Weishaupt coming to Council meetings.

**There were no further public comments, so Mayor Stutsman closed the public hearing at 8:24 p.m.**





**Council President Weddell** said **Glenn Null** brought up good point. He said he wasn't sure if 10 was the right number of Commission members. He said he was somewhat irritated that he and **Councilor King**, who are at-large representatives, will have no appointments to the Commission. "We will serve on it, but we're not voting members." He asked why he and Councilor King were not provided the opportunity to appoint Commission members.

**Mayor Stutsman** said it was his idea to limit Commission appointments to Councilors who represent districts. He said the ordinance was drafted to ensure at least one representative of each party would have a voice on the Commission. The Mayor said he wouldn't be opposed to adding two more Commissioners, but he pointed out that the at-large Councilors would already attend and participate in Commission meetings and would be able to bring back its recommendations and ultimately would have votes on the redistricting plan.

**Council President Weddell** said he wasn't going to propose another amendment, but if the at-large Councilors still had the opportunity to sit on the Commission and appoint a member each, he wouldn't have been so adverse to **Councilor Eichorn's** amendment to require each district Councilor to appoint a Commission members from their districts. **Councilor King** asked if the Council President would be open to revisiting **Councilor Eichorn's** amendment if the at-large members were allowed to appoint a Commission member.

**Mayor Stutsman** said that suggestion would give the at-large Councilors more representation on the Commission than district Councilors. "We were trying to balance it," he said. **Councilor King** responded, "It does, but we also do represent all districts just as you (do also). I'm not sure there's anything unfair about that."

**Council President Weddell** said, "My role on this is going to be as limited as possible. I'm going to sit back and listen. I'm going to surprise you. I don't want to be active."

**Mayor Stutsman** said staff members will put forward information and help the Commission through the process, but he said he saw his role and the role of the at-large Councilors as answering questions about what happened in the past, not that they couldn't participate in other ways.

**Councilor King** said it didn't appear **Council President Weddell** was going to make another motion.

**Mayor Stutsman** said it appeared the amendments voted on met the needs and aims of Councilors.

**Council President Weddell** thanked the Mayor and Council for listening. He also said people will be watching what Councilors and Commission members do on redistricting. "I know that there's a little bit of bitterness about some of this. I appreciate that, but let's put forward the right people for this Commission."

**Mayor Stutsman** asked if there were further comments from Councilors.

**Clerk-Treasurer Aguirre** asked to address the Council. He said that there had been so many amendments made tonight that he could not be sure he had recorded them all accurately, but hoped the City Attorney had done so. He asked if the Council might consider voting at another meeting with a clean copy of the draft ordinance.

**Council President Weddell** asked if the ordinance would require two votes. **Mayor Stutsman** said it did and noted that the Council had already delayed consideration once before. He said he had kept up with all the changes in the draft ordinance and that there also was a recording of the meeting. He said he believed the Council could make this work. **Council President Weddell** added if there was a need for amendments, the Council could make revisions. He said he appreciated the Clerk-Treasurer's concerns.

**Clerk Treasurer Aguirre** responded, "At the risk of speaking out of turn, we've started the public discussion hours into this (meeting). And I don't know how many people left and didn't have the opportunity to speak, but just my view – and I can be the lone voice here – I don't think we've given the public adequate opportunity to comment on this ordinance. That's my opinion."





**Mayor Stutsman** responded that at the last Council meeting, the matter was delayed so that all Council members could be present to consider the ordinance. At the time, he said he pointed out that Council members would need time to make their Commission appointments. The Mayor said there also would be a need to coordinate the calendars of nine people to schedule meetings. So, he said he was very concerned about getting the meetings going.

**Councilor King** said that if there are errors in the ordinance, there could always be amendments.

**Mayor Stutsman** also said draft Ordinance 5116 has been on the Council agenda for three weeks and public members were present for the discussion. "I'd say those who wanted to be involved were here."

**Councilor Pérez** said the Clerk-Treasurer's point about inadequate time for public comment was well taken. **Mayor Stutsman** responded, "I'm not disagreeing with that, but we like to make a lot of amendments and then move forward on a lot of items over the years. Most of our items still pass even after amendments. I very respectfully disagree."

**Council President Weddell** said there should be some discussion on when the appointments to the Commission will be made. **Mayor Stutsman** agreed.

**Mayor Stutsman** said, "I guess my last comments are I really appreciate the Council being willing to look at this and I think it was a great idea that we did postpone to make sure all Council members were here for the discussion. I think that was essential. I think we made a lot of good changes tonight, but I am going to reiterate that I think this was greatly weakened by removing items (3) (C) and (3) (D). Those took a lot of that attempt to get rid of partisanship out of this, so I am disappointed in that change."

"But like anything we do here in this room, once decisions are made, I'm going to get on board and we're going to figure out the best path forward and I'll work with this, but I do wish the Council would have left those two (provisions) in there," **Mayor Stutsman** said. "And with that said, **Bradd (Weddell)**, I'm really looking forward with working with you on this one ... Looking at the 30,000-foot view, I think what we tried to do was really good."

**Council President Weddell** thanked Mayor Stutsman. **Councilor Nisley** said, "He's not there yet (referring to Bradd Weddell). Somebody's got to put him on there. His brother can't," referring to **Council President Weddell**.

**Mayor Stutsman** said, "Anyway, I appreciate your guys' efforts on this. I wish you would have left those two (provisions), but we'll make this work."

**Councilor Schrock** said he wanted to apologize for a comment he made about the voting turnout in his district. "That whole section that we were talking about, it just seems like you mentioned that we had 30,000-some population, but it's hard to get hard to get people involved in anything and then we put all these restrictions on all this stuff, and it's hard to get anybody to be involved in anything, from my eyes; trying to get people to come to a council meeting or whatever. I consider myself still learning the ropes, but it just seems like we're driving more people away instead of getting more volunteers to do anything like that. That's just my opinion, but I apologize for that comment I made."

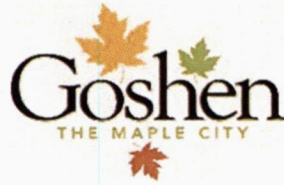
**Mayor Stutsman** said he agreed that the City needs to find ways to get the public more involved, adding, "Some of that lands on us and some of that lands on the public."

**There was no further Council discussion, so Mayor Stutsman called for the vote on Ordinance 5116.**

**On a voice vote, councilors approved Ordinance 5116, as amended, on First Reading by a 7-0 vote, with all members present voting "yes." Youth Advisor Adrian Mora also voted "yes."**

**Councilors gave Mayor Stutsman unanimous consent to proceed to the Second Reading of Ordinance 5116.**





**Mayor Stutsman** called for the introduction of Ordinance 5116, as amended, on Second Reading. **Council President Weddell** asked the Clerk-Treasurer to read Ordinance 5116 by title only, which was done. **Weddell/Nisley** moved for passage of Ordinance 5116, as amended, on Second Reading.

There were no further questions or comments from the public or the Council, and Councilors affirmed to Mayor Stutsman that they were ready to vote.

**On a voice vote, councilors approved Ordinance 5116, as amended, on Second and Final Reading by a 7-0 vote at 8:35 p.m., with all members present voting "yes." Youth Advisor Adrian Mora also voted "yes."**

#### **Elected Official Reports:**

**Mayor Stutsman** gave an update on the distribution of funds from the **American Rescue Plan Act (ARPA)**. He said City staff members have been getting more questions about ARPA funds. He said the application period for non-profit organizations seeking an overall total of \$300,000 will close on March 15. He said a committee will meet and review the applications. Mayor Stutsman said he will chair the committee, but won't have a vote. He said if not enough applications are received, the City will reopen the application period later. The Mayor said he would give updates to the Council about the grants awarded. Mayor Stutsman also said that he recently learned about a change in federal rules that will simplify reporting of expenditures for the Clerk-Treasurer. He said that **might require an amendment to the City ordinance** that created the City's spending plan, although not a change in its spending priorities.

**Councilor King** said the **Park and Recreation Board** elected new officers, which she named. She said she and **Councilor Schrock** are attending many meetings together. King also mentioned that there will be a **public meeting on the City's draft Flood Resilience Plan at 6 p.m. on March 17 at the Goshen Theater.**

**Councilor Nisley** said he had heard about a **death in the Clerk-Treasurer's Office** and asked Clerk-Treasurer Aguirre about it.

**Clerk-Treasurer Aguirre** confirmed that he was sad to report that **Cheryl Stoner, who had worked as an office assistant in the Clerk-Treasurer's Office for nine years, passed away on March 5.**

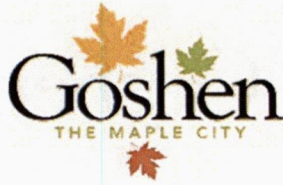
**Council President Weddell** said the **Redevelopment Commission** was encouraging people to attend its next meeting at 3 p.m. on March 8. He said the commission would be considering a purchase agreement for a property on Washington Street, by the Farmer's Market. Approval of this might allow the City to use the adjacent alley to access the Hawks Building and a newer development. There will also be a purchase agreement for a property on Pike Street that used to be the site of a laundromat. He also said that at its last special meeting, the Redevelopment Commission heard a proposal by Ariel Cycleworks for a potential development for the former Western Rubber property.

**Mayor Stutsman** said **if the city can make two pending apartment developments work, the City will have approved in one year the equivalent of all of the apartments approved in Goshen in the past 20 years.**

**Councilor Eichorn** said the **Community Relations Commission** is coordinating an **essay contest for 7<sup>th</sup> to 12<sup>th</sup>-graders in Goshen.** She said the contest will run through March 21. She said she will report back when it is completed.

**Councilor Pérez** said he and **Councilor Schrock** met with leaders of the **Goshen Police Department** and the Mayor about updates in police **policies** prepared by Lexipol and which will be before the Board of Works soon.





**Councilor Pérez** said that on Saturday, he hosted a **Community Choices Forum-Public Transit in Goshen**. He said about 18 people attended to provide feedback on public transit in the city. He thanked the Mayor and City staff for working with the Michiana Area Council of Governments (MACOG) before the meeting. Pérez also spoke briefly about **Youth Adviser Mora**. He said that in October, during the city's first Hispanic Heritage Festival, Mora was given a certificate for his service. But a plaque was delayed, so he presented it to Mora. Pérez also said he has been meeting monthly with Mora, who he thanked him for his contributions.

**Mayor Stutsman** said he and **Councilor Eichorn** have been meeting with the **Kid Mayor and his council**. The Mayor said the fourth-graders have been discussing their projects, which will be announced on April 23. The Mayor thanked Eichorn for her assistance.

There were no further comments or questions by the Mayor or Councilors.

**Councilor Nisley** made a motion to adjourn the meeting, which was seconded by **Councilor Eichorn**. On a voice vote, Councilors voted to adjourn the meeting by a 7-0 vote, with all members present voting "yes."

**Mayor Stutsman** adjourned the meeting at 8:44 p.m.

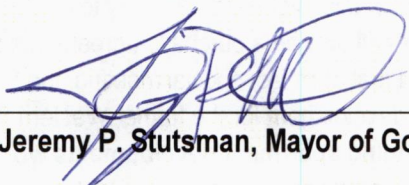
**EXHIBIT #1** (One page): *Resolution 2022-04, Development Agreement with Greenwood Rental Properties, LLC, which was considered as part of agenda item #2*

**EXHIBIT #2** (2 pages, double sided): *Ordinance 5116, To Establish a Redistricting Advisory Commission, with revisions proposed by Councilor Julia King*

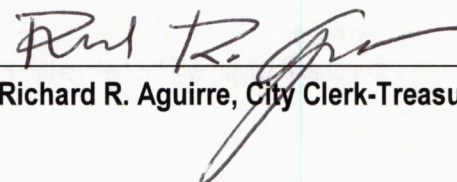
**EXHIBIT #3** (2 pages, double sided): *Redline version of Ordinance 5116, To Establish a Redistricting Advisory Commission, with revisions approved by the Council on March 7, 2022.*

**EXHIBIT #4** (2 pages, double sided): *FINAL version of Ordinance 5116, To Establish a Redistricting Advisory Commission, with revisions approved by the Council on March 7, 2022.*

APPROVED:

  
\_\_\_\_\_  
Jeremy P. Stutsman, Mayor of Goshen

ATTEST:

  
\_\_\_\_\_  
Richard R. Aguirre, City Clerk-Treasurer





**Mayor Stutsman** called for the introduction of Ordinance 5116, as amended, on Second Reading. **Council President Weddell** asked the Clerk-Treasurer to read Ordinance 5116 by title only, which was done. **Weddell/Nisley** moved for passage of Ordinance 5116, as amended, on Second Reading.

There were no further questions or comments from the public or the Council, and Councilors affirmed to Mayor Stutsman that they were ready to vote.

**On a voice vote, councilors approved Ordinance 5116, as amended, on Second and Final Reading by a 7-0 vote at 8:35 p.m., with all members present voting "yes." Youth Advisor Adrian Mora also voted "yes."**

#### Elected Official Reports:

**Mayor Stutsman** gave an update on the distribution of funds from the **American Rescue Plan Act (ARPA)**. He said City staff members have been getting more questions about ARPA funds. He said the application period for non-profit organizations seeking an overall total of \$300,000 will close on March 15. He said a committee will meet and review the applications. Mayor Stutsman said he will chair the committee, but won't have a vote. He said if not enough applications are received, the City will reopen the application period later. The Mayor said he would give updates to the Council about the grants awarded. Mayor Stutsman also said that he recently learned about a change in federal rules that will simplify reporting of expenditures for the Clerk-Treasurer. He said that **might require an amendment to the City ordinance** that created the City's spending plan, although not a change in its spending priorities.

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**Councilor Nisley** said he had heard about a **death in the Clerk-Treasurer's Office** and asked Clerk-Treasurer Aguirre about it.

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**Councilor Pérez** said he and **Councilor Schrock** met with leaders of the **Goshen Police Department** and the Mayor about updates in police **policies** prepared by Lexipol and which will be before the Board of Works soon.



**GOSHEN COMMON COUNCIL  
RESOLUTION 2022-04**

**Development Agreement with Greenwood Rental Properties, LLC**

WHEREAS the City of Goshen and Greenwood Rental Properties, LLC have negotiated an agreement for the financing and development of approximately 3.9 acres of real estate located northeast of the intersection of Plymouth Avenue and Indiana Avenue.

NOW, THEREFORE, BE IT RESOLVED by the Goshen Common Council that:

- (1) The terms and conditions of the Development Agreement with Greenwood Rental Properties, LLC attached to and made a part of this resolution are approved.
- (2) Mayor Jeremy P. Stutsman is authorized the execute the Development Agreement on behalf of the Goshen Common Council and City of Goshen.

PASSED by the Goshen Common Council on \_\_\_\_\_, 2022.

\_\_\_\_\_  
Presiding Officer

ATTEST:

\_\_\_\_\_  
Richard R. Aguirre, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on \_\_\_\_\_, 2022, at the hour of \_\_\_\_:\_\_\_\_.m.

\_\_\_\_\_  
Richard R. Aguirre, Clerk-Treasurer

APPROVED and ADOPTED on \_\_\_\_\_, 2022.

\_\_\_\_\_  
Jeremy P. Stutsman, Mayor



ORDINANCE 5116

TO ESTABLISH A REDISTRICTING ADVISORY COMMISSION

WHEREAS, Indiana Code § 36-4-6-4 requires that the City of Goshen, Indiana ("City") be divided into five (5) council districts during the second year after a year in which a federal decennial census is conducted; and

WHEREAS, I.C. § 36-4-6-4 also requires that these districts be contiguous, reasonably compact, and, as nearly as possible, of equal population, and, with some specific exceptions, not cross precinct boundaries; and

WHEREAS, an independent redistricting commission would lend public legitimacy to the redistricting process and minimize conflicts of interest that might be present in the redistricting process; and

WHEREAS, the voters and residents of Goshen are best served by a common goal of fairness, with no political party being granted an unfair electoral advantage; this ordinance is intended to support that goal of fairness; and

WHEREAS, the Goshen Common Council wishes to conduct the process of redistricting in an open manner with meaningful opportunities for public feedback and engagement.

NOW THEREFORE, BE IT ORDAINED by the Goshen Common Council that:

**SECTION 1. Redistricting Advisory Commission**

- (a) Establishment and Purpose. There is hereby established a five-member Redistricting Advisory Commission "Commission" whose purpose shall be to make recommendations to the Goshen Common Council regarding its decennial redistricting ordinance, which will divide the City into the five council districts from which councilmembers shall be elected.
- (b) Term. The Commission shall form as of the adoption of this Ordinance, and appointment of all members. All Commission members shall serve until district boundaries are adopted by the Common Council. The Commission shall be reformed in the event that the City is required, due to annexation or other legal procedures, to redraw council district lines after the adoption of district boundaries by the Common Council. The same membership selection process shall be followed in the event the Commission is reformed.
- (c) Membership Qualifications. The Commission shall consist of nine members (five (5) voting members and four (4) non-voting members), subject to the following qualifications and limitations.



- (1) Registered Voters - Each member must be a registered voter residing within the municipal boundaries of the City.
  - (2) Voting Record – To be eligible for appointment to the Commission, each Commission member shall have voted as a resident of the City in at least one of the last two general elections immediately preceding the formation of the Commission.
  - (3) Limitations - The following individuals are excluded from serving as a voting member on the Commission:
    - (A) Anyone who currently, or during the ten years prior to the Commission's formation, holds a public office or was a candidate for public office in the City or Elkhart County;
    - (B) An appointed public official;
    - (C) Anyone who is currently an officer of any federal, state, county, or city-level political party, or who has been an officer or active member during the 10 years prior to the Commission's formation;
    - (D) A precinct committeeman;
    - (E) A member of a candidate's committee;
    - (F) Anyone who has contributed a cumulative total of \$2,000 or more to any political candidate(s) within the five years prior to the Commission's formation;
    - (G) Anyone registered as a lobbyist under I.C. 2-7; and
    - (H) Immediate family members of any excluded person.
- (d) Membership Selection Process. Commissioners shall be selected as follows:
- (1) Current City Common Council at-Large Members shall serve as non-voting members of the Commission; however, if at-Large Members are of the same political party, then the Common Council shall pick one at-Large Member and one Common Council member representing a district, of the opposite party, to serve as the non-voting Council Members on the Commission;
  - (2) The five (5) current Goshen Common Council members elected from a district shall each appoint a voting member of the Commission;
  - (3) The City of Goshen Mayor and City Attorney shall serve as non-voting members of the Commission, and the Clerk-Treasurer shall serve as the clerk of the Commission;



- (4) The Commission may seek consultation from City's Legal Compliance Administrator and other individuals who may provide helpful insight to the Commissions;
- (5) The voting members of the Commission shall select as its chair one of the voting members.

Persons appointed to the Commission must attest that they are eligible to serve per the conditions of this Ordinance, and be approved by the Mayor.

(e) Redistricting Criteria.

The Commission shall recommend council district boundaries that comply with the United States Constitution, the Indiana Constitution, and applicable federal and state laws, including the federal Voting Rights Act and I.C. § 36-4-6-4.

(f) Commission Processes and Transparency.

~~(1)~~ (1) The Commission shall hold public meetings at least every month, but may choose to meet more often.

~~(1)(2)~~ (2) The City shall make available to the Commission funds in a reasonable amount for the Commission to pay for necessary expertise to support the complex task of redistricting.

~~(2)(3)~~ (3) The Commission shall provide to the Common Council recommended council districts, an accompanying map depicting the recommended districts, and a report that explains the basis of the recommended districts.

~~(3)(4)~~ (4) Approval of the Commission's final recommendation requires an affirmative vote from at least four of the voting commissioners. All other actions of the Commission require a simple majority vote to pass.

~~(4)(5)~~ (5) The Commission shall be subject to the Indiana Open Door Law and the Access to Public Records Act.

(g) Legislative Approval.

(1) The Commission shall provide the recommended council districts, along with the accompanying map and report, to the Common Council no later than \_\_\_\_\_, 2022.

(2) The Common Council shall act on the Commission's recommended districts before \_\_\_\_\_, and adopt an Ordinance by November 8, 2022.

~~(3)~~ (3) After considering the Commission's final recommendations, or if the Commission fails to provide recommended council districts by \_\_\_\_\_, the Common



Council shall perform its duties under I.C. § 36-4-6-4. If the Common Council rejects the Commission's final recommendations, it shall provide a written statement of the reasons for the rejection.

~~(3)(4)~~ -To adopt the redistricting plan, at least one member of each political party serving on City Council must cast an affirmative vote for the plan.

**SECTION 2. Severability Clause**

If any provision of this ordinance shall be held invalid, such provision shall be deemed severable and the invalidity thereof shall not affect the remaining provisions of this ordinance.

**SECTION 3. Effective Date**

This ordinance shall be in full force and effect from and after its passage, approval and adoption according to the laws of the State of Indiana.

PASSED by the Goshen Common Council on February \_\_\_\_\_, 2022.

\_\_\_\_\_  
Presiding Officer

ATTEST:

\_\_\_\_\_  
Richard R. Aguirre, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on February \_\_\_\_\_, 2022, at the hour of \_\_\_\_\_:\_\_\_\_\_ .m.

\_\_\_\_\_  
Richard R. Aguirre, Clerk-Treasurer

APPROVED and ADOPTED on February \_\_\_\_\_, 2022.

\_\_\_\_\_  
Jeremy P. Stutsman, Mayor



ORDINANCE 5116

TO ESTABLISH A REDISTRICTING ADVISORY COMMISSION

WHEREAS, Indiana Code § 36-4-6-4 requires that the City of Goshen, Indiana ("City") be divided into five (5) council districts during the second year after a year in which a federal decennial census is conducted; and

WHEREAS, I.C. § 36-4-6-4 also requires that these districts be contiguous, reasonably compact, and, as nearly as possible, of equal population, and, with some specific exceptions, make every effort to not cross precinct boundaries; and

WHEREAS, an independent redistricting commission would lend public legitimacy to the redistricting process and minimize conflicts of interest that might be present in the redistricting process; and

WHEREAS, the voters and residents of Goshen are best served by a common goal of fairness, with no political party being granted an unfair electoral advantage; this ordinance is intended to support that goal of fairness; and

WHEREAS, the Goshen Common Council wishes to conduct the process of redistricting in an open manner with meaningful opportunities for public feedback and engagement.

NOW THEREFORE, BE IT ORDAINED by the Goshen Common Council that:

**SECTION 1. Redistricting Advisory Commission**

- (a) Establishment and Purpose. There is hereby established a five-member Redistricting Advisory Commission "Commission" whose purpose shall be to make recommendations to the Goshen Common Council regarding its decennial redistricting ordinance, which will divide the City into the five council districts from which councilmembers shall be elected.
- (b) Term. The Commission shall form as of the adoption of this Ordinance, and appointment of all members. All Commission members shall serve until district boundaries are adopted by the Common Council. The Commission shall be reformed in the event that the City is required, due to annexation or other legal procedures, to redraw council district lines after the adoption of district boundaries by the Common Council. The same membership selection process shall be followed in the event the Commission is reformed.
- (c) Membership Qualifications. The Commission shall consist of nine members (five (5) voting members and four (4) non-voting members), subject to the following qualifications and limitations.



- (1) Registered Voters - Each member must be a registered voter residing within the municipal boundaries of the City.
- (2) Voting Record – To be eligible for appointment to the Commission, each Commission member shall have voted as a resident of the City in at least one of the last two general elections immediately preceding the formation of the Commission.
- (3) Limitations - The following individuals are excluded from serving as a voting member on the Commission:
  - (A) Anyone who currently, or during the ~~ten~~four years prior to the Commission's formation, holds a partisan public office or was a candidate for a partisan public office in the City or Elkhart County;
  - (B) ~~An appointed public official;~~[Intentionally left blank];
  - (C) Anyone who is currently an officer of any federal, state, county, or city-level political party, ~~or who has been an officer or active member during the 10 years prior to the Commission's formation;~~
  - (D) [Intentionally left blank];
  - ~~(D) — A precinct committeeman;~~
  - (E) A committee member of a candidate's committee~~partisan city or county candidate in the last election cycle;~~
  - (F) Anyone who has contributed a cumulative total of \$2,000 or more to any political candidate(s) within the five years prior to the Commission's formation;
  - (G) Anyone registered as a lobbyist under I.C. 2-7; and
  - ~~(H) — Immediate family members of any excluded person.~~
  - (H) [Intentionally left blank].

(d) Membership Selection Process. Commissioners shall be selected as follows:

- (1) Current City Common Council at-Large Members shall serve as non-voting members of the Commission; however, if at-Large Members are of the same political party, then the Common Council shall pick one at-Large Member and one Common Council member representing a district, of the opposite party, to serve as the non-voting Council Members on the Commission;



- (2) The five (5) current Goshen Common Council members elected from a district shall each appoint a voting member of the Commission;
- (3) The City of Goshen Mayor and City Attorney shall serve as non-voting members of the Commission, and the Clerk-Treasurer shall serve as the clerk of the Commission;
- (4) The Commission may seek consultation from City's Legal Compliance Administrator and other individuals who may provide helpful insight to the Commissions;
- (5) The voting members of the Commission shall select as its chair one of the voting members.

Persons appointed to the Commission must attest that they are eligible to serve per the conditions of this Ordinance, and ~~be approved~~ have their eligibility verified by the ~~Mayor~~ City Attorney.

(e) Redistricting Criteria.

The Commission shall recommend council district boundaries that comply with the United States Constitution, the Indiana Constitution, and applicable federal and state laws, including the federal Voting Rights Act and I.C. § 36-4-6-4.

(f) Commission Processes and Transparency.

- (1) The Commission shall hold public meetings at least every month, but may choose to meet more often.
- (2) The Commission shall provide to the Common Council recommended council districts, an accompanying map depicting the recommended districts, and a report that explains the basis of the recommended districts.
- (3) Approval of the Commission's final recommendation requires an affirmative vote from at least four of the voting commissioners. All other actions of the Commission require a simple majority vote to pass.
- (4) The Commission shall be subject to the Indiana Open Door Law and the Access to Public Records Act.

(g) Legislative Approval.

- (1) The Commission shall provide the recommended council districts, along with the accompanying map and report, to the Common Council no later than \_\_\_\_\_  
July 18, 2022.



(2) The Common Council shall act on the Commission's recommended districts before \_\_\_\_\_ by September 19, 2022, and adopt an Ordinance by November 8, 2022.

(3) After considering the Commission's final recommendations, or if the Commission fails to provide recommended council districts by \_\_\_\_\_ October 24, 2022, the Common Council shall perform its duties under I.C. § 36-4-6-4. If the Common Council rejects the Commission's final recommendations, it shall provide a written statement of the reasons for the rejection.

(3)

**SECTION 2. Severability Clause**

If any provision of this ordinance shall be held invalid, such provision shall be deemed severable and the invalidity thereof shall not affect the remaining provisions of this ordinance.

**SECTION 3. Effective Date**

This ordinance shall be in full force and effect from and after its passage, approval and adoption according to the laws of the State of Indiana.

PASSED by the Goshen Common Council on ~~February~~ March 7, 2022.

\_\_\_\_\_  
Presiding Officer

ATTEST:

\_\_\_\_\_  
Richard R. Aguirre, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on ~~February~~ March \_\_\_\_\_, 2022, at the hour of \_\_\_\_\_:\_\_\_\_\_ .m.

\_\_\_\_\_  
Richard R. Aguirre, Clerk-Treasurer

APPROVED and ADOPTED on ~~February~~ March \_\_\_\_\_, 2022.



**ORDINANCE 5116**

**TO ESTABLISH A REDISTRICTING ADVISORY COMMISSION**

WHEREAS, Indiana Code § 36-4-6-4 requires that the City of Goshen, Indiana ("City") be divided into five (5) council districts during the second year after a year in which a federal decennial census is conducted; and

WHEREAS, I.C. § 36-4-6-4 also requires that these districts be contiguous, reasonably compact, and, as nearly as possible, of equal population, and, make every effort to not cross precinct boundaries; and

WHEREAS, an independent redistricting commission would lend public legitimacy to the redistricting process and minimize conflicts of interest that might be present in the redistricting process; and

WHEREAS, the voters and residents of Goshen are best served by a common goal of fairness, with no political party being granted an unfair electoral advantage; this ordinance is intended to support that goal of fairness; and

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    - (A) Anyone who currently, or during the four years prior to the Commission's formation, holds a partisan public office or was a candidate for a partisan public office in the City or Elkhart County;
    - (B) [Intentionally left blank];
    - (C) Anyone who is currently an officer of any federal, state, county, or city-level political party;
    - (D) [Intentionally left blank];
    - (E) A committee member of a partisan city or county candidate in the last election cycle;
    - (F) Anyone who has contributed a cumulative total of \$2,000 or more to any political candidate(s) within the five years prior to the Commission's formation;
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- (d) Membership Selection Process. Commissioners shall be selected as follows:
- (1) Current City Common Council at-Large Members shall serve as non-voting members of the Commission; however, if at-Large Members are of the same political party, then the Common Council shall pick one at-Large Member and one Common Council member representing a district, of the opposite party, to serve as the non-voting Council Members on the Commission;
  - (2) The five (5) current Goshen Common Council members elected from a district shall each appoint a voting member of the Commission;
  - (3) The City of Goshen Mayor and City Attorney shall serve as non-voting members of the Commission, and the Clerk-Treasurer shall serve as the clerk of the Commission;



- (4) The Commission may seek consultation from City's Legal Compliance Administrator and other individuals who may provide helpful insight to the Commissions;
- (5) The voting members of the Commission shall select as its chair one of the voting members.

Persons appointed to the Commission must attest that they are eligible to serve per the conditions of this Ordinance, and have their eligibility verified by the City Attorney.

(e) Redistricting Criteria.

The Commission shall recommend council district boundaries that comply with the United States Constitution, the Indiana Constitution, and applicable federal and state laws, including the federal Voting Rights Act and I.C. § 36-4-6-4.

(f) Commission Processes and Transparency.

- (1) The Commission shall hold public meetings at least every month, but may choose to meet more often.
- (2) The Commission shall provide to the Common Council recommended council districts, an accompanying map depicting the recommended districts, and a report that explains the basis of the recommended districts.
- (3) Approval of the Commission's final recommendation requires an affirmative vote from at least four of the voting commissioners. All other actions of the Commission require a simple majority vote to pass.
- (4) The Commission shall be subject to the Indiana Open Door Law and the Access to Public Records Act.

(g) Legislative Approval.

- (1) The Commission shall provide the recommended council districts, along with the accompanying map and report, to the Common Council no later than July 18, 2022.
- (2) The Common Council shall act on the Commission's recommended districts by September 19, 2022, and adopt an Ordinance by November 8, 2022.
- (3) After considering the Commission's final recommendations, or if the Commission fails to provide recommended council districts by October 24, 2022, the Common Council shall perform its duties under I.C. § 36-4-6-4. If the Common Council rejects the Commission's final recommendations, it shall provide a written statement of the reasons for the rejection.



**SECTION 2. Severability Clause**

If any provision of this ordinance shall be held invalid, such provision shall be deemed severable and the invalidity thereof shall not affect the remaining provisions of this ordinance.

**SECTION 3. Effective Date**

This ordinance shall be in full force and effect from and after its passage, approval and adoption according to the laws of the State of Indiana.

PASSED by the Goshen Common Council on March 7, 2022.

\_\_\_\_\_  
Presiding Officer

ATTEST:

\_\_\_\_\_  
Richard R. Aguirre, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on March \_\_\_\_\_, 2022, at the hour of \_\_\_\_\_:\_\_\_\_\_ .m.

\_\_\_\_\_  
Richard R. Aguirre, Clerk-Treasurer

APPROVED and ADOPTED on March \_\_\_\_\_, 2022.

\_\_\_\_\_  
Jeremy P. Stutsman, Mayor