

**TIPPECANOE COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
*September 19, 2016*

The Tippecanoe County Commissioners met on Monday, September 19, 2016 at 10:00 a.m. in the Tippecanoe Room in the County Office Building. Commissioners present were: President David S. Byers, Vice President Tracy A. Brown and Member Thomas P. Murtaugh. Also present were: Attorney Doug Masson, Auditor Bob Plantenga, Commissioners' Assistant Paula Bennett, and Recording Secretary Tillie Hennigar.

***PLEDGE OF ALLEGIANCE***

President Byers called the meeting to order and led the Pledge of Allegiance.

***APPROVAL OF MINUTES***

September 6, 2016

President Byers stated the minutes from September 6, 2016 are not ready for approval and have been removed from the agenda.

***PRESENTATION OF ACCOUNTS PAYABLE VOUCHERS AND PAYROLL - Paula Bennett***

Commissioners' Assistant Bennett recommended the claims from September 9, 2016 through September 19, 2016, including payroll from September 9, 2016 be approved without exception.

- Commissioner Murtaugh moved to approve the Accounts Payable Vouchers and Payroll as presented, second by Commissioner Brown; motion carried.

***ORDINANCE 2016-18-CM – HUMAN RELATIONS AMENDMENT TO INCLUDE GENDER IDENTITY AND VETERAN STATUS – 2<sup>nd</sup> Reading***

- Commissioner Murtaugh moved to hear Ordinance 2016-18-CM, Human Relations Ordinance Amendment on second reading, second by Commissioner Brown.

President Byers advised the public of the three minute time limit per speaker and asked each speaker to provide their name and address on the sign-in sheet when they approach the podium.

Attorney Masson said the Ordinance amends County Code Section 31.176. Currently, it sets the definition of discrimination, which is prohibited under the Code, on the basis of race, sex, religion, color, age, sexual orientation, disability, marital status, familial status, national origin, ancestry, or status as a veteran. The Ordinance adds *gender identity* and a definition of the term which tracts the City of Lafayette Ordinance, defined as *an individual's gender related to self-identity, self-image, appearance, expression, or behavioral characteristics regardless of whether the gender conforms to traditional definitions associated with the individual's sex assigned at birth*. The Ordinance also includes a previously undefined provision of *VETERAN STATUS*, defined as *A veteran of the armed forces of the United States; a member of the Indiana National Guard; and/or a member of a reserve component*. The definition of Veteran Status tracts the State Code.

President Byers invited public comment for those in favor of the Ordinance.

Jamie Keating – 2689 Massasoit Ln, Lafayette – Ms. Keating is standing before the Commissioners as a married disabled veteran and transgender woman. This has become known as ‘the bathroom law’ and many who oppose it claim we are asking for trouble by allowing peeping toms, pedophiles, rapists, and other deviant sexual behavior to run rampant. This behavior is a fact of human nature and occurs in both the straight and gay communities. If a person chooses to engage in this deviant behavior, no law will stop them. If your argument is that you don’t want to share a bathroom with a person of the opposite gender, women’s restrooms have stalls and the only time you would see someone is when you are washing your hands. Most people already have mixed gender bathrooms in the home if members of the opposite sex reside in the home. Those who use the argument that it is against their religion should take a good look at the Bible. Punishable by death is working on the Sabbath and charging interest on a loan; the punishment for being disrespectful to parents and taking the Lord’s name is stoning, yet we do not mete out this form of justice.

Rev. Charlie Davis – 2501 Soldier’s Home Rd, West Lafayette – Reverend Davis said the Ordinance states ‘gender assigned at birth’. It is important to note around 1 of 1,000 people have ambiguous gender at birth. Instead, they are assigned a gender and raised under the influence of this assignment. Their true gender identity is not known until puberty. Some say being this way is purely a choice. A religion is a deeply held belief that is made by choice and one should not be discriminated against based on this choice. Gender identity is also a deeply held belief about themselves that is worthy of protection. People are not paying attention to how the law is written. The protection afforded goes both ways as, for example, it does not allow a transgender business to discriminate against a straight person. Unfortunately, it is generally the transgender person that is discriminated against and that is why he is on favor of the law.

Mike Piggott – 7204 W Greenview Dr, Battle Ground – Mr. Piggott stated he has been the Chairman of the Human Relations Commission since its inception several years ago and headed up the Community of Choice campaign. When his commission approached the Commissioners about including this language it was not to give special treatment to anyone but to carry out the message contained in the Good to Great plan. Rule number 1 states, “Greater Lafayette is a great place for all people”. He started covering local news in 1969 and is very confident the local police departments would take care of any perversion problems that might happen.

Gail Davis – no address given – Ms. Davis stated she is speaking on behalf of transgender women of African-American heritage. This group is quite often the victims of violence and harassment. She has participated in a yearly service that recognizes the victims that have been killed or injured as a result of these crimes. It is sobering to say the names of 60, 70, 80 people, but it is eye opening to note this is happening in your country, your state, your community. It is in our hands to make the change to stop this from occurring. When a person is transgender they are becoming who they truly are. How can we possibly tell they are not who they are. As a community we need to learn to accept and celebrate the individual.

Mary Finnegan – 501 S 3<sup>rd</sup> St, Lafayette – Ms. Finnegan said the difference seems to be between fact and fear. Fear: this ordinance will give license for offenders to throw on dresses and run in bathrooms. Fact: 19 states and over 255 municipalities have these laws, including Indianapolis who has had it for over 10 years. During this time there have been no reports of transgender people or people dressing in such manner running into bathrooms assaulting people. There is not one word in this Ordinance related to restrooms, but this seems to be the main fear. This is acting as a distraction from the actual Ordinance, which covers employment, public accommodation, and housing. Please vote based on facts and evidence, not fear.

Loren Sattler – 2220 Banstead Ct, Lafayette – Mr. Sattler stated he is speaking as a transgender male. He wants for any transgender person in the county to be able to live and work without facing discrimination.

He has encountered discrimination in the form of employment. He is supposed to be in a student internship but was denied.

Jan Pearlman Cortner - 2220 North River Rd, West Lafayette – Ms. Cortner stated she is a social worker and advocate for those who can't speak for themselves. She was raised to speak out when seeing others being picked on. The Commissioners today have the opportunity to do likewise with this Ordinance. We need to take this occasion to learn and not give in to other's fears.

Kevin Bowers – 1805 Claybrook Dr, Lafayette – Mr. Bowers said he stands before them as a long-time resident and faith community leader asking for passage of this Ordinance. He has heard from transgender congregants of the discrimination they have endured and the resulting pain. There are too few safe spaces in our community and they face ridicule or worse going about their daily life. While this Ordinance will not solve this issue, it is a step in the right direction and a sign of hope. Some today may say this Ordinance is inconsistent with Christian faith values, but he disagrees. His faith affirms the intrinsic existence of the image of God within each person. They believe that no matter how obscured that image may be, we should honor each individual as if we are honoring God's self. The only problem he can see this Ordinance might present to a Christian faith community is that it stretches us to increase our capacity to love those who are different.

Skye Brown – 1701 Pierce St, West Lafayette – Sky stated “I am the program director of Trans-Lafayette and a non-binary trans-person which means I am not male or female and I have no desire to attempt to conform to the gender norms to look more male or more female in the ways society expects”. More importantly, I am a person and as a person sometimes the need arises to use a public restroom. One of the fears surrounding this Ordinance is transgender people will start using restrooms to harass or attack others. Part of the misconception is that transgender people have not been using public restrooms before now. They have and such actions have never happened either in restrooms or locker rooms. Statistically it is a straight white cisgender male who commit these acts. Some worry protecting people based on gender or gender expression would allow these people to attack women based on the guise of being transgender. In the few instances where this has happened it has been in direct opposition to the local Ordinance; not to take advantage of the law. Not having these protections increases the risk of violence against transgender people.

Meredith Richmond – 106 Main St, Battle Ground – Ms. Richmond thanked the Commissioners for your vote last month saying it is noticed by the people it is intended to protect. She is an educator having taught at public schools and Purdue University. From her classroom experience she can attest that bullying does happen and stigmas hurt. She has been involved in PFLAG (adult focus) and PRISM (child focus) for the past 20 years. These kids just want to be treated the same as other kids and PRISM has created a safe place for this to happen.

As there were no additional comments in favor of the Ordinance, President Byers invited public comment for those opposed to the Ordinance.

Susan Blake – 80 Guinevere Ct., Lafayette – Ms. Blake stated she does not support bigotry, snobbery or bullying of anyone at any time. Her heart aches for the transgender people she knows who have experienced it. Some say this Ordinance is allowing transgender people to use the restroom of their choice, but it is much more. This vote will set a new cultural norm. A study recently published in the Atlantis technical journal concludes the brain structure is not there to support that transgender issues are scientifically based. She is concerned ideology is outpacing science. We are forming social policy and re-engineering education policy to focus on these issues, assuming certain conclusions of transgender hardwiring as if the science is settled. There is more social acceptance of transgenderism but the suicide statistics of children with gender dysphoria is not going down. She asks the Commissioners to slow down

and wait for good science to back up their decision. She agrees with the goal of the Human Rights Commission and believes we can strive to treat all persons with respect without this Ordinance.

Paul Schroeder – 2109 Mert Ln, Battle Ground – Mr. Schroeder asked who are the offenders. Is it businesses like the one in Seattle that tried to stop a man from going into the women’s restroom only to have him quote the local Ordinance then proceed to abuse a woman in there? Is it the police from whom the minorities are claiming they are not being protected like the woman in Washington, DC who tried to stop this from happening and lost her job? Is it the schools like the one in Palatine, IL where they let a man into the showers in the girl’s locker room claiming they must allow it? Or at Tecumseh Jr. High where they are not allowing showers this year because they cannot stop people? Is it the churches who cannot say what is right and wrong based on their convictions? Who is going to pay these fines? ‘Haters’ is a vague category and goes both ways. A transgender person speaking at the Lafayette Council meeting discussing this issue noted they get beat up regularly in public bathrooms. Don’t we already have laws to deal with this action? Laws are made to show what is right and what is wrong. Knowing what is wrong helps people who want to do the wrong thing get help, and we all struggle with urges to do the wrong thing. A petition signed by over 800 people in random city locations and neighborhoods say this Ordinance is wrong.

De Ette Banks – 8321 Timber Ln, Lafayette – Ms. Banks thanked the Commissioners for everything they’ve done for the Americus area against The Rogers Group. On the issue of the Ordinance, she is not against transgender people using the public restrooms; they have stated they already do. To pass an Ordinance or law there needs to be a compelling reason. What is the reason for this Ordinance? If a young man feels like a woman, regardless of the way he dresses, this Ordinance allows him to go into the women’s restroom. Is that a door we really want to open? We don’t want to discriminate, but we don’t want to put people at risk. President Obama created a rule that all schools must allow this or face withholding of federal funding. This is compelling. She hopes the Commissioners will stand up to the President and fight to keep our tax dollars while keeping kids safe.

James Ausban – 1766 SR 25 West, Lafayette – Mr. Ausban stated he has been a Tippecanoe County resident his entire life. Several people who spoke in favor of the Ordinance stated they are already using the restroom of their choice. In all his time living here he has not seen one issue so he is questioning why the law is needed if there is no problem. The number of self-identifying transgender people has doubled to 1.6 million - that is only 0.6% of our nation. So this small minority is dictating the actions of the other 99.4% of the population. He feels by allowing this activity it will inadvertently cause more issues for this segment of the population. Whether or not you believe in God, you need to use common sense and reject this Ordinance.

Rev. Joe Bell – 2528 Potawatomi Dr, Lafayette – Reverend Bell said he believes everyone who has spoken today cares for the LGBT community. A Federal judge has issued an injunction against President Obama’s directive that all school children share the bathroom and locker room of their identity. He asks the Commissioners to place this on hold (as there is no rush) until the Supreme Court has heard the case. This is already having ramifications in our community as one middle school has banned all showers.

Cindy Pratt – 821 Lazy Ln, Lafayette – Ms. Pratt stated the other side has said those opposed are acting in fear. They said there has never been an incident of a transgender attacker. This is wrong and she sent the Commissioners documentation on the incidents. Name another law based on emotion - try to take a case to court based on feelings. She feels there is no legal basis for the passage of this Ordinance. This movement is akin to allowing a bulimic to continue vomiting because they believe they’re fat. If being transgender is a healthy choice, why is their suicide rate so high? What about the 20% of women who have been sexually molested; or the 25% of women who have been domestically abused; or the autistic children who all have issues in society? The Commissioners job is to do the best they can for the largest

amount of people and this is a backward movement. The LGBT interpretation redefines God's design of marriage, love, gender, sex, and family. A court in Massachusetts ruled this month that churches are not their own entity but are a public institution. When you vote for this law you contradict our constitutional right to freedom.

Dr. Mark Dutton – 401 South St, Lafayette – Dr. Dutton stated he has a doctorate degree in counselling and has counselled the situation we are dealing with. He has also dealt with homosexuals, pedophiles, and bestiality. It's getting worse but he has seen people change their lives through the word of God. At what point do we say enough is enough, this is wrong? He suggests building separate bathrooms for transgender people. Push the pause button or require a separate bathroom.

Janet Fields – 3031 SR 225 East, Battle Ground – Ms. Fields said she is grateful for everyone who spoke before her for articulating her feelings so well. She is very disappointed that they were elected to stand behind the majority and they are not doing so right now.

David Carr – 103 Elvernan Dr, West Lafayette – Mr. Carr began by reading John 3 from the Bible. *Jesus does not condemn those who believe in him but also does not approve of things that are wrong. He offers a way of life for those who will seek him.* Friends don't let friends do things that are self-destructive. He urges the Commissioners not to give protected status to those that are hurting themselves. It's a loss to all of us that the transgender community has such a high rate of suicide and short life expectancy but it does not deserve a special protected class.

Mike Fields – 3031 SR 225 East, Battle Ground – Mr. Fields stated he has lived and worked in this county his entire life. He has worked beside transgender people and has never seen anyone discriminated against. He is violently opposed to discrimination but is definitely opposed to special exemptions as well. We are born either male or female and neither how we feel nor undergoing a sex change operation changes our DNA. There are kids in school who wear their gym clothes under their street clothes so they don't have to change in front of anyone. By approving this Ordinance the Commissioners are supporting this behavior. The Commissioners were elected to represent those who voted for them, and his vote in the future will be determined by their actions on this bill. Please consider your actions very carefully.

Amy Jefson – 1519 Stoneripple Cr, Lafayette – Ms. Jefson said she also does not support discrimination or mistreatment of anyone for any reason. We're going from verifiable reality to subjective feelings with this law. Paraphrasing a passage from the book, "1984" by George Orwell, *It's not what is external that is true, what is in one's mind is what is true.* Therefore, those in power get to say what is true. She stated the federal Department of Health and Human Services has mandated that all private physicians must do hormonal treatment or provide surgeries for people who desire them regardless of the physician's beliefs. There is no science supporting these treatments are helpful. Johns Hopkins University pioneered the surgery has discontinued the practice because they find it does more harm than good.

As there were no additional comments opposed to the Ordinance Commissioner Byers concluded the public hearing and thanked all participants for their contributions and civility. Commissioner Brown also thanked everyone for all the feedback and continued to say "having worked in public safety his entire life this is not something he takes lightly. He has had much discussion and prayer on this matter and will continue to support the Ordinance". Commissioner Murtaugh concurred and stated he appreciates the feedback but will not be changing his vote. He believes Mr. Piggott said it best when he stated we are trying to make this a great place for all people.

Auditor Plantenga recorded the vote.

Byers

Aye

Brown                           Aye  
Murtaugh                       Aye

Ordinance 2016-18-CM passed 3-0 on second and final reading.

***HIGHWAY- Opal Kuhl***

**Warranty Deed – Klondike Road Project – Parcel 38, F. Lynn Cason, Jr. as Trustee of the F. Lynn Cason, Jr. Marital Trust**

**Temporary Easement Grant – Klondike Road Project – Parcel 38A, F. Lynn Cason, Jr. as Trustee of the F. Lynn Cason, Jr. Marital Trust**

Executive Director Kuhl presented a Warranty Deed in the amount of \$13,000 and a Temporary Easement Grant in the amount of \$250 for the Klondike Road project.

- Commissioner Brown moved to approve the Warranty Deed in the amount of \$13,000 and the Temporary Easement in the amount of \$250 as presented, second my Commissioner Murtaugh; motion carried.

***BOARD of ELECTIONS/ VOTER REGISTRATION - Christa Coffey, Brian Mangus, Miranda Bilodeau***  
**VOTEC Contracts**

Clerk Coffey presented a contract with Votec Services for \$98,850 the first year and a support fee of \$9,600 in subsequent years stating Attorney Masson has reviewed the contract.

- Commissioner Murtaugh moved to approve the contract with Votec Services as presented, second by Commissioner Brown; motion carried.

***MITS/GIS- Mark Ehle***

**Amendment to Pictometry Agreement**

GIS Administrator Ehle presented an Amendment to the Pictometry Agreement stating the original contract was signed last December. Once Purdue Facilities began reviewing it they requested additional high resolution imagery for the campus area in the years the County is not collecting that data (first, third, and fifth years). Purdue will pay for the high resolution images of campus through the inter-local agreement with the County on the first, third, and fifth years. The cost is \$7,500 the first year, \$8,000 plus for the third year, and \$8,500 for the fifth year. Even though Purdue is requesting and paying for the images, the County will benefit.

- Commissioner Brown moved to approve the contract amendment as presented, second by Commissioner Murtaugh; motion carried.

***PUBLIC DEFENDER- Amy Hutchison***

**Professional Services Agreement with Bob's Investigations**

Commissioner Brown stated it is a Professional Services Agreement with Bob's Investigations of Delphi, Indiana with an amount not to exceed \$75 per hour with an estimated 10 hours per investigation.

- Commissioner Brown moved to approve the contract, second by Commissioner Murtaugh; motion carried.

**TIPPECANOE COUNTY COURTS****Professional Services Agreement for Mediation Services**

Commissioner Murtaugh stated the agreement is with Kristina Carlson for mediation services for CHINS family court and non-ADR cases. The amount is up to \$140 per hour with varying lower rates based on services provided.

- Commissioner Murtaugh moved to approve the agreement, second by Commissioner Brown; motion carried.

**HUMAN RESOURCES - Shirley Mennen****Contract for Employee Health and Wellness Center**

Commissioner Murtaugh explained the current contract with We Care for the employee clinic will terminate on October 28, 2016. The contract with Wellness For Life will begin on October 31<sup>st</sup>. It is a three year contract that renews every year thereafter and can be terminated at any time by either party with 90 day notice. There is a fee of \$17 per employee per month and hourly rates for the clinicians.

- Commissioner Murtaugh moved to approve the contract with Wellness For Life to provide the Tippecanoe County clinic, subject to approval by Attorney Masson of the revisions, second by Commissioner Brown.

Attorney Masson stated the draft contract given to the County was based on a number of entities coming together to participate in the program. He sent a revised contract stipulating we are one entity. The revisions were sent to Wellness For Life but he has not heard from them.

- Commissioner Murtaugh amended his motion to make it contingent upon the approval of the final revision by Attorney Masson, second by Commissioner Brown; motion carried.

**COMMISSIONERS****2017 Positions per Council Budget Hearings**

Commissioner Byers listed the new positions requested during budget hearings:

Superior Court 1 – Regular Part-time Reporter/Bailiff at COMOT 3  
 Superior Court 2 – Regular Part-time Reporter/Bailiff at COMOT 3  
 Superior Court 6 – Court Reporter at COMOT 5  
 Adult Probation – Secretary at COMOT 3  
 Sheriff – Security Bailiff at POLE 2  
 Court Services – Secretary (111 N 4<sup>th</sup> St)

Commissioner Brown noted the plan for the Security Bailiff includes 1.5 bailiffs with the .5 position being filled at 29 hours at a little over \$17 an hour. Commissioner Murtaugh stated the IV-D Commissioner will be a contracted position.

- Commissioner Murtaugh moved to approve the five new positions as stated, second by Commissioner Brown; motion carried.

**REPORTS ON FILE**

The following reports will be on file in the Commissioners' Office:

- Public Library
- Park & Recreation Board
- Treasurer

***UNFINISHED/NEW BUSINESS***

Prosecutor Patrick Harrington noted at the last Commissioners' meeting he had a grant application request for the EEDM Drug Task Force he asked to be tabled since he was unable to attend. He asked if it could be approved today as he plans to apply for it on Friday. It is a continuing grant that was awarded at \$59,000 last year for overtime and equipment.

- Commissioner Brown moved to approve the application to the EEDM Grant for the Drug Task Force through the Indiana Criminal Justice Institute (ICJI) as presented, second by Commissioner Murtaugh; motion carried.

Commissioner Murtaugh invited everyone to come to the unveiling of public art and the United Way cookout and auction on top of the county parking garage today.

***PUBLIC COMMENT*** - none

As there were no public comments, Commissioner Brown moved to adjourn.

Meeting adjourned at 11:27 a.m.

BOARD OF COMMISSIONERS OF  
THE COUNTY OF TIPPECANOE

  
David S. Byers, President

  
Tracy A. Brown, Vice-President

  
Thomas P. Murtaugh, Member

ATTEST:

  
Robert A. Plantenga, Auditor 10/03/2016