COUNCIL MEETING MINUTES  
March 14th, 2016

The Common Council of the City of Kokomo, Indiana met Monday March 14th, 2016 at 6:00 P.M. in the City Hall Council Chambers.

The meeting was called to order by President Hayes.

Invocation was offered by Pastor Rob Markus.

Pledge:

Present: Wyant, Cameron, Young, Haworth, Kennedy, Hayes, Whikehart, Sanders, Miklik

Absent: None

The minutes of the February 22nd, 2016 & Special Council Meeting Minutes March 7th, 2016 were declared approved as presented.

There were no communications given at this regular meeting.

There were no committee reports given at this regular meeting.

ORDINANCE 6820: HUMAN RIGHTS COMMISSION  
Second reading

Ordinance 6820 was read by the Clerk by title only. Councilman Whikehart moved for passage on ordinance #6820 on second reading; seconded by Councilwoman Young.

Councilman Whikehart states, before I dive into the details of the changes, I want to make a brief statement. It’s important to remember that Civil Rights laws have always been intended to protect the various minorities, the marginalized; those who have unequal access to power. In fact, the term civil rights is defined as “the rights of all citizens to political and social freedom and equality”.
Cont. Ordinance #6820.
This ordinance is about preventing discrimination. It’s about protecting a community of people who can be fired from their jobs, kicked out of their houses, and denied services simply because of who they are; and if anyone of these groups have experienced the name calling, harassment, and even threats that members of this council and our families have endured over the last week, then there is no further affirmation why it’s necessary to afford protection to as many citizens as we possibly can. These misguided fears, phantom issues and unfounded rhetoric are not representative of the inclusive and welcoming Kokomo that so many of you cited as reason why this ordinance isn’t actually needed.

It’s also important to note that many of these fears have been propagated by outsiders who willfully subject their families to communities with the exact same laws. They choose to live, work, play, and raise their children and grandchildren in communities that have protections that include sexual orientation and gender identity. If these communities and their laws are good enough for them, then why aren’t they good enough for Kokomo? I don’t plan to pander to the rhetoric about transgendered members of our community, but since much of the opposition has decided to latch on to far-fetched hypotheticals, I will say this. To stereotype this group of individuals as sexual deviants, perverts, aggressors, pedophiles, etc. is both wildly inaccurate and equally shameful.

These misguided attacks have become more and more relevant considering that in 2015, there were more trans people killed in the United States than in any other year on record. To the folks that say this necessary because there are no reports of discrimination, let us understand something; prior to this ordinance, there was no mechanism or agency to report discrimination based on sexual orientation or gender identity, so of course no one filed a complaint. Also, good public servants don’t wait for bad things to happen. They take proactive measures to try and ensure equality and protection for all.
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Cont. Ordinance #6820.
Looking at how this plays out on the statewide scene, we are one of around 25 cities in Indiana who are extending civil rights to the LGBT community. Due to the number of cities who have enacted similar policies, 40% of Hoosier’s are currently protected by human rights ordinances that include sexual orientation and gender identity. There are nearly 20 states, including Illinois that have protections that include sexual orientation and gender identity as a statewide measure. What we’re doing isn’t new or radical. In some instances, there are cities that we’ve all attended, where they have ordinances identical to what we’re proposing. Many have had them for a number of years.

Cities like Indianapolis, who have been doing this for nearly a decade with zero reported instances of some of the far-fetched criminal behavior cited as reasons why we shouldn’t pass this law. In fact, the same concerns and rhetoric we hear today were present when Indianapolis took on this issue a decade ago. Once passed into a law, there were no frivolous lawsuits, no attacks in restrooms from transgendered individuals or people posing as transgender, no major changes in day to day life. Instead, they ended up attracting young professionals, major conventions, a successful Super Bowl bid, and amateur sports team. Each of these 25 communities have been case studies for economic development. In a study done by Indiana Competes in March of 2015, 83% of new investment in the state went to cities with human rights ordinances that extended to the LGBT community.

If we want to expand our tax base, we must grow our population; which means we have to appeal to all citizens. Now, to the proposed changes in the ordinance: It adjusts the make-up of the committee, taking it from 11 members to seven. The appointments to the committee are also updated with 4 appointments from the mayor’s office and three from the council. This new makeup allows for more diversity from the legislative and executive branches of local government.
Cont. Ordinance #6820.
Adds new protected classes including: Age, Marital status, Veteran status, Sexual orientation, Gender identity. It’s important to note that, per the Supreme Court, religious institutions, private religious schools, and nonprofits (501c) are exempt from subscribing to the protection based on sexual orientation, gender identity. Due to the ruling by the Supreme Court, the Kokomo Common Council has zero ability to restrict these exemptions now, or in the future. This commission has a due diligence of judicial review in the event a claim is filed. They investigate, subpoena witnesses, listen to testimony, collect evidence and finally, determine if discrimination occurred. If so, they work to mediate the problem between both parties. If conciliation does not occur, the commission, as a last step, could levy a fine. If the accused doesn’t agree with the commission’s findings, they can appeal the decision, which would end up in court. There, a judge could either agree with the findings or dismiss the fine. It is not a fine that can be issued by the City of Kokomo. It is not a fine that can be issued by the Human Rights Commission.

The mission of the commission, their administrative purposes, their procedural abilities, ability to act in the best interest of this community, have been on the books since 1994. I remind you that this human rights commission has been in existence for nearly 20 years, as have their abilities to enforce the law. Looking at how this will impact business, OSHA addressed the use of bathrooms for employers that prescribe to their federal standards, stating that all employees, including transgender employees, should have access to restrooms that correspond to their gender identity. As for the use of public bathrooms: this doesn’t change anything about safety of children. Let’s remember, criminals don’t use the protection of laws to benefit their personal interest, it’s their overall disregard for society that drives their behavior. Finally, these proposed changes have never been about politics or religion. These proposed changes are about preventing discrimination and providing equality.
Cont. Ordinance #6820.
Councilwoman Sanders states, on February 22\textsuperscript{nd} at the State of the City address Mayor Goodnight said, “We must remember that quick fixes may have long term negative impacts. The truth is that sustainability is not just about protecting our progress; it is about maintaining it for future generations. Anytime we create pass or amend city ordinances it should be one of thoughtful and wise deliberation. The ordinance was published on the city’s website, but there was very little time to review the document, not allowing any questions and comments other than a few minutes on March 7\textsuperscript{th}. In three weeks this council is voting to pass an ordinance on “Human Rights” when in the past we spent more time reviewing the “dog ordinance” before passage. Aren’t humans more important than dogs? I have been on the Human Rights Commission for several years and there have been no discriminatory complaints from the LGBT community.

Ordinance 6820 is RIDDLED WITH FLAWS such as: Tax dollars will be required to implement and carry out duties to enforce this ordinance and there are no budgeted dollars stipulated in this ordinance. This commission has a chairman, vice chairman and secretary, but no treasurer. Who will receive the monies from the fines? Fiscal responsibility in 33.19 section P states this commission may accept contributions, grants, and gifts from sources other than the city. The receipt of gifts is definitively a conflict of interest and promotes illegal decision-making. Human Rights commission’s powers and duties in Section 33.19 section G. this commission only has to prepare and issue a report to the mayor and city council annually. When violations brought to the commission that remain private are solved by conciliation, this may or may not be made public. Therefore this may open doors for commission members to bully the person and or business owner to settle privately so that their case is not made public.
Cont. Ordinance #6820.
My main issue is the safety of the woman and children, and certainly the fines and punishment. On the Human Rights Commission we have so few violations. I am speaking from the people and what I see in this ordinance. I just respectfully offer those comments.

Councilman Wyant states, I sat on the Human Rights Commission for about five years. I never-seen one case come thru the Human Rights Commission. Kokomo is such a wonderful city to live in and I respect everybody here, and I respect everybody outside. I have nothing against anybody in here or anybody outside on the streets. I love everybody the same.

Councilwoman Young states, I have sat on the Human Rights Commission and we did not receive any of those type of complaints. I want to thank all of you for your time, and your dedication to the Kokomo Community. For some of us our vote tonight regarding Ordinance #6820 may seem like a difficult decision. It may appear no matter the out-come not everyone can win; but I disagree. Whenever we offer inclusion we all win.

Do to the large crowd there were several citizens who spoke for the Ordinance and against the Ordinance. The Council Meeting can be seen on Kgov2 for anyone to review the entire meeting. If you need any further information you can contact the City Clerk’s Office.

President Hayes states, before we take the final vote I would like to say thank you for coming out. I would like to thank all the council members on both side of this issue; I could not be more proud of you then I am today; because you are voting with your conscience. Whenever one goes into public life as an elected official regardless of what level you are under a microscope and analysis beyond what one would think; however that was our choice to do.
Cont. Ordinance #6820.
That is why I commend each and every one of you. I have heard and seen enough to point fingers at all directions including myself; but what I have found hard to take is the misinformation, fear tactics, red herrings thrown. There was fear that our women were going to be attacked, children attacked in the restrooms which is not happening now, and God willing I do not think it will happen after this ordinance. Outside lobbyist have used this as an opportunity to spread their cause by any means necessary. Stirring up the most vile fear imagined. Members of this Council have been bombarded with robo emails by the dozen of phone calls in hopes to sway our vote one way or another.

I have learned over the years as an Elected Official to develop a thick skin; but however something happen to me this time, and I have been involved in controversial issues as many of you well know; but when I get emails evoking my dead mother, and saying my mother is weeping in her grave because I am taking a stance, you do not know my mother. I hope we have not come to the point where we can-not agree to dis-agree in a civil manner without intimidation. This ordinance is an opportunity to show Kokomo as an inclusive not exclusive community. A community that is tolerant of all and shun no group of people at the expense of anyone.

Vote for passage follows:
Aye: Young, Haworth, Kennedy, Whikehart, Hayes
Nay: Wyant, Cameron, Sanders, Miklik
The vote was 5 to 4 for passage on second reading.
ORDINANCE 6821:  AN ORDINANCE TO CREATE THE POSITION OF DEPUTY MAYOR
Second reading

Ordinance 6821 was read by the Clerk by title only. Councilman Whikehart moved for passage on ordinance #6821 on second reading; seconded by Councilman Wyant.

Councilman Whikehart states, this is a change in title only; so it actually changes the Director of Operations to Deputy Mayor. This is not a creation of a new job. It does not affect the budget or the job responsibilities or roles within the city’s current structure; by doing this provides a better and clearer understanding to outside developers, businesses, and organizations of the City’s internal structure; lends more credence to that individual’s authority to bind the city to commitments; demonstrates a clear intent of who will be tasked with ensuring the city continues to operate as efficiently and effectively as possible should the Mayor be unavailable for a period of time.

This is a step in the right direction of modernization and is in line with steps taken by other cities of similar size, including Fishers, Bloomington, Lawrence, Anderson, Westfield, Logansport, and Noblesville.

Chad Damitz 3012 Winthrop Lane Kokomo, Ind. states, I know McKillip had this exact legislation happen; why is it coming up today?

President Hayes states, it is time to do it, and that is why we chose it.

Vote for passage follows:
Aye: All
Nay: Nay
The vote was 9 to 0 for passage on second reading
President Hayes states this marks the end of this Council Meeting and our next Council Meeting will be March 28th, 2016 with an Informational Meeting at 5:30 P.M. in the Louks Room, and Council Meeting at 6:00 P.M. in the Council Chambers.

Adjourned at 7:50 P.M.

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PRESIDING OFFICER

ATTEST:

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CITY CLERK