City of Bloomington
Office of the City Clerk

CLERK'S CERTIFICATE

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

I, Nicole Bolden, being the duly elected, qualified and current Clerk of the City of Bloomington, Monroe County, Indiana, hereby do certify that I am the custodian of the records of the Bloomington City Council and the City of Bloomington, and that the attached copy of the minutes for the April 19, 2006 meeting of the Bloomington City Council is a full, true and complete copy of drafts of the minutes of that meeting and which is kept in this office in the normal course of business.

I affirm under the penalties for perjury that the foregoing representations are true.

IN WITNESS WHEREOF, I hereunto set my signature as Clerk of the City of Bloomington on the date set forth below, 2016.

N Bolden

Nicole Bolden
City Clerk
City of Bloomington, Indiana

Date: 6/29/16

The attached copy of the minutes for the April 19, 2006 meeting of the Bloomington Common Council of the City of Bloomington, Indiana as presented by the City Clerk was approved on the 29 day of June, 2016.

Andy Ruff
President, Bloomington Common Council
City of Bloomington, Indiana

Please note that if the Council made any motions for corrections for this set of minutes, the changes will be noted on the back of this certificate, rather than in the minutes themselves.

In the Council Chambers of the Showers City Hall on Wednesday, April 19, 2006 at 7:30 pm with Council President Chris Sturbaum presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
April 19, 2006

Roll Call: Banach, Diekhoff, Ruff, Gaal, Rollo, Sturbaum, Volan, Sabbagh, Mayer

ROLL CALL

- Note that Council members Banach, Diekhoff and Sabbagh left the meeting during the break between agenda items at 9:20 p.m.

Council President Sturbaum gave the Agenda Summation

AGENDA SUMMATION

The minutes of March 1, 2006 were approved by a voice vote.

APPROVAL OF MINUTES

REPORTS:

- COUNCILMEMBERS

Michael Diekhoff reminded young folks to use common sense during the upcoming Little 500 weekend so that they wouldn't get arrested or hurt or increase the workload for local law enforcement.

Dave Rollo read a press release from the City Clerk's office with regards to vacancies on the Community and Family Resource Commission, the Environmental Commission, the Commission on the Status of Black Males, and the Dr. Martin Luther King, Jr. Birthday Commission.

Steve Volan noted a lecture given recently on The Cost of Parking. He highlighted key points presented by Dr. Donald Shoup, professor at the University of California, Los Angeles, including how much money is actually spent on 'free' parking. He noted the presentation was recorded by CATS.

Ruff noted that Earth Day 'week' would be celebrated by many educational, entertainment and volunteer activities in the community.

Tim Mayer welcomed BioConvergence, a new biotechnology firm, to the community and noted that he attended their opening. He also noted the passing of Barbara Baker, former city employee, and gave condolences to her family.

Chris Sturbaum noted that CATS is an amazing resource in its coverage of governmental meetings. He said that Annie Wright and Aaron Nadell were in the control room that evening. He noted that Aaron Nadell was taping his last meeting as a CATS employee and asked him to come to the front of the camera. Nadell approached the microphone and thanked the council for their support and asked that they help the library remember CATS employees with commensurate raises when budget time comes around.

Mayer noted that CATS was available for citizens to use as a resource for equipment and the opportunity to create their own programs, too.

- MAYOR and CITY OFFICES

Mick Renneisen, director of Parks and Recreation Department, introduced Julie Ramey, Community Relations Manager, who gave a preview of summer activities in Bloomington. She noted the role of the Bloomington Community Parks and Recreation Foundation in these activities. Dave Williams, Director of Operations, presented information on renovations at the Cascades Park Playground and noted the opening on May 16th.

Andy Ruff noted that the prospective success of Ride Your Bike To Work Day might necessitate the installation of more bike racks in front of City Hall.

There were no council committee reports.

- COUNCIL COMMITTEES

- PUBLIC INPUT

Gabe Rivera spoke about the drug war saying that ending the war on drugs would help with recidivism in our jail. He asked people to watch a video entitled "Loose Change" and ended by saying that Republicans should question the U.S. President's leadership.

David Grubb spoke on several topics including the presence of hazardous waste in our community.

There were no appointments to boards or commissions.

BOARD AND COMMISSION APPOINTMENTS

It was moved and seconded that Ordinance 06-07 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 7-0-1. It was moved and seconded that Ordinance 06-07 be adopted.

LEGISLATION FOR SECOND READING

Ordinance 06-07 To Amend Title 2 Entitled "Administration and Personnel"- Re: Amending Chapter 2.21 Entitled "Department of Law" to Include "Gender Identity" as a Protected Class

It was moved and seconded that Amendment #1 to Ordinance 06-07 be adopted. The parliamentarian noted that this was a housekeeping amendment and did not alter the ordinance originally presented.

Amendment #1 to Ordinance 06-07 This amendment corrects the title of the ordinance by clarifying that the proposal amends Title 2 of the Bloomington Municipal Code.

Amendment #1 received a roll call vote of Ayes: 9, Nays: 0

David Sabbagh, a co-sponsor of this ordinance, noted that in the committee discussion the previous week someone said that protecting gender identity was not a policy shared by the state of Indiana. He asked that citizens note the Governor's policy as he read a section from the state policy on Workplace Harassment Prevention which included the words 'gender identity.' He added that he would make most of his comments at the closing of the discussion.

Discussion on Ordinance 06-07 as amended.

Jeff Harlig, Chair of the Human Rights Commission, thanked Councilmembers Sturbaum and Sabbagh for bringing forth this change in the law. He stated that the commission passed this item in September of 2005 and especially thanked commissioner Emily Bowman for her direction.

Harlig said the ordinance would prohibit the withholding of equal access to employment, housing and public accommodations based on gender identity. He noted that these were basic human rights extended to all citizens. He also noted that the change does not prohibit or change the rights of individuals to express their points of view in print, at the pulpit, or in private conversations.

Bree Hartlage, city resident, property owner and landlord, noted the day's headlines about the beating of a man on Kirkwood the previous night and noted that this was a hate crime. Her statement for the record:

> This event exemplifies that what we are addressing here tonight is not a moral issue, but a human rights issue. Hate crimes are committed upon people who are perceived to be different from their perpetrators. Regardless of whether the perceived difference is about race, sexual orientation, nationality, religion or gender identity – a person being attacked merely because they are different can only be motivated by deep seeded hatred. As evidenced by last nights attack, having a law or regulation that protects a class of people does not keep the attack from happening. The difference comes in the response to the attack. The article pointed out that the Human Rights Commission and the Safe and Civil city director were

immediately informed and would be reviewing the situation. Under Bloomington's current Human Rights Ordinance, if last nights attack had been committed against someone who was transgendered, or if the attack had been committed against someone who was PERCEIVED to be different than the 'average' male or female, this attack would not be labeled as a hate crime. This attack would not get the same attention from the Human Rights Commission or the Safe and Civil city director. Gender identity and gender expression are not protected categories against discrimination and hate crimes. Just saying that makes me uncomfortable. We are discussing basic human rights. No one deserves to be beaten or harassed for no apparent reason what so ever. It's wrong.

I want to thank David Sabbagh and Chris Sturbaum for sponsoring this amendment to add gender identity to Bloomington Human Rights Ordinance (HRO). I also want to thank the council and its staff for their open mindedness and the phenomenal amount of effort put into independent research of this matter. I also want to once again thank Mr. John Clower. Had it not been for John's persistence, strength and leadership, I am certain we would not be here this evening for this purpose.

Last week I spoke of the educational mission of the International Foundation for Gender Education (IFGE) (www.IFGE.org) and how education is the key to overcoming the ignorance that breeds hatred and discrimination. There are other national level organizations whose missions are, or include, the achievement of equal rights for the Transgender community. To name a few -- Indiana Transgender Advocacy Alliance (INTRAA), Indiana Equality, National Center for Transgender Equality (NCTE), Gay & Lesbian Task Force, Transgender Law Center, and the Human Rights Campaign. Fundamental to the advancement of equal rights is the need to educate people sufficiently to change their perspectives and their opinions. Throughout this past week I have thought of the comments from those who publicly oppose this amendment. I have wondered if any amount of education could overcome their objections; specifically their perspective that this is a moral issue and not a human rights issue. Unfortunately, education can not change a closed mind.

My heart goes out to the person the pastor described as having a life long struggle with their gender. I have walked in that person's shoes. I am so grateful for all those who helped me through my struggles. Having embraced my true self, the way God intended for me to live, I no longer suffer from gender dysphoria. My mind, body and soul are now congruent. Having lived through this transformation myself, I feel qualified to share this opinion -- telling someone that faith in God will relieve them of the pain and agony of gender dysphoria is as ridiculous as telling someone that faith in God will cure you of diabetes or cancer. This is not a moral issue. The matter before this council is strictly a civil rights issue, an issue of equal human rights for all people. The description of "sexual sin" should remain at church and is inappropriate and irrelevant in these civil proceedings.

Once again, I stand before you tonight as a representative of the transgender community. The amendment before the council tonight is fully supported by the transgender community. It goes a long way towards providing equal rights to all citizens who live or work in Bloomington, IN. Again, my thanks to the council and their staff. I look forward to the approval and passage of this amendment.

Rebecca Jimenez, an ordained American Baptist minister, said she did not speak for all Christians but brought a Christian perspective. She said she had been active in interfaith efforts towards understanding and sensitivity across faith traditions. She quoted tenets of the Christian, Buddhist, Muslim, Jewish, Baha'i Faith, Zoroastrian, Hindu and North American Indian traditions that all embrace "The Golden Rule." She noted that this ordinance was really about the Golden Rule and asked that they pass the ordinance.

Deane Lahre congratulated the city on its courage and leadership in joining Indianapolis in protecting its citizens from discrimination based on gender identity and gender expression. She said she was present as an alumnus of Indiana University, a transgendered person and an employee of the Kelly School of Business. She noted that the actions of the council would not go unnoticed in Indiana as the struggle for human rights continued. She thanked those opposed to this amendment for stating their oppositions and reservations, saying that it was acceptable to agree to disagree. She urged passage of the amendment.

Carolyn Wiethoff, said she was speaking as a researcher, regional coordinator of Indiana Equality, and as just herself. She said her research has shown that open and inclusive policies are good for business. She said that only two groups of people present at the meeting were actually making a choice about the issue: those who turned their ignorance about it into hatred, and the city council, who could choose to enhance the security, fate and confidence of transgendered persons. She encouraged that choice.

Bill Breeden, minister, noted that it takes a lot of courage to discuss this issue and asked how protecting the rights of anyone would harm the rights of anyone. He encouraged passage of the amendment.

Matt Bruner, president of Hoosier Rights Campaign at IU, an advocacy group for the GLBT rights on campus, applauded the council members' advocacy for transgendered rights. He said Bloomington should continue to lead the state in these efforts.

Gabe Rivera said he was glad to live in Bloomington because of the open and accepting atmosphere and noted that he recently saw a bumper sticker that said "I'm for the separation of church and hate."

Yarrow Neubert, law student, said that the adoption of this ordinance made her proud to live a community that is in the forefront of important struggles including human rights and civil rights.

Dave Currell said that saying no to someone was not always a bad thing, noting parenthood issues. He objected to those who characterized his opposition of the amendment as ignorance, adding that one could be informed without supporting this issue. He said a lot of aberrant behavior was encouraged in the guise of 'helping' people with what he considered was bad behavior. He concluded by saying that God says no to this legislation, statistics say it's stupid, and that we will all have our ways judged by God.

Ilan Blustein, resident, said her parents retired to Bloomington so that their children could live without being discriminated against.

Caleb Hobart said the analogy of a parent saying no in love was in some way correct, but in this case the parent could be saying no to basic housing and other basic fundamental civil rights would not be love.

Lisa Williams, noting her disability, said that she was a member of a protected class. Noting the sincerity of those who spoke about parents saying no in love, she also noted that the council did not have a parental relationship with its citizens. She noted that contrary to arguments made at the committee meeting, this amendment did not deal with what a transgendered person could do or not do, but rather what other people would do to them. She said just like the discussion of thirteen years ago, this was about basic rights for all that should be protected under the law.

Matt McFarley said acts of hatred against any citizen had the potential to harm every other citizen because of fear and discomfort in public. He noted that the founding fathers created a country of laws not of men.

President Sturbaum asked if anyone would like to make another comment.

David Curell said that unless a person was a hermaphrodite they were protected by the original legislation, and therefore this amendment creates a law that protects behavior.

Matt Bruner said all of the citizens of Bloomington should be protected and that one can not pick and choose which citizens would be protected under law.

Bree Hartlage stated that 'hermaphrodite' was an archaic term and the preferred term is 'intersexed.' She noted the existence of the Intersex Society of North America. She said this body would support this legislation.

Sabbagh said he got an email from someone who described themselves as a Christian, Conservative, and Republican in that order, and said that the email chastised him for sponsoring this legislation. Sabbagh said he was a human first, and then a Republican. He said that sponsoring this legislation was in the Republican tradition. He added that people should be able to rise to the fullest of their ability and should not be hindered. He said he appreciated all comments last week adding that it gave him some insight. He noted his appreciation for the civility of the discussion. He noted that, similar to the smoking ordinance, as more communities pass legislation like this, the state will get the message that citizens want this legislation on a statewide basis.

Sabbagh read an email and noted that he had been given permission to read it at this meeting:

Wednesday, April 12, 2006
Dear Council members all,
Thank you for taking time on this important matter. I watched the proceeding from the safety of my home. I am clear that this issue impacts me fully. My reason for not appearing to speak in public is for my own safety and while clear I live fully in this community, it is not without risk.
I was impressed by respect given to all who spoke both for and against this issue. It is clear to me and perhaps to you how complex this issue is.
I was asked by Barbara McKinney to write to you.
I am a self employed member of this community. I am 55 years old and am a post operative transsexual female. I began transition from my birth sex in 1995. The decision to begin transition took me years of painful self examination. I in fact was living in silence most of my historic life. I am clear that my journey had several stages. The most significant part is that I am now living healthy and whole.
I have documented fully the steps I took from 1995 forward and the documentation is extensive. I faced every obstacle fully to ensure that I was in fact making the correct decision to take the medical steps to transition. It was not easy. I was honest and spent hours in difficult private contemplation. I know today that I made the correct decision for me.
I should say that the journey was both emotionally taxing and the cost financially was significant. I should also share that the cost was also significant to me socially. I was rejected by my historic friends and family except in rare cases. I lost my credentials as a licensed nursing home administrator. I am not able to purchase health insurance at an affordable premium. I receive uncomfortable glances often in public settings. Yet I am clear that I made the correct decision.
I have many wonderful people who support me fully today. I own my own home and pay taxes on income from my self employment as a maid. I attend the same church Trinity Episcopal here in Bloomington Indiana that I have been a member since first moving to Bloomington in 1989 with my family. The years have been good to me since my surgery in 1999. I am living with someone who accepts me fully.
I am clear this addition to the Human Rights Ordinance is good. Like some who spoke it is unclear to me why we need to legislate what would seem to be sensible issues. Discrimination is often subtle. It harms us all. Those who chose to reject others might feel justified. Rules that govern this matter will not stop discriminations. Rather the rules will only serve to provide us the template for being civil with those who we call community.
It helps me to feel included again. Thank you for taking time to hear my voice.

Sabbagh continued by saying that the decision for council members is easy as with any legislation, it can be changed in the future. He said this was not so for the people in the 'trans' community, and that they were the ones taking the brave steps. He said that the addition to the human rights ordinance was one that he was happy to propose and encouraged his fellow council members to vote yes.

Rollo clarified the protection of hermaphrodites under this amendment by reading the definition of gender identity as clarified in the ordinance. He said that people should not have to live in fear or implicit or explicit threat. In supporting this ordinance we take another step in affirming tolerance, equality and basic civil rights for all in our community and society. He said he appreciated all comments tonight, and appreciated the members of the transgendered community that spoke in person or by email communication. He said that this ordinance harms no one, and hoped that it would help to advance fundamental civil rights, and hoped that the debate had worked to advance tolerance in our community.

Gaal said that comments at the meetings on this ordinance were excellent and thanked Harlig and Hartlage for their explanations of the ordinance and its importance for all. He said he was sorry that there were not more opponents as even the difficulties of this discussion and exchange were good for the community. He applauded everyone for their respectful demeanor in the discussion. He added that religion was a protected class in discrimination laws, and also prevents the government from establishing a state religion. He noted Rev. Breeden's statement that protecting the rights of transgendered people in no way takes away from anyone else's rights. He said that this legislation was a statement of city policy saying that the city condemns discrimination on the basis of gender identity in employment, public accommodations and housing and said he was happy to support this amendment.

Ruff expressed his appreciation for Mr. Curell's strong and heartfelt statements in opposing the ordinance adding that not as many people came to speak at this meeting as in the committee meeting on the topic. Ruff said this ordinance did not protect behavior, but protected people from the behavior of others, from intolerance and incivility, exclusiveness and discrimination. He said that to not adopt this ordinance would protect the behavior of intolerance and discrimination. He said that the vast majority of citizens of Bloomington reject such behavior, and he was proud that the legislation would be passed.

Banach said that a recent friendly gathering, he heard much discussion of this issue and that the concerns were not that of religious nature, but of a more practical nature – restrooms, locker rooms, and dressing rooms. He said he did have legal concerns about this legislation because he didn't want to expose the city to legal challenges and wanted to know what happened in other cities that had passed the same legislation. He said he had talked with police and legal staff had allayed those fears. He said he agreed with the majority of those who said that this was a civil rights issue. He also said that the past Governor Kernan and present governor Daniels supported this policy and he would, too.

Volan said that the agreement in the council chamber was that everyone could come and participate and that was the first step to a civil discussion. He said that some of the speakers presumed that the ordinance would pass, congratulated the council on their votes before the actual vote was taken, and therefore suppressed much opposition and civil discussion of the issue. He said that this sent the message to citizens that their point of view would not be respected. He said it was just as important for those opposing views to be heard and that it was incumbent upon the council to have enough respect for them to hear them out and added that anyone could be of the minority opinion in a future discussion.
Volan noted that civility included addressing both petitioners and staff with appropriate titles, and addressing the council as "council members" not as 'gentlemen,' adding that although the council members were all men, the past and future would see women serving on this body. He said that his reason for passing on a Do Pass recommendation last week

had nothing to do with the issue, but on the above civility. He added that by not addressing someone in the manner that they would prefer to be addressed in the council chamber undermined its role in discussions. He said that the legislation did not give anything extra to one person. He added that the proposal offered affirmative protections for this class of people, and that the jurisdiction could not do anything about a complaint if the class was not first protected. Finally he noted his support of the legislation.

Mayer said that this ordinance expressed tolerance, that all people were not the same, that people have unique qualities and there was richness in these differences in Bloomington. He noted that this was clearly the right thing to do.

Sturbaum read from a letter from Dan Funk, the Executive Director of Interfaith Coalition on Non-Discrimination:

Although many religious groups still debate theological issues regarding sexual orientation and gender identity, virtually all agree that the basic civil rights of gay, lesbian, bisexual and transgendered (GLBT) people must be protected in the public sphere. Religious organizations that span the theological spectrum that formally called for protection of the basic civil rights of GLBT people including the National Conference of Catholic Bishops, the United Methodist Church, the Union of American Hebrew Congregations, the Evangelical Lutheran Church in America,

The Presbyterian Church USA, the Unity Church, the Christian Church, Disciples of Christ, the Mennonite Central Committee United States, the Unitarian Universalist Association, the Reform Church and the United Church of Christ. In other words there is an overwhelming consensus among people of faith that government should act to stop systematic discrimination against GLBT persons in the public sphere.

The Interfaith Coalition has identified 250 affirming clergy across Indiana who have signed a letter calling for basic civil rights legislation for GLBT people. Seventeen of these clergy are from Bloomington and represent ten different faith traditions.

Enclosed you'll find a copy of the letter and list of signatories calling for prompt enactment of legislation prohibiting discrimination on the basis of sexual orientation and gender identity. Even though the letter is addressed to the Indiana General Assembly, it is applicable at all levels of government.

We urge you to stand for equality for all citizens of Bloomington.

Sturbaum also read the afore mentioned letter signed by 250 clergy:

We are a diverse coalition of clergy and religious professionals from across the state of Indiana. Although we come from many different faith traditions we are united by our concern that discrimination against gay, lesbian, bisexual and transgendered people is not only legal in Indiana, but all too common.

The Declaration of Independence proclaims that all people are created equal and entitled to life, liberty and the pursuit of happiness. The equal protection clause of the United States Constitution affirms the same fundamental principle. In America everyone is to be treated the same in the public sphere. That people can still be fired or denied housing or public accommodations in Indiana solely because of sexual orientation or gender identity is simply un-American and is also contrary to our faith.

Each of our faith traditions teaches that we must respect the inherent dignity of every human being. Each of our traditions also places great emphasis on the importance of justice. At its most basic level justice requires that civil rights of all people, even those with whom we disagree, must be protected.

On this we are united as are the citizens of Indiana. A recent poll conducted by the Indiana University Center for Survey Research showed that 89% of all Hoosiers believe that gays and lesbians should be treated equally on the job. The time has come for our legislators to affirm this basic moral principle.

Therefore we the undersigned clergy and religious professionals call for prompt enactment of legislation that prohibits discrimination on the basis of sexual orientation or gender identity in matters of employment, housing and public accommodations.

Respectfully submitted by the members of the Interfaith Coalition.

Sturbaum said there was nothing he could add to that statement and asked that the question be called.

Ordinance 06-07 received a roll call vote of Ayes: 9, Nays: 0.

President Sturbaum called for a five minute break at 9:35 pm. Council members Sabbagh, Diekhoff and Banach left the meeting at this time.

RECESS

It was moved and seconded that Resolution 06-05 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 6-0-0. It was moved and seconded that Resolution 06-05 be adopted.

Resolution 06-05 Supporting the Kyoto Protocol and the Reduction of the Community's Greenhouse Gas Emissions

It was moved and seconded that Amendment #1 to Resolution 06-05 be adopted. Dave Rollo, the sponsor of the resolution noted that this was a housekeeping amendment.

Amendment #1 to Resolution 06-05 received a roll call vote of Ayes: 6, Nays: 0. (Banach, Diekhoff and Sabbagh were not present for this vote.)

Amendment #1 to Resolution 06-05 This amendment corrects the temporal scope of the third Whereas clause by clarifying that scientists warn we may be nearing a point of rapid change in global warming rather than we are currently at such a point.

Resolution 06-05 as amended received a roll call vote of Ayes: 6, Nays: 0. (Banach, Diekhoff and Sabbagh were not present for this vote.)

Resolution 06-05

There was no legislation for first reading at this meeting.

LEGISLATION FOR FIRST READING

There was no pubic comment at the end of this meeting.

PUBLIC INPUT

It was moved and seconded to cancel the committee of the whole meeting scheduled for April 26. Discussion revealed that there was no legislation to warrant a meeting. The motion was approved by a voice vote.

SCHEDULE DISCUSSION

The meeting was adjourned at 11:20 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Chris Sturbaum, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington